



Board of Cosmetology

OREGON REVISED STATUTES
(UNOFFICIAL COPY)
CHAPTER 690.005 – 225 & 690.992
& 676.992
2023 EDITION



HEALTH LICENSING OFFICE

1430 Tandem Ave. NE, Suite 180
Salem, OR 97301-2192

Phone: (503) 378-8667 | Fax: (503) 370-9004

Email: hlo.info@odhsoha.oregon.gov

Website: www.oregon.gov/oha/ph/hlo

BARBERING; HAIR DESIGN; ESTHETICS; NAIL TECHNOLOGY; NATURAL HAIR CARE

(Generally)

690.005 Definitions for ORS 690.005 to 690.225. As used in ORS 690.005 to 690.225:

- (1) “Authorization” has the meaning given that term in ORS 676.562.
- (2) “Barbering” means any of the following practices, when done upon the human body for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:
 - (a) Shampooing, styling, cutting, singeing and conditioning of the hair of an individual.
 - (b) Applying hair tonics, dressings and rinses.
 - (c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams, lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, except that the mechanical appliances may not be galvanic or faradic.
 - (d) Shaving, trimming or cutting of the beard or mustache.
- (3) “Certificate” means a written authorization for the holder to perform in one or more fields of practice.
- (4) “Cosmetology” means the art or science of beautifying and improving the skin, nails and hair and the study of cosmetics and their application.
- (5) “Demonstration permit” means a written authorization for a person to practice, demonstrate and teach one or more fields of practice on a temporary basis.
- (6) “Esthetics” means any of the following skin care or facial care practices performed on the human body or face for the purpose of keeping the skin of the human body or face healthy and attractive and not for medical diagnosis or treatment of disease or physical or mental ailments:
 - (a) The use of the hands or mechanical or electric apparatuses, appliances or devices for cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.
 - (b) Temporary removal of hair by using lotion, cream, an appliance, wax, thread, sugar, tweezers, dermaplaning, a depilatory or other means.
 - (c) Makeup artistry.
 - (d) Eyebrow and eyelash services.
 - (e) Facial and body treatments.
- (7) “Facility” means an establishment operated on a regular or irregular basis for the purpose of providing services in one or more fields of practice.
- (8) “Field of practice” means the following cosmetology disciplines:
 - (a) Barbering.
 - (b) Esthetics.
 - (c) Hair design.
 - (d) Nail technology.
 - (e) Natural hair care.
- (9) “Freelance license” means a written authorization that allows a practitioner to practice outside or away from a licensed facility.
- (10) “Hair design” means any of the following practices, when done upon the human body for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:
 - (a) Shaving, trimming or cutting of the beard or mustache.
 - (b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, conditioning, applying hair products or similar work upon the hair of an individual.

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

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

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

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

(b) “Mechanical or electrical apparatus, appliance or device” does not include lasers or intense pulsed light or a device, as that term is defined by the Board of Cosmetology by rule, in collaboration with the Board of Certified Advanced Estheticians.

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

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

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

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

(15)(a) “Natural hair care” means:

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

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

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

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

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

(16) “Practitioner” means a person certified to perform services included within a field of practice.

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

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

(19) “Temporary facility permit” means a written authorization issued under ORS 690.055 to provide services on a temporary basis in one or more fields of practice. [1977 c.886 §1; 1983 c.151 §1; 1987 c.31 §2; 1989 c.171 §81; 1993 c.45 §296; 1993 c.267 §1; 1995 c.343 §61; 1999 c.425 §1; 2003 c.547 §38; 2005 c.117 §1; 2005 c.648 §50; 2009 c.701 §30; 2013 c.82 §3; 2013 c.290 §1; 2013 c.314 §34; 2013 c.568 §76; 2019 c.177 §1; 2021 c.366 §8; 2023 c.273 §4]

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Note: The amendments to 690.005 by section 4, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

690.005. As used in ORS 690.005 to 690.225:

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

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

(b) Applying hair tonics, dressings and rinses.

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

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

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

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

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

(5) "Esthetics" means any of the following skin care or facial care practices performed on the human body or face for the purpose of keeping the skin of the human body or face healthy and attractive and not for medical diagnosis or treatment of disease or physical or mental ailments:

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

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

(c) Makeup artistry.

(d) Eyebrow and eyelash services.

(e) Facial and body treatments.

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

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

(a) Barbering.

(b) Esthetics.

(c) Hair design.

(d) Nail technology.

(e) Natural hair care.

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

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

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

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

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

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(10) “Independent contractor” means a practitioner who qualifies as an independent contractor under ORS 670.600 and who is not under the control and direction of a facility license holder.

(11) “License” means a written authorization issued under ORS 690.055 to a person to operate a facility or freelance business for providing services related to one or more fields of practice to the public.

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

(b) “Mechanical or electrical apparatus, appliance or device” does not include lasers or intense pulsed light or a device, as that term is defined by the Board of Cosmetology by rule, in collaboration with the Board of Certified Advanced Estheticians.

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

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

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

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

(14)(a) “Natural hair care” means:

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

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

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

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

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

(15) “Practitioner” means a person certified to perform services included within a field of practice.

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

(17) “School” means an educational establishment that has a license issued by the Department of Education and is operated for the purpose of teaching one or more fields of practice. For purposes of this subsection, “field of practice” does not include natural hair care.

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

690.010 [Amended by 1969 c.687 §1; 1977 c.270 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.015 Prohibited acts. (1) This section establishes prohibitions relating to the practice of hair design, barbering, esthetics, nail technology and natural hair care. The prohibitions under this section are subject to the exemptions under ORS 690.025. A person who commits an act prohibited under

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this section is subject to the penalties under ORS 690.992 in addition to any administrative action taken by or any civil penalty imposed by the Health Licensing Office under ORS 676.612.

- (2) A person may not:
- (a) Perform or attempt to perform services in a field of practice without an active authorization.
 - (b) Operate a facility without a license or temporary facility permit.
 - (c) Perform or attempt to perform services in a field of practice outside a licensed facility or temporary facility unless the person holds a freelance license issued under ORS 690.123.
 - (d) Practice hair design, barbering, esthetics, nail technology or natural hair care as an independent contractor without an authorization.
 - (e) Display a sign or in any way advertise or purport to offer services in a field of practice without first obtaining an authorization.
 - (f) Knowingly make a false statement on an application to obtain or renew an authorization.
 - (g) Allow an individual in the employ or under the supervision or control of the person to perform in a field of practice without an authorization.
 - (h) Sell, barter or offer to sell or barter a document evidencing an authorization.
 - (i) Purchase or procure by barter a document evidencing an authorization with intent to use it as evidence of the person's qualification as a practitioner.
 - (j) Materially alter with fraudulent intent a document evidencing an authorization.
 - (k) Use or attempt to use a fraudulently obtained, counterfeited or materially altered document evidencing an authorization. [1977 c.886 §3; 1981 c.141 §1; 1983 c.151 §2; 1987 c.31 §3; 1993 c.267 §2; 1995 c.343 §62; 1999 c.425 §2; 2003 c.547 §39; 2005 c.117 §2; 2005 c.648 §51; 2009 c.701 §31; 2013 c.290 §2; 2013 c.314 §35; 2013 c.568 §77; 2023 c.273 §5]

Note: The amendments to 690.015 by section 5, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

690.015. (1) This section establishes prohibitions relating to the practice of hair design, barbering, esthetics, nail technology and natural hair care. The prohibitions under this section are subject to the exemptions under ORS 690.025. A person who commits an act prohibited under this section is subject to the penalties under ORS 690.992 in addition to any administrative action taken by or any civil penalty imposed by the Health Licensing Office under ORS 676.612.

- (2) A person may not:
- (a) Perform or attempt to perform services in a field of practice without an active certificate, demonstration permit, registration or freelance license.
 - (b) Operate a facility without a license or temporary facility permit.
 - (c) Perform or attempt to perform services in a field of practice outside a licensed facility or temporary facility unless the person holds a freelance license issued under ORS 690.123.
 - (d) Practice hair design, barbering, esthetics, nail technology or natural hair care as an independent contractor without a registration.
 - (e) Display a sign or in any way advertise or purport to offer services in a field of practice without first obtaining a permit, certificate, independent contractor registration or facility license.
 - (f) Knowingly make a false statement on an application to obtain or renew a certificate, registration, license or permit.
 - (g) Allow an individual in the employ or under the supervision or control of the person to perform in a field of practice without a certificate or permit.
 - (h) Sell, barter or offer to sell or barter a document evidencing a certificate, registration, license or permit.

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- (i) Purchase or procure by barter a document evidencing a certificate with intent to use it as evidence of the person's qualification as a practitioner.
- (j) Materially alter with fraudulent intent a document evidencing a certificate, registration, license or permit.
- (k) Use or attempt to use a fraudulently obtained, counterfeited or materially altered document evidencing a certificate, registration, license or permit.

690.020 [Amended by 1961 c.300 §3; 1969 c.687 §2; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.025 Exemptions; rules. (1) ORS 690.005 to 690.225 do not apply to:

- (a) Persons who perform service without compensation in case of emergency or in domestic administration.
 - (b) Persons licensed by a health professional regulatory board listed in ORS 676.160 who are acting within the scope of their professional license.
 - (c) Persons identified by the Health Licensing Office or Board of Cosmetology by rule who are acting under the authority of a hospital or long term care facility licensed under ORS 441.025 or a residential care facility licensed under ORS 443.415.
 - (d) Persons engaged in rendering emergency medical assistance as defined in ORS 30.800.
 - (e) Persons licensed by the State Board of Pharmacy, merchants or other individuals when demonstrating apparatus or supplies for purposes of sale.
 - (f) Commissioned medical and surgical officers and personnel of the United States Armed Services while operating on a military base and personnel of correctional institutions while operating on the premises of a correctional facility.
 - (g) Subject to subsection (3) of this section, persons applying temporary makeup, combing hair, brushing hair, braiding hair, applying hair spray or holding cream to hair or styling hair through the use of barrettes, ties, clips, ribbons and other similar hair accessories for the sole purpose of preparing an individual for a professional photograph, provided that the person does not use any product that alters the keratin of the individual's hair.
 - (h) Subject to subsection (3) of this section, persons applying temporary makeup or styling hair by any method for the sole purpose of preparing an individual for a professional film or video performance or a theatrical performance.
 - (i) A student while engaged in training at the direction of and under the direct supervision of the faculty of a school.
 - (j) Persons performing spray tanning services using a handheld airbrush tanning device that applies to another individual, without physical contact, a spray tanning solution that may include, but is not limited to, products containing dihydroxyacetone.
- (2) The office may exempt from ORS 690.005 to 690.225 practitioners providing services at charitable or fund-raising events. In establishing an exemption, the office shall consider and evaluate each written request on an individual basis.
- (3) The office may develop and disseminate guidelines for persons described in subsection (1)(g) and (h) of this section for the purpose of ensuring sanitation and hygiene best practices. The office is not required to adopt rules to implement this subsection. [1977 c.886 §2; 1983 c.151 §3; 1987 c.31 §4; 1993 c.45 §297; 1993 c.267 §3; 1995 c.343 §63; 1999 c.425 §3; 2005 c.117 §3; 2009 c.701 §32; 2013 c.188 §1; 2013 c.290 §3; 2013 c.568 §78; 2015 c.794 §1; 2023 c.273 §6]

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Note: The amendments to 690.025 by section 6, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

690.025. (1) ORS 690.005 to 690.225 do not apply to:

- (a) Persons who perform service without compensation in case of emergency or in domestic administration.
 - (b) Persons licensed by a health professional regulatory board listed in ORS 676.160 who are acting within the scope of their professional license.
 - (c) Persons identified by the Health Licensing Office or Board of Cosmetology by rule who are acting under the authority of a hospital or long term care facility licensed under ORS 441.025 or a residential facility licensed under ORS 443.415.
 - (d) Persons engaged in rendering emergency medical assistance as defined in ORS 30.800.
 - (e) Persons licensed by the State Board of Pharmacy, merchants or other individuals when demonstrating apparatus or supplies for purposes of sale.
 - (f) Commissioned medical and surgical officers and personnel of the United States Armed Services while operating on a military base and personnel of correctional institutions while operating on the premises of a correctional facility.
 - (g) Subject to subsection (3) of this section, persons applying temporary makeup, combing hair, brushing hair, braiding hair, applying hair spray or holding cream to hair or styling hair through the use of barrettes, ties, clips, ribbons and other similar hair accessories for the sole purpose of preparing an individual for a professional photograph, provided that the person does not use any product that alters the keratin of the individual's hair.
 - (h) Subject to subsection (3) of this section, persons applying temporary makeup or styling hair by any method for the sole purpose of preparing an individual for a professional film or video performance or a theatrical performance.
 - (i) A student while engaged in training at the direction of and under the direct supervision of the faculty of a school licensed under ORS 345.010 to 345.450 to teach a field of practice. For purposes of this paragraph, "field of practice" does not include natural hair care.
- (2) The office may exempt from ORS 690.005 to 690.225 practitioners providing services at charitable or fund raising events. In establishing an exemption, the office shall consider and evaluate each written request on an individual basis.
- (3) The office may develop and disseminate guidelines for persons described in subsection (1)(g) and (h) of this section for the purpose of ensuring sanitation and hygiene best practices. The office is not required to adopt rules to implement this subsection.

690.030 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

(Authorizations)

690.035 Application for certificate or permit. A person desiring to obtain a certificate or demonstration permit shall apply in writing to the Health Licensing Office on a form approved by the office. Each application shall contain an affirmation by the applicant that the information contained therein is accurate. The application must also include evidence establishing to the satisfaction of the office that the applicant possesses the necessary qualifications. [1977 c.886 §4; 1999 c.425 §4; 2005 c.648 §52; 2013 c.568 §79]

690.040 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

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690.045 [1977 c.886 §5; 1979 c.855 §3; 1983 c.151 §4; 1987 c.31 §5; 1993 c.45 §298; 1993 c.267 §4; 1995 c.343 §64; repealed by 1999 c.425 §5 (690.046 enacted in lieu of 690.045)]

690.046 Practitioner certification requirements; waiver; rules. (1) To qualify for certification as a practitioner of hair design, barbering, esthetics, nail technology or natural hair care, an applicant shall:

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

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

(B) Submit satisfactory evidence from a school to the office that demonstrates the applicant has successfully met the requirements described in subparagraph (A) of this paragraph.

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

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

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

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

(a) For an applicant who holds an active authorization issued in another state or territory of the United States or another country:

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

(B) The applicant's active authorization has not been subject to disciplinary action by the authorizing body.

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

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

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

(B) An applicant described in this paragraph shall obtain a skills evaluation and practical assessment from a school.

(3) A person who is certified to practice hair design or barbering under this section is authorized to practice natural hair care. [1999 c.425 §6 (enacted in lieu of 690.045); 2005 c.117 §4; 2013 c.290 §4; 2013 c.314 §36; 2023 c.273 §7]

Note: The amendments to 690.046 by section 7, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

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

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(a) If the applicant is applying for certification to practice hair design, barbering, esthetics or nail technology, successfully complete all courses required by rule of the State Board of Education for graduation from a school teaching one or more fields of practice.

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

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

(d) Meet any additional requirements the Board of Cosmetology may impose by rule for certification in a particular field of practice.

(2) A person who is certified to practice hair design or barbering under this section is authorized to practice natural hair care.

690.047 Specialty certificate. The Health Licensing Office may issue a specialty certificate in a field of practice other than natural hair care to a practitioner who has:

(1) Completed post-graduate education approved by the office that is separate from the education or training required for entry-level certification;

(2) Passed an examination approved or recognized by the Board of Cosmetology; and

(3) Paid the applicable fees established under ORS 676.576. [1999 c.425 §8; 2009 c.701 §33; 2012 c.43 §24; 2013 c.290 §5; 2013 c.314 §37; 2013 c.568 §80; 2023 c.273 §8]

Note: The amendments to 690.047 by section 8, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

690.047. (1) For purposes of this section, "field of practice" does not include natural hair care.

(2) The Board of Cosmetology may waive all or part of the educational requirement for an applicant in a field of practice and allow the applicant to take the certification examination, provided that:

(a) The applicant's education or training, including relevant education or training obtained in the military, is determined by the board to be substantially equivalent to Oregon certification requirements;

(b) The applicant is otherwise qualified to take the examination; and

(c) The applicant holds an active certification that was issued in another state or a territory of the United States and has not been subject to disciplinary action by the other certifying body.

(3) The Health Licensing Office may issue a specialty certificate in a field of practice to a practitioner who has:

(a) Completed post-graduate education approved by the office that is separate from the education or training required for entry-level certification;

(b) Passed an examination approved or recognized by the board; and

(c) Paid the applicable fees established under ORS 676.576.

690.048 Certificate prima facie evidence of right to practice; rules. (1) The Health Licensing Office shall issue a certificate to each applicant who qualifies under ORS 690.046 or 690.047. The certificate is prima facie evidence of the right of the holder to practice in a field of practice for which the holder has qualified and purports to be a practitioner.

(2) A certificate must show the practitioner's name, certificate number, expiration date and field of practice for which the practitioner is qualified to perform services.

(3) A practitioner's certificate shall indicate any specialty certification, obtained under ORS 690.047, for which the practitioner is qualified to provide advanced services in a field of practice. Advanced services shall be defined by rules adopted by the office. [1983 c.151 §6; 1993 c.267 §5;

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1995 c.343 §65; 1999 c.425 §9; 2003 c.547 §40; 2005 c.648 §53; 2009 c.701 §34; 2013 c.568 §81; 2019 c.11 §1]

690.050 [Amended by 1959 c.630 §1; 1961 c.436 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.055 Facility license and temporary facility permit requirements. (1) To be issued a license to operate a facility, each applicant shall:

- (a) Be 18 years of age or older, if the applicant is a natural person.
 - (b) Comply with the rules of the Board of Cosmetology concerning health, safety and infection control.
 - (c) Comply with the applicable health and safety laws and rules of the Oregon Health Authority and any other state agencies.
 - (d) Pay the applicable fees established under ORS 676.576.
 - (e) If the applicant is an entity other than a natural person, be formed and operated in accordance with Oregon law.
- (2) To be issued a temporary facility permit, each applicant must:
- (a) Operate the facility on a temporary basis for a period not to exceed 30 consecutive calendar days and in accordance with rules of the board.
 - (b) Be 18 years of age or older, if the applicant is a natural person.
 - (c) Apply on forms prescribed by the Health Licensing Office prior to opening for business.
 - (d) Comply with the rules of the board concerning health, safety and infection control.
 - (e) Comply with the applicable health and safety laws and rules of the Oregon Health Authority and any other state agencies.
 - (f) Pay the applicable fees established under ORS 676.576.
 - (g) If the applicant is an entity other than a natural person, be formed and operated in accordance with Oregon law.
- (3) The office may adopt rules for the administration of this section.
- (4) A license issued under this section shall confer on a facility owner the right to operate the facility and to advertise the services for which the facility is licensed. [1977 c.886 §6; 1981 c.141 §2; 1983 c.151 §7; 1993 c.267 §6; 1999 c.425 §10; 2003 c.547 §41; 2005 c.648 §54; 2009 c.595 §1105; 2009 c.701 §35; 2013 c.314 §38; 2013 c.568 §82]

690.057 Independent contractor registration requirements. (1) To be issued a registration to operate as an independent contractor, each applicant shall:

- (a) Be 18 years of age or older.
 - (b) Comply with the rules of the Board of Cosmetology concerning health, safety and infection control.
 - (c) Comply with the applicable health and safety laws and rules of the Oregon Health Authority and any other state agencies.
 - (d) Pay the applicable fees established under ORS 676.576.
 - (e) Hold an active certificate in good standing.
- (2) A registration shall confer the right to an independent contractor to advertise and directly offer practitioner services to the public in a licensed facility or a facility operating under a temporary facility permit. [1999 c.425 §11; 2003 c.547 §42; 2005 c.648 §55; 2009 c.595 §1106; 2009 c.701 §36; 2013 c.314 §39]

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690.060 [Amended by 1959 c.630 §2; 1961 c.436 §2; 1969 c.687 §3; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.065 Examinations. (1) Examinations shall be given at such times and places as the Board of Cosmetology may determine, but in no instance less often than once every month.

(2) The board shall give each qualified applicant notice of the time and place of the examination.

(3) The board shall determine the subjects, scope and form of and the passing score for examinations and qualifications for retaking failed examinations. [1977 c.886 §7; 1993 c.267 §7; 1999 c.425 §12]

690.070 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.075 [1977 c.886 §8; 1983 c.151 §8; 1987 c.31 §6; 1993 c.267 §8; 1995 c.343 §66; 1999 c.425 §13; 2005 c.117 §5; repealed by 2005 c.648 §§121,121a]

690.080 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.085 [1977 c.886 §9; 1983 c.151 §9; 1987 c.31 §7; 1993 c.267 §9; 1999 c.425 §14; 2005 c.648 §56; 2009 c.701 §37; repealed by 2013 c.314 §65]

690.087 [1979 c.855 §2; 1981 c.897 §100; renumbered 345.470]

690.090 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.095 [1977 c.886 §10; 1979 c.663 §1; 1993 c.267 §10; 1999 c.425 §15; 2009 c.701 §38; repealed by 2013 c.314 §65]

690.100 [Amended by 1961 c.300 §4; 1969 c.687 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.105 Demonstration permit requirements. (1) A person not certified under ORS 690.048 who wishes to practice, demonstrate and teach a field of practice, or perform a field of practice, temporarily and primarily for educational purposes and who is otherwise qualified as determined by the Board of Cosmetology shall first obtain a demonstration permit from the Health Licensing Office.

(2) The permit shall specify:

(a) The purpose for which it is granted.

(b) The period during which the person is permitted to practice, demonstrate and teach, which period shall not exceed 30 days.

(c) The time and place of exercising the privilege granted by the permit.

(3) A person may be granted a permit if the person:

(a) Makes application to the office for the permit.

(b) Is currently licensed or certified to practice or teach a field of practice in another state and presents satisfactory evidence of that fact to the office, or is otherwise qualified as determined by the board.

(c) Describes the purpose for which the permit is sought.

(d) Pays the applicable fees established under ORS 676.576. [1977 c.886 §11; 1983 c.151 §11; 1987 c.31 §8; 1993 c.267 §11; 1995 c.343 §67; 1999 c.425 §16; 2005 c.648 §57; 2013 c.314 §40; 2013 c.568 §84]

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690.110 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.115 [1977 c.886 §12; repealed by 1981 c.141 §4]

690.120 [Amended by 1961 c.300 §5; 1973 c.832 §38; 1977 c.873 §8; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.123 Freelance license. (1) The Health Licensing Office may issue a practitioner a freelance license to practice outside or away from a licensed facility.

(2) Practitioners performing services outside a licensed facility under the provisions of a freelance license shall comply with the safety and infection control requirements under ORS 690.165 and 690.205 and rules adopted by the office under those statutes. [1977 c.886 §13; 1983 c.151 §12; 1993 c.267 §12; 1999 c.425 §29; 2003 c.547 §45; 2005 c.648 §58; 2009 c.701 §39; 2013 c.314 §41; 2013 c.568 §85]

690.125 [1961 c.300 §2; 1969 c.687 §6; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.130 [Amended by 1959 c.630 §3; 1961 c.300 §6; 1961 c.436 §3; 1969 c.687 §7; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.140 [Amended by 1965 c.274 §1; 1973 c.832 §39; 1977 c.873 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.150 [Amended by 1961 c.300 §7; 1965 c.274 §2; 1969 c.687 §11; 1971 c.86 §1; 1973 c.832 §40; repealed by 1977 c.842 §26 and 1977 c.886 §42]

(Board of Cosmetology and Health Licensing Office)

690.155 Board of Cosmetology. (1) There is established within the Health Licensing Office the Board of Cosmetology consisting of seven members appointed by the Governor. At all times the membership of the board shall be so constituted that:

(a) Four members of the board shall be practitioners with active authorizations.

(b) One member shall be a representative of an hourly-based school.

(c) One member shall be a representative of a proficiency-based school.

(d) One member shall be a public member who is not a practitioner.

(2) Of the members described in subsection (1)(b) and (c) of this section, at least one member must be a practitioner with an active authorization.

(3) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the board.

(4) The Director of the Health Licensing Office, or a designated representative, shall serve as an ex officio member of the board but without the right to vote. [1977 c.886 §14; 1983 c.151 §13; 1987 c.414 §84; 1999 c.425 §17; 1999 c.885 §20; 2005 c.648 §59; 2009 c.701 §40; 2013 c.314 §42; 2013 c.568 §86; 2023 c.273 §9]

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Note: The amendments to 690.155 by section 9, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

690.155. (1) There is established within the Health Licensing Office the Board of Cosmetology consisting of seven members appointed by the Governor. At all times the membership of the board shall be so constituted that:

- (a) Six members of the board shall be practitioners with active certificates.
- (b) One member shall be a public member who is not a practitioner.

(2) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the board.

(3) The Director of the Health Licensing Office, or a designated representative, shall serve as an ex officio member of the board but without the right to vote.

690.160 [1969 c.687 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.161 Curriculum requirements advisory committee. The Board of Cosmetology shall convene a curriculum requirements advisory committee consisting of representatives of schools. The advisory committee shall make recommendations to the board regarding curriculum requirements for a field of practice as described in ORS 690.046. Prior to adopting rules regarding the curriculum requirements, the board shall consult with the advisory committee. [2023 c.273 §3]

Note: 690.161 becomes operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023.

690.165 Powers of board; rules. In addition to the powers otherwise granted by ORS 690.005 to 690.225, the Board of Cosmetology shall have the power to:

(1) Determine whether applicants are qualified to take certification examinations, except as that power is vested in the Health Licensing Office under ORS 690.046.

(2) Administer, approve or recognize certification examinations and designate the time, place and administrators of certification examinations.

(3) Contract for the administration of examinations as part of regional or national examinations and contract with independent testing services for examination administration.

(4) Pursuant to ORS 676.568, direct the office to issue authorizations to individuals determined by the board to be qualified.

(5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules establishing and enforcing standards for safety, infection control, professional conduct, curriculum and any other matters relating to fields of practice, facilities or locations used by persons providing services regulated by ORS 690.005 to 690.225.

(6) Pursuant to ORS 676.612 and 690.167, direct the office to suspend, revoke, limit or refuse to issue or renew authorizations or impose a period of probationary activity on the holder.

(7) Do any act necessary or proper to effect and carry out the duties required of the board by ORS 690.005 to 690.225.

(8) Adopt rules prescribing standards of professional conduct for persons practicing hair design, barbering, esthetics, nail technology or natural hair care.

(9) Consult with the office about the issuance and renewal of a license under ORS 690.055.

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(10) Pursuant to ORS 690.046, direct the office to approve a school's curriculum. [1977 c.886 §21; 1983 c.151 §14; 1987 c.31 §9; 1993 c.267 §13; 1995 c.343 §68; 1999 c.425 §18; 2003 c.547 §46; 2005 c.117 §6; 2005 c.648 §60; 2009 c.701 §41; 2013 c.290 §6; 2013 c.314 §43; 2013 c.568 §87; 2023 c.273 §10]

Note: The amendments to 690.165 by section 10, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

690.165. In addition to the powers otherwise granted by ORS 345.430 and 690.005 to 690.225, the Board of Cosmetology shall have the power to:

- (1) Determine whether applicants are qualified to take certification examinations.
- (2) Administer, approve or recognize certification examinations and designate the time, place and administrators of certification examinations.
- (3) Contract for the administration of examinations as part of regional or national examinations and contract with independent testing services for examination administration.
- (4) Pursuant to ORS 676.568, direct the Health Licensing Office to issue certificates, registrations, licenses and permits to individuals determined by the board to be qualified.
- (5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules establishing and enforcing standards for safety, infection control, professional conduct and any other matters relating to fields of practice, facilities or locations used by persons providing services regulated by ORS 690.005 to 690.225.
- (6) Pursuant to ORS 676.612 and 690.167, direct the office to suspend, revoke, limit or refuse to issue or renew certificates, registrations, licenses or permits or impose a period of probationary activity on the holder.
- (7) Do any act necessary or proper to effect and carry out the duties required of the board by ORS 690.005 to 690.225.
- (8) Adopt rules prescribing standards of professional conduct for persons practicing hair design, barbering, esthetics, nail technology or natural hair care.
- (9) Consult with the office about the issuance and renewal of a license under ORS 690.055 authorizing a facility to provide barbering, esthetics, hair design, nail technology services or natural hair care.

690.167 Disciplinary authority of Health Licensing Office. In the manner prescribed in ORS chapter 183 for contested cases and at the direction of the Board of Cosmetology, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against any person practicing barbering, hair design, esthetics, nail technology or natural hair care for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 690.005 to 690.225, or the rules adopted thereunder. [2003 c.547 §43; 2005 c.117 §7; 2005 c.648 §61; 2009 c.701 §42; 2013 c.290 §7; 2013 c.568 §88]

690.170 [1969 c.687 §10; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.175 Chairperson; rules; meetings; quorum; compensation and expenses. (1) The Board of Cosmetology shall elect a chairperson. The board shall prescribe rules to govern the proceedings of the board. The board shall hold meetings at such times and places as it determines, but shall meet at least once each year. A majority of the voting members of the board shall constitute a quorum.

(2) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1977 c.886 §§16,17; 1999 c.425 §19]

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690.185 [1977 c.886 §18; 1983 c.151 §15; 1987 c.414 §85; 1999 c.425 §30; repealed by 2003 c.547 §118]

690.195 Records of Health Licensing Office. (1) The Health Licensing Office shall keep a record of the office's proceedings relating to the issuance, refusal, suspension and revocation of authorizations and to the imposition of probation. This record must also contain the name, place of business and date of each authorization issued by the office.

(2) The office shall keep a record of all complaints received, including the date of receipt, the name and place of business of each practitioner involved, the name and address of each complainant and the nature of the complaint.

(3) The records of the office shall at all reasonable times be open to inspection by the public. [1977 c.886 §19; 1987 c.31 §10; 1993 c.267 §14; 1999 c.425 §20; 2003 c.547 §47; 2005 c.648 §62; 2013 c.568 §89; 2023 c.273 §11]

Note: The amendments to 690.195 by section 11, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

690.195. (1) The Health Licensing Office shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates, registrations, licenses and permits and to the imposition of probation. This record shall also contain the name, place of business and the date of each certificate, registration, license and permit issued by the office.

(2) The office shall keep a record of all complaints received, including the date of receipt, name and place of business of each practitioner involved, the name and address of each complainant and the nature of the complaint.

(3) The records of the office shall at all reasonable times be open to inspection by the public.

690.200 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.205 Rules; approval of Oregon Health Authority; when domestic use of facility permitted. (1) The Board of Cosmetology may adopt rules for the administration of ORS 690.005 to 690.225 and for prescribing safety and infection control requirements for facilities. Infection control requirements for facilities shall be subject to the approval of the Oregon Health Authority.

(2) Notwithstanding subsection (1) of this section, the board may not prohibit the use of the facility for domestic purposes if the part devoted to domestic purposes is in a completely separate room not used by customers, with walls extending from floor to ceiling and with any connecting doors kept closed while the facility is in actual operation.

(3) Rules adopted by the board prescribing safety and infection control requirements for facilities shall be adopted in accordance with the procedures set forth in ORS chapter 183. [1977 c.886 §§20,22(2); 1983 c.151 §16; 1993 c.267 §15; 1999 c.425 §21; 2003 c.547 §48; 2005 c.648 §63; 2009 c.595 §1107; 2023 c.273 §12]

Note: The amendments to 690.205 by section 12, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

690.205. (1) The Board of Cosmetology may adopt rules for the administration of ORS 345.440 and 690.005 to 690.225 and for prescribing safety and infection control requirements for facilities. Infection control requirements for facilities shall be subject to the approval of the Oregon Health

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Authority. A copy of the rules adopted by the board shall be furnished by the board to the owner or manager of each facility.

(2) Notwithstanding subsection (1) of this section, the board may not prohibit the use of the facility for domestic purposes if the part devoted to domestic purposes is in a completely separate room not used by customers, with walls extending from floor to ceiling and with any connecting doors kept closed while the facility is in actual operation.

(3) Rules adopted by the board prescribing safety and infection control requirements for facilities shall be adopted in accordance with the procedures set forth in ORS chapter 183.

690.207 Health Licensing Office rules. The Health Licensing Office may adopt rules to carry out its duties under ORS 690.005 to 690.225. [2023 c.273 §2]

Note: 690.207 becomes operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023.

690.210 [Repealed by 1977 c.270 §3; 1977 c.842 §26 and 1977 c.886 §42]

690.215 [1977 c.886 §22(1); 1999 c.425 §22; repealed by 2003 c.547 §118]

690.220 [Amended by 1969 c.687 §12; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.225 Inspections. (1) In addition to any other duties prescribed by law, the Health Licensing Office shall provide for the inspection of facilities.

(2) Inspections conducted under this section shall determine whether the facilities comply with the health, safety, infection control and licensing rules of the Board of Cosmetology.

(3)(a) The office may not inspect a school unless the Higher Education Coordinating Commission requests the office's assistance in carrying out an inspection of a school.

(b) The office may not impose any disciplinary action on a school. [1977 c.886 §26; 1983 c.151 §17; 1987 c.31 §11; 1987 c.414 §86; 1989 c.491 §68; 1993 c.45 §299; 1993 c.267 §16; 1995 c.343 §69; 1999 c.425 §23; 1999 c.885 §21a; 2003 c.547 §49; 2005 c.648 §64; 2012 c.104 §45; 2013 c.568 §§90,91; 2023 c.273 §13]

Note: The amendments to 690.225 by section 13, chapter 273, Oregon Laws 2023, become operative July 1, 2024. See section 19, chapter 273, Oregon Laws 2023. The text that is operative until July 1, 2024, is set forth for the user's convenience.

690.225. (1) In addition to any other duties prescribed by law, the Health Licensing Office shall provide for the inspection of facilities and schools licensed to teach practitioner skills under ORS 345.010 to 345.450.

(2) Inspections conducted under this section shall determine whether the facilities comply with the health, safety, infection control and licensing rules of the Board of Cosmetology and whether the schools comply with the health, safety and infection control requirements under ORS 345.010 to 345.450 and rules of the office. A report of the results of the inspection shall be submitted to the Higher Education Coordinating Commission.

Note: Section 16, chapter 273, Oregon Laws 2023, provides:

Sec. 16. A school that teaches a curriculum that was approved by the Higher Education Coordinating Commission before the operative date specified in section 19 of this 2023 Act [July 1, 2024] may continue to teach the curriculum after the operative date specified in section 19 of this 2023 Act unless the Health Licensing Office determines that the curriculum must be approved by the

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office pursuant to rules adopted by the Board of Cosmetology under ORS 690.005 to 690.225. [2023 c.273 §16]

PENALTIES

690.992 Criminal penalties. (1) Violation of ORS 690.015 is a Class B misdemeanor.

(2) Violation of ORS 690.360 is a Class A misdemeanor. [1977 c.886 §25; subsection (2) enacted as 1987 c.698 §14; 2003 c.547 §74; 2011 c.346 §21]

676.992 Civil penalties. (1) Except as provided in subsection (3) of this section, and in addition to any other penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any rule adopted under the following statutes:

- (a) ORS 688.701 to 688.734 (athletic training);
- (b) ORS 690.005 to 690.225 (cosmetology);
- (c) ORS 680.500 to 680.565 (denture technology);
- (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal implanting and scarification);
- (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- (h) ORS chapter 700 (environmental sanitation);
- (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
- (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility administrators);
- (k) ORS 691.405 to 691.485 (dietitians);
- (L) ORS 676.612 (prohibited acts);
- (m) ORS 676.802 to 676.830 (applied behavior analysis);
- (n) ORS 681.700 to 681.730 (music therapy);
- (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
- (p) ORS 681.740 to 681.758 (art therapy);
- (q) ORS 676.665 to 676.689 (lactation consultation);
- (r) ORS 676.730 to 676.748 (genetic counseling); and
- (s) ORS 676.750 to 676.789 (signed language interpretation).

(2) The office may take any other disciplinary action that it finds proper, including but not limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any statute listed in subsection (1) of this section or any rule adopted under any statute listed in subsection (1) of this section.

(3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a violation of ORS 694.042.

(4) In imposing a civil penalty under this section, the office shall consider the following factors:

- (a) The immediacy and extent to which the violation threatens the public health or safety;
 - (b) Any prior violations of statutes, rules or orders;
 - (c) The history of the person incurring a penalty in taking all feasible steps to correct any violation;
- and
- (d) Any other aggravating or mitigating factors.

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(5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(6) The moneys received by the office from civil penalties under this section shall be deposited in the Health Licensing Office Account and are continuously appropriated to the office for the administration and enforcement of the laws the office is charged with administering and enforcing that govern the person against whom the penalty was imposed. [2003 c.547 §4; 2005 c.648 §14; 2007 c.841 §17; 2009 c.701 §17; 2009 c.768 §31; 2011 c.346 §31; 2011 c.630 §20; 2011 c.715 §21; 2013 c.82 §5; 2013 c.314 §17; 2013 c.568 §33; 2013 c.657 §10; 2013 c.771 §17; 2015 c.632 §6; 2015 c.674 §16; 2015 c.722 §11; 2017 c.155 §13; 2017 c.421 §9; 2017 c.499 §20; 2018 c.61 §25; 2021 c.231 §14; 2023 c.414 §26; 2023 c.500 §5]