



Issue Response

OREGON HEALTH LICENSING AGENCY

Cosmetology – Esthetics

April 10, 2012

The Oregon Health Licensing Agency (Agency) has received several inquiries regarding face-painting and the application of temporary tattoos and whether or not it is within the scope of practice for esthetics.

Upon consideration and request by the Board of Cosmetology, the Agency consulted with its General Counsel at the Department of Justice and responded to the following questions:

Issue #1: *Is the application of temporary tattoos and face painting the practice of esthetics, requiring cosmetology licensure?*

Short Answer #1: Likely not.

Descriptive Answer #1: Temporary tattoos and face painting are generally advertised and done at venues such as fairs or exhibits. When examining the text of the statute it does not specifically include “temporary tattooing or face painting.” However Oregon Revised Statute 690.005(6)(c) does state that *makeup artistry* is a skin care practice falling within the definition of esthetics when it is performed on the human body “for the purpose of keeping skin healthy and attractive.” The relevant definition of the term *makeup* is “cosmetics used to color and beautify the face or the features,” and the plain and ordinary meaning of *artistry* is “artistic quality of effect or workmanship.” Temporary tattooing and face painting is usually performed using various types of skin paint rather than cosmetics, and is not generally applied for the purpose of keeping skin healthily or attractive, but is generally applied for the purpose of entertainment.

Important Note: The Agency does not provide personal legal advice to licensees or members of the public. The responses listed here are specific to only those questions asked. Even slight changes in the scope or content of the question may change the applicability of these responses in a different situation. Please consult your own attorney for legal advice regarding Oregon laws and administrative rules.