

D R A F T

SUMMARY

Requires that cosmetology field of practice curriculum taught by career school meet standards established by Board of Cosmetology and be approved by Health Licensing Office. Requires career school to obtain certificate of compliance from office and meet safety and hygiene standards established by board and office.

Requires career school certification by January 2, 2022.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to cosmetology; creating new provisions; amending ORS 345.010,
3 345.030, 676.562, 690.005, 690.015, 690.025, 690.046, 690.047, 690.165, 690.195,
4 690.205, 690.225 and 690.360; repealing ORS 345.400, 345.430, 345.440 and
5 345.450; and prescribing an effective date.

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

7 8 REGULATION OF COSMETOLOGY CURRICULA

9
10 **SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made**
11 **a part of ORS 690.005 to 690.225.**

12 **SECTION 2. The Health Licensing Office may adopt rules to carry**
13 **out its duties under ORS 690.005 to 690.225.**

14 **SECTION 3. (1) A career school must obtain a certificate of com-**
15 **pliance under this section in order to conduct or do business under its**
16 **license issued under ORS 345.030.**

17 **(2) In order to obtain a certificate of compliance under this section,**

1 **a career school must:**

2 **(a) Comply with rules adopted by the Board of Cosmetology relating**
3 **to health, safety and infection control.**

4 **(b) Comply with applicable health and safety laws and rules of the**
5 **Oregon Health Authority and any other state agencies.**

6 **(c) Be formed and operated in accordance with Oregon law.**

7 **(d) Pay the applicable fees established under ORS 676.576.**

8 **(e) Meet any other requirements established by the Health Licens-**
9 **ing Office by rule.**

10 **(3) The office may adopt rules to carry out this section.**

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

12 690.005. As used in ORS 690.005 to 690.225:

13 **(1) “Authorization” means a certificate, license, permit or registra-**
14 **tion issued under ORS 690.005 to 690.225.**

15 **(2) “Barbering” means any of the following practices, when done upon the**
16 **human body for cosmetic purposes and not for medical diagnosis or treatment**
17 **of disease or physical or mental ailments:**

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

20 **(b) Applying hair tonics, dressings and rinses.**

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

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

26 **(3) “Career school” means a career school as defined in ORS 345.010**
27 **that is licensed by the Higher Education Coordinating Commission to**
28 **teach skills in barbering, esthetics, hair design or nail technology.**

29 **[(2)] (4) “Certificate” means a:**

30 **(a) Written authorization for the holder to perform in one or more fields**
31 **of practice[.]; or**

1 **(b) Written authorization issued under section 3 of this 2021 Act to**
2 **a career school.**

3 [(3)] **(5)** “Cosmetology” means the art or science of beautifying and im-
4 proving the skin, nails and hair and the study of cosmetics and their appli-
5 cation.

6 [(4)] **(6)** “Demonstration permit” means a written authorization for a
7 person to practice, demonstrate and teach one or more fields of practice on
8 a temporary basis.

9 [(5)] **(7)** “Esthetics” means any of the following skin care or facial care
10 practices performed on the human body or face for the purpose of keeping
11 the skin of the human body or face healthy and attractive and not for med-
12 ical diagnosis or treatment of disease or physical or mental ailments:

13 (a) The use of the hands or mechanical or electric apparatuses or appli-
14 ances for cleansing, stimulating, manipulating, exfoliating or applying
15 lotions or creams.

16 (b) Temporary removal of hair.

17 (c) Makeup artistry.

18 (d) Eyelash services.

19 (e) Facial and body wrapping.

20 (f) Facial and body waxing.

21 [(6)] **(8)(a)** “Facility” means an establishment operated on a regular or
22 irregular basis for the purpose of providing services in one or more fields
23 of practice.

24 **(b) “Facility” does not include a career school.**

25 [(7)] **(9)** “Field of practice” means the following cosmetology disciplines:

26 (a) Barbering.

27 (b) Esthetics.

28 (c) Hair design.

29 (d) Nail technology.

30 (e) Natural hair care.

31 [(8)] **(10)** “Freelance license” means a written authorization that allows

1 a practitioner to practice outside or away from a licensed facility.

2 [(9)] (11) “Hair design” means any of the following practices, when done
3 upon the human body for cosmetic purposes and not for medical diagnosis
4 or treatment of disease or physical or mental ailments:

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

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

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

11 [(10)] (12) “Independent contractor” means a practitioner who qualifies
12 as an independent contractor under ORS 670.600 and who is not under the
13 control and direction of a facility license holder.

14 [(11)] (13) “License” means a written authorization issued under ORS
15 690.055 to a person to operate a facility [*or freelance business*] for providing
16 services related to one or more fields of practice to the public.

17 [(12)] (14) “Nail technology” means any of the following manicuring or
18 pedicuring practices performed for cosmetic purposes and not for medical
19 diagnosis or treatment of disease or physical or mental ailments:

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

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

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

25 [(13)(a)] (15)(a) “Natural hair care” means:

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

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

1 paragraph;

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

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

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

10 [(14)] (16) “Practitioner” means a person certified to perform services in-
11 cluded within a field of practice.

12 [(15)] (17) “Registration” means a written authorization issued to an in-
13 dependent contractor to hold forth to the public as a business entity pro-
14 viding services in a field of practice.

15 [(16)] (18) “School” means an educational establishment that *[has a license*
16 *issued by the Department of Education and is operated for the purpose of*
17 *teaching one or more fields of practice. For purposes of this subsection, “field*
18 *of practice” does not include natural hair care.]* **offers a program of study**
19 **in one or more fields of practice other than natural hair care, includ-**
20 **ing, but not limited to, a career school, a community college or an**
21 **educational establishment operated by a school district.**

22 [(17)] (19) “Temporary facility permit” means a written authorization is-
23 sued under ORS 690.055 to provide services on a temporary basis in one or
24 more fields of practice.

25 **SECTION 5.** ORS 690.015 is amended to read:

26 690.015. (1) This section establishes prohibitions relating to the practice
27 of hair design, barbering, esthetics, nail technology and natural hair care.
28 The prohibitions under this section are subject to the exemptions under ORS
29 690.025. A person who commits an act prohibited under this section is subject
30 to the penalties under ORS 690.992 in addition to any administrative action
31 taken by or any civil penalty imposed by the Health Licensing Office under

1 ORS 676.612.

2 (2) A person may not:

3 (a) Perform or attempt to perform services in a field of practice without
4 an active [*certificate, demonstration permit, registration or freelance license*]
5 **authorization.**

6 (b) Operate a facility without a license or temporary facility permit.

7 (c) Perform or attempt to perform services in a field of practice outside
8 a licensed facility or temporary facility unless the person holds a freelance
9 license issued under ORS 690.123.

10 (d) Practice hair design, barbering, esthetics, nail technology or natural
11 hair care as an independent contractor without a registration.

12 (e) Display a sign or in any way advertise or purport to offer services in
13 a field of practice without first obtaining [*a permit, certificate, independent*
14 *contractor registration or facility license*] **an authorization.**

15 (f) Knowingly make a false statement on an application to obtain or re-
16 new [*a certificate, registration, license or permit*] **an authorization.**

17 (g) Allow an individual in the employ or under the supervision or control
18 of the person to perform in a field of practice without a certificate or permit.

19 (h) Sell, barter or offer to sell or barter a document evidencing [*a certifi-*
20 *cate, registration, license or permit*] **an authorization.**

21 (i) Purchase or procure by barter a document evidencing a certificate with
22 intent to use it as evidence of the person's qualification as a practitioner.

23 (j) Materially alter with fraudulent intent a document evidencing [*a cer-*
24 *tificate, registration, license or permit*] **an authorization.**

25 (k) Use or attempt to use a fraudulently obtained, counterfeited or mate-
26 rially altered document evidencing [*a certificate, registration, license or per-*
27 *mit*] **an authorization.**

28 **SECTION 6.** ORS 690.025 is amended to read:

29 690.025. (1) ORS 690.005 to 690.225 do not apply to:

30 (a) Persons who perform service without compensation in case of emer-
31 gency or in domestic administration.

1 (b) Persons licensed by a health professional regulatory board listed in
2 ORS 676.160 who are acting within the scope of their professional license.

3 (c) Persons identified by the Health Licensing Office or Board of
4 Cosmetology by rule who are acting under the authority of a hospital or long
5 term care facility licensed under ORS 441.025 or a residential facility li-
6 censed under ORS 443.415.

7 (d) Persons engaged in rendering emergency medical assistance as defined
8 in ORS 30.800.

9 (e) Persons licensed by the State Board of Pharmacy, merchants or other
10 individuals when demonstrating apparatus or supplies for purposes of sale.

11 (f) Commissioned medical and surgical officers and personnel of the
12 United States Armed Services while operating on a military base and per-
13 sonnel of correctional institutions while operating on the premises of a
14 correctional facility.

15 (g) Subject to subsection (3) of this section, persons applying temporary
16 makeup, combing hair, brushing hair, braiding hair, applying hair spray or
17 holding cream to hair or styling hair through the use of barrettes, ties, clips,
18 ribbons and other similar hair accessories for the sole purpose of preparing
19 an individual for a professional photograph, provided that the person does
20 not use any product that alters the keratin of the individual's hair.

21 (h) Subject to subsection (3) of this section, persons applying temporary
22 makeup or styling hair by any method for the sole purpose of preparing an
23 individual for a professional film or video performance or a theatrical per-
24 formance.

25 (i) A student while engaged in training at the direction of and under the
26 direct supervision of the faculty of a school [*licensed under ORS 345.010 to*
27 *345.450 to teach a field of practice. For purposes of this paragraph, "field of*
28 *practice" does not include natural hair care*].

29 (2) The office may exempt from ORS 690.005 to 690.225 practitioners pro-
30 viding services at charitable or fund raising events. In establishing an ex-
31 emption, the office shall consider and evaluate each written request on an

1 individual basis.

2 (3) The office may develop and disseminate guidelines for persons de-
3 scribed in subsection (1)(g) and (h) of this section for the purpose of ensuring
4 sanitation and hygiene best practices. The office is not required to adopt
5 rules to implement this subsection.

6 **SECTION 7.** ORS 690.046 is amended to read:

7 690.046. (1) To qualify for certification as a practitioner of hair design,
8 barbering, esthetics, nail technology or natural hair care, an applicant shall:

9 (a) If the applicant is applying for certification to practice hair design,
10 barbering, esthetics or nail technology, [*successfully complete all courses re-*
11 *quired by rule of the State Board of Education for graduation from a school*
12 *teaching one or more fields of practice*] **submit satisfactory evidence from**
13 **a school to the Health Licensing Office that demonstrates the appli-**
14 **cant has successfully completed education, prescribed by the Board of**
15 **Cosmetology by rule and approved by the office, in the field of practice**
16 **for which certification is sought.**

17 (b) Successfully pass the certification examination approved, administered
18 or recognized by the board [*of Cosmetology for*] **in** the field of practice [*in*]
19 **for** which certification is sought.

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

21 (d) Meet any additional requirements the board [*of Cosmetology*] may im-
22 pose by rule [*for*] **in the field of practice for which** certification [*in a*
23 *particular field of practice*] **is sought.**

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

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

30 (A) **The office determines that the applicant's education or training,**
31 **including any education or training obtained in the military, is sub-**

1 **stantially equivalent to the certification requirements described in**
2 **subsection (1) of this section and any rules adopted under subsection**
3 **(1) of this section; and**

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

6 **(b) For an applicant who has received education or training outside**
7 **of this state and does not hold an active authorization issued by an-**
8 **other jurisdiction, the office determines the applicant is qualified to**
9 **take the certification examination based on:**

10 **(A) An assessment of evidence submitted by the applicant, pre-**
11 **scribed by the office by rule, regarding the applicant’s out-of-state**
12 **education or training in the field of practice for which certification is**
13 **sought; or**

14 **(B) If the evidence described in this paragraph is unavailable or**
15 **insufficient, an assessment of the applicant’s skills based on a school’s**
16 **evaluation and recommendation.**

17 [(2)] **(3)** A person who is certified to practice hair design or barbering
18 under this section is authorized to practice natural hair care.

19 **SECTION 8.** ORS 690.047 is amended to read:

20 690.047. [(1) *For purposes of this section, “field of practice” does not include*
21 *natural hair care.*]

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

25 [(a) *The applicant’s education or training, including relevant education or*
26 *training obtained in the military, is determined by the board to be substan-*
27 *tially equivalent to Oregon certification requirements;*]

28 [(b) *The applicant is otherwise qualified to take the examination; and*]

29 [(c) *The applicant holds an active certification that was issued in another*
30 *state or a territory of the United States and has not been subject to discipli-*
31 *nary action by the other certifying body.*]

1 [(3)] The Health Licensing Office may issue a specialty certificate in a
2 field of practice **other than natural hair care** to a practitioner who has:

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

5 [(b)] (2) Passed an examination approved or recognized by the Board of
6 **Cosmetology**; and

7 [(c)] (3) Paid the applicable fees established under ORS 676.576.

8 **SECTION 9.** ORS 690.165 is amended to read:

9 690.165. In addition to the powers otherwise granted by ORS [345.430
10 *and*] 690.005 to 690.225, the Board of Cosmetology shall have the power to:

11 (1) **Except as provided in ORS 690.046**, determine whether applicants
12 are qualified to take certification examinations.

13 (2) Administer, approve or recognize certification examinations and des-
14 ignate the time, place and administrators of certification examinations.

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

18 (4) Pursuant to ORS 676.568, direct the Health Licensing Office to issue
19 certificates, registrations, licenses and permits to individuals determined by
20 the board to be qualified.

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

26 (6) Pursuant to ORS 676.612 and 690.167, direct the office to suspend, re-
27 voke, limit or refuse to issue or renew certificates, registrations, licenses or
28 permits or impose a period of probationary activity on the holder.

29 (7) Do any act necessary or proper to effect and carry out the duties re-
30 quired of the board by ORS 690.005 to 690.225.

31 (8) Adopt rules prescribing standards of professional conduct for persons

1 practicing hair design, barbering, esthetics, nail technology or natural hair
2 care.

3 (9) Consult with the office about the issuance and renewal of a license
4 under ORS 690.055 [*authorizing a facility to provide barbering, esthetics, hair*
5 *design, nail technology services or natural hair care*].

6 **(10) Pursuant to ORS 690.046, direct the office to approve a school's**
7 **curriculum.**

8 **SECTION 10.** ORS 690.195 is amended to read:

9 690.195. (1) The Health Licensing Office shall keep a record of [*its*] **the**
10 **office's** proceedings relating to the issuance, refusal, suspension and revo-
11 cation of [*certificates, registrations, licenses and permits*] **authorizations** and
12 to the imposition of probation. This record [*shall*] **must** also contain the
13 name, place of business and the date of each [*certificate, registration, license*
14 *and permit*] **authorization** issued by the office.

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

18 (3) The records of the office shall at all reasonable times be open to in-
19 spection by the public.

20 **SECTION 11.** ORS 690.205 is amended to read:

21 690.205. (1) The Board of Cosmetology may adopt rules for the adminis-
22 tration of ORS [*345.440 and*] 690.005 to 690.225 and for prescribing safety and
23 infection control requirements for facilities **and career schools**. Infection
24 control requirements for facilities **and career schools** shall be subject to the
25 approval of the Oregon Health Authority. [*A copy of the rules adopted by the*
26 *board shall be furnished by the board to the owner or manager of each*
27 *facility.*]

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

1 kept closed while the facility is in actual operation.

2 (3) Rules adopted by the board prescribing safety and infection control
3 requirements for facilities **and career schools** shall be adopted in accord-
4 ance with the procedures set forth in ORS chapter 183.

5 **SECTION 12.** ORS 690.225 is amended to read:

6 690.225. (1) In addition to any other duties prescribed by law, the Health
7 Licensing Office shall provide for the inspection of facilities and **career**
8 schools [*licensed to teach practitioner skills under ORS 345.010 to 345.450*]
9 **teaching a field of practice.**

10 (2) Inspections conducted under this section shall determine whether the
11 facilities **and career schools** comply with the health, safety, infection con-
12 trol and licensing rules of the Board of Cosmetology. [*and whether the*
13 *schools comply with the health, safety and infection control requirements under*
14 *ORS 345.010 to 345.450 and rules of the office. A report of the results of the*
15 *inspection shall be submitted to the Higher Education Coordinating Commis-*
16 *sion.*]

17 **SECTION 13.** ORS 690.360 is amended to read:

18 690.360. (1) A person may not:

19 (a) Perform or attempt to perform services in a field of practice without
20 a license to perform services in that field of practice;

21 (b) Perform or attempt to perform services in a field of practice outside
22 a licensed facility;

23 (c) Display a sign or in any way advertise or purport to offer services in
24 a field of practice without a license to perform services in that field of
25 practice;

26 (d) Operate a facility, display a sign or in any way advertise or purport
27 to offer services in a field of practice in a facility without a license to op-
28 erate a facility or a temporary license to operate a facility;

29 (e) Knowingly make a false statement on an application to obtain or re-
30 new a license;

31 (f) Allow an individual in the employ or under the supervision or control

1 of the person to perform services in a field of practice without a license to
2 perform services in that field of practice;

3 (g) Sell, barter or offer to sell or barter a document evidencing a license;

4 (h) Purchase or procure by barter a document evidencing a license with
5 intent to use the document as evidence of the person's qualification to pro-
6 vide services in a field of practice;

7 (i) Materially alter with fraudulent intent a license or temporary license;
8 or

9 (j) Use or attempt to use a fraudulently obtained, counterfeited or mate-
10 rially altered license or temporary license.

11 (2) ORS 690.350 to 690.410 do not limit, preclude or otherwise interfere
12 with the practice of other persons or health care providers licensed in this
13 state.

14 (3) Subsection (1)(a), (b) or (d) of this section does not apply to:

15 (a) A student while engaged in training at the direction of and under the
16 direct supervision of the faculty of a school [*licensed under ORS 345.010 to*
17 *345.450 to teach a field of practice*]; or

18 (b) An individual self-administering body piercing.

19

20

CONFORMING AMENDMENTS

21

22 **SECTION 14.** ORS 345.010 is amended to read:

23 345.010. As used in ORS 345.010 to 345.450 and 345.992 to 345.997:

24 (1) "Agent" means an individual who is employed by or for a career
25 school, or is working on behalf of the school under a contract, for the pur-
26 pose of actively procuring students, enrollees or subscribers of the school by
27 solicitation in any form that is made at a place or places other than the
28 school office or place of business of the school.

29 [(2) "*Barbering*" has the meaning given that term in ORS 690.005.]

30 [(3)] (2) "Career school" or "school" means any private proprietary pro-
31 fessional, technical, home study, correspondence, business or other school

1 instruction, organization or person that offers any instruction or training for
2 the purpose or purported purpose of instructing, training or preparing per-
3 sons for any profession.

4 [(4) “*Esthetics*” has the meaning given in ORS 690.005.]

5 [(5) “*Hair design*” has the meaning given in ORS 690.005.]

6 [(6)] (3) “License” means the authority the career school has been granted
7 to operate under ORS 345.010 to 345.450.

8 [(7) “*Nail technology*” has the meaning given in ORS 690.005.]

9 [(8)] (4) “Registration” means the approval by the Higher Education Co-
10 ordinating Commission of a teacher or agent to instruct in or to represent
11 the school.

12 **SECTION 15.** ORS 345.030 is amended to read:

13 345.030. (1) A person may not open, conduct or do business as a career
14 school in this state without obtaining a license under ORS 345.010 to 345.450.

15 (2) Except as provided in subsection (8) of this section, the Higher Edu-
16 cation Coordinating Commission may issue a license to conduct a career
17 school only after the applicant has presented proof satisfactory to the com-
18 mission that the applicant complies with applicable standards adopted under
19 ORS 345.325 and 670.280. For the purpose of this subsection, ORS 670.280
20 applies to individuals who hold positions of authority or control in the op-
21 eration of the school and to its faculty members and agents.

22 (3) A career school licensed in any other state must be licensed in this
23 state before establishing a physical presence in this state such as offices or
24 agents, or both, for the purpose of solicitation of students.

25 (4) In determining whether to issue a license to a career school, the
26 commission may consider the prior history of the applicant in operating
27 other career schools. The prior history of operating other career schools in-
28 cludes, but is not limited to:

29 (a) Conduct by the applicant that is cause for a notice of corrective action
30 or for suspension or revocation of a license as provided in ORS 345.120 (3);

31 (b) Failure to comply with ORS 345.010 to 345.450 or rules adopted under

1 ORS 345.010 to 345.450; and

2 (c) The history of the applicant in operating career schools in other
3 states.

4 (5) The commission may not issue a license to or renew the license of a
5 career school until the applicant provides all of the following to the com-
6 mission:

7 (a) A financial statement, certified true and accurate and signed by the
8 owner of the school;

9 (b) Proof of compliance with the tuition protection policy established by
10 the commission pursuant to ORS 345.110; and

11 (c) Fingerprints of individuals as described in subsection (6) of this sec-
12 tion.

13 (6)(a) Except as provided in paragraph (c) of this subsection, an applicant
14 for an initial issuance of a license or a renewal of a license must provide to
15 the commission the fingerprints of faculty members and agents of the school
16 and individuals who hold positions of authority or control in the operation
17 of the school if the career school will be enrolling or does enroll persons
18 under 18 years of age.

19 (b) In addition to requirements provided under paragraph (a) of this sub-
20 section, the commission may require a career school to provide the finger-
21 prints of any agents of the school who will have contact with persons under
22 18 years of age on behalf of the career school.

23 (c) An applicant is not required to provide fingerprints under paragraph
24 (a) or (b) of this subsection if the commission has conducted a state or na-
25 tionwide criminal records check on the person within the three years pre-
26 ceding the date of the application.

27 (d) The commission shall request a state or nationwide criminal records
28 check under ORS 181A.195. Fingerprints acquired under this subsection may
29 be used only for the purpose of obtaining a criminal records check under this
30 section.

31 (7) Notwithstanding ORS 345.325 (10), the commission may issue a notice

1 for corrective action or deny, suspend or revoke a license if the commission
2 finds that an individual who holds a position of authority or control in the
3 operation of the school was convicted of a crime listed in ORS 342.143.

4 (8) The commission may issue a conditional license to a career school that
5 meets the requirements of subsection (5) of this section but that does not
6 comply with the applicable standards adopted by rule under ORS 345.325. A
7 conditional license issued under this subsection is effective for a period
8 prescribed by the commission, which may not exceed 90 days.

9 (9)(a) Except as provided in paragraph (b) of this subsection, a career
10 school license is nontransferable. The licensee must give 30 days of notice
11 to the commission when transferring ownership of a career school.

12 (b) The commission may transfer a career school license or allow the
13 ownership of a career school to transfer with less than 30 days of notice if:

- 14 (A) The owner of the school dies, is incapacitated or is incarcerated; or
15 (B) Other circumstances render the owner unable to operate the career
16 school.

17 (10) Each career school shall display its license in a prominent place.

18 **(11) A career school that teaches skills in barbering, esthetics, hair**
19 **design or nail technology as those terms are defined in ORS 690.005**
20 **must obtain and maintain a certificate of compliance under section 3**
21 **of this 2021 Act in order to conduct or do business.**

22 **SECTION 16.** ORS 676.562 is amended to read:

23 676.562. As used in ORS 676.560 to 676.625:

24 (1) "Active authorization" means an authorization that is current and not
25 suspended.

26 (2) "Authorization" means a certificate, license, permit or registration
27 issued by the Health Licensing Office that allows a person to [*practice*]:

28 (a) **Practice** one of the occupations or professions [*or*], maintain a facility
29 **or conduct or do business as a career school, as defined in ORS 690.005,**
30 subject to the authority of the boards, councils and programs listed in ORS
31 676.565; or

1 (b) **Practice** a profession or occupation subject to direct oversight by the
2 office.

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

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

7
8 **CONTINUITY OF CURRICULA**

9
10 **SECTION 17. A school that teaches a curriculum that was approved**
11 **by the Higher Education Coordinating Commission before the opera-**
12 **tive date specified in section 21 of this 2021 Act may continue to teach**
13 **the curriculum after the operative date specified in section 21 of this**
14 **2021 Act unless the Health Licensing Office determines that the cur-**
15 **riculum must be approved by the office pursuant to rules adopted by**
16 **the Board of Cosmetology under ORS 690.005 to 690.225.**

17
18 **CERTIFICATION REQUIREMENT**

19
20 **SECTION 18. A career school that existed before the operative date**
21 **specified in section 21 of this 2021 Act that intends to teach a field of**
22 **practice after the operative date specified in section 21 of this 2021 Act**
23 **shall apply for and obtain a certificate of compliance under section 3**
24 **of this 2021 Act not later than January 1, 2022.**

25
26 **REPEALS**

27
28 **SECTION 19. ORS 345.400, 345.430, 345.440 and 345.450 are repealed.**

29
30 **UNIT CAPTIONS**

1 **SECTION 20.** The unit captions used in this 2021 Act are provided
2 only for the convenience of the reader and do not become part of the
3 statutory law of this state or express any legislative intent in the
4 enactment of this 2021 Act.

5
6 **OPERATIVE AND EFFECTIVE DATES**
7

8 **SECTION 21.** (1) Sections 2 and 3 of this 2021 Act, the amendments
9 to ORS 345.010, 345.030, 676.562, 690.005, 690.015, 690.025, 690.046, 690.047,
10 690.165, 690.195, 690.205, 690.225 and 690.360 by sections 4 to 16 of this
11 2021 Act and the repeal of ORS 345.400, 345.430, 345.440 and 345.450 by
12 section 19 of this 2021 Act become operative on January 1, 2022.

13 (2) The Board of Cosmetology, the Higher Education Coordinating
14 Commission and the Health Licensing Office may take any action be-
15 fore the operative date specified in subsection (1) of this section that
16 is necessary to enable the board, the commission and the office to
17 exercise, on and after the operative date specified in subsection (1) of
18 this section, all of the duties, functions and powers conferred on the
19 board, the commission and the office by sections 2 and 3 of this 2021
20 Act, the amendments to ORS 345.010, 345.030, 676.562, 690.005, 690.015,
21 690.025, 690.046, 690.047, 690.165, 690.195, 690.205, 690.225 and 690.360 by
22 sections 4 to 16 of this 2021 Act and the repeal of ORS 345.400, 345.430,
23 345.440 and 345.450 by section 19 of this 2021 Act.

24 **SECTION 22.** This 2021 Act takes effect on the 91st day after the
25 date on which the 2021 regular session of the Eighty-first Legislative
26 Assembly adjourns sine die.