

October 23, 2017

Question 1: Is a certificate required when makeup artistry is being provided outside a salon and at the client's location, for example a bride's home:

Answer 1:

It depends. Some exemptions to licensure do allow an individual to perform makeup artistry without a certificate, depending on where the services are being performed and the purpose of the service.

Examples of exemptions under [ORS 690.025](#) that do not depend on *where* the services are provided, but rather for *what purpose* the services are being provided are:

- For the sole purpose of preparing an individual for a professional film or video performance or a theatrical performance; and
- For the sole purpose of preparing an individual for a professional photograph, provided that the person.

In the original question the example was given of a bride's home. If the purpose of the services is *solely* to prepare the bride for a professional photograph, the exemption for professional photography would apply. However, if it is the bride's wedding day, the exemption likely does not apply as the purpose of the services would extend just beyond the photographs and the exemption would not apply.

Unlike the bride example, there are exemptions where the location does matter when determining if the exemption applies:

- Practitioners providing services at a charitable or fund raising events; and
- Persons acting under the authority of a hospital or long term care facility.

To summarize: it depends on the exemption in question, as to whether the location matters in determining whether an individual exemption applies.

You can find those statutory exemptions at:

https://www.oregonlegislature.gov/bills_laws/ors/ors690.html.

Question 2: Is there an exemption when makeup artistry is being provided for a television or film production?

Answer 2:

Yes. Performing *temporary* makeup artistry or hair styling for professional film or video performance would be exempt under ORS 690.025(1)(h). This particular exemption requires the services be performed for the *sole* purpose of preparing an individual for a professional film, video performance or a theatrical performance.

Question 3: Is there an exemption when makeup artistry is being provided at a department store or at a makeup counter?

Answer 3:

Yes. Performing temporary makeup artistry or hair styling in a department store or makeup would be exempt under ORS 690.025(1)(e) if the purpose of the makeup artistry is to demonstrate makeup apparatuses or supplies for sale. This specific exemption is **not** relevant to the location of services but rather on the purpose of the service in this case to provide temporary makeup artistry services including selling makeup supplies and apparatus used in the application of makeup. To put it another way, if the makeup artist is, for example, being paid for the makeup application itself and the purpose is not to sell the makeup being supplied, it would not fall under the exemption.

Question 4: Is a certificate required when makeup artistry is being provided at a licensed cosmetology facility?

Answer 4:

Maybe. When determining if an individual exemption applies you need to look at the specific facts. For example, if the cosmetology facility is providing makeup artistry for the purpose of selling cosmetics, the makeup artistry would be exempt (the same as at the Nordstrom's cosmetic counter). If no exemption applies, a certificate is required.

Question 5: Is there a specific exemption to teach makeup artistry?

Answer 5:

No. An exemption exists for students 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. No specific exemption exists to teach makeup artistry at a school.

Question 6: Is there an exemption to perform makeup artistry in a mobile spa?

Answer 6:

There is no specific exemption for services provided in a mobile spa. That said, if the services fit within another exemption (like sale of makeup supplies or for the sole purpose of a theatrical production) the exemption still applies even if the makeup artistry takes place in a

mobile spa. It is important to note that if the services provided are not exempt under ORS 690.025, the practitioner using the mobile spa to perform the makeup artistry would need both an individual certificate and a freelance authorization.

Important Note: The Board and HLO do not provide personal legal advice to licensees or members of the public. The information provided here is specific to only those questions asked. Even slight changes in the scope or content of the question or matter may change the application of the above information in a different situation. Please consult your own attorney for legal advice regarding Oregon laws and administrative rules.

Oregon Revised Statutes related to exemptions under the Board of Cosmetology can be located at https://www.oregonlegislature.gov/bills_laws/ors/ors690.html.