



Board of Electrologists and Body Art Practitioners

OREGON REVISED STATUTES

(UNOFFICIAL COPY)

CHAPTER 690.350 – 410 & 690.992

2019 EDITION



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ELECTROLOGISTS AND BODY ART PRACTITIONERS

(Generally)

690.350 Definitions for ORS 690.350 to 690.410. As used in ORS 690.350 to 690.410, unless the context requires otherwise:

(1) “Body piercing” means the puncturing of a part of the body of a live human being to create a permanent hole for ornamentation or decoration.

(2) “Dermal implanting” means the insertion of an object under the skin of a live human being for ornamentation or decoration.

(3)(a) “Earlobe piercing” means the puncturing of the soft lower part of the external ear of a live human being for ornamentation or decoration.

(b) “Earlobe piercing” does not include the puncturing of ear cartilage.

(4) “Electrolysis” means the process by which hair, with a series of treatments, is permanently removed from the skin by inserting a needle-conductor into the hair follicle and directing electrical energy toward the hair cell. The word “electrolysis” is used in generic form in ORS 690.350 to 690.410 and refers to modalities of galvanic electrolysis, thermolysis and combinations thereof.

(5) “Facility” means a fixed or mobile place of business operated on a regular or irregular basis for the purpose of providing services in one or more fields of practice.

(6) “Field of practice” means:

(a) Tattooing;

(b) Body piercing;

(c) Earlobe piercing;

(d) Electrolysis;

(e) Dermal implanting; or

(f) Scarification.

(7) “License” means a written authorization issued under ORS 690.365 authorizing the holder to:

(a) Perform services in one or more fields of practice; or

(b) Operate a facility.

(8) “Scarification” means injury of the skin to produce a scar on a live human being for permanent ornamentation or decoration.

(9) “Tattooing” means the process by which a live human being is marked or colored by insertion of nontoxic dyes or pigments to form indelible marks for ornamentation or decoration.

(10) “Temporary license” means a written authorization issued under ORS 690.365 temporarily authorizing the holder to:

(a) Perform services in a field of practice; or

(b) Operate a facility. [1987 c.698 §1; 1993 c.30 §1; 1993 c.45 §300; 1999 c.885 §37; 2003 c.547 §51; 2005 c.648 §66; 2011 c.346 §8; 2013 c.82 §4]

690.355 [1987 c.698 §2; 1989 c.171 §82; 1993 c.30 §2; 1999 c.885 §38; 2005 c.648 §67; repealed by 2011 c.346 §33]

690.360 Prohibited acts; exceptions. (1) A person may not:

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

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

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

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

(e) Knowingly make a false statement on an application to obtain or renew a license;

(f) Allow an individual in the employ or under the supervision or control of the person to perform services in a field of practice without a license to perform services in that field of practice;

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

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

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

(j) Use or attempt to use a fraudulently obtained, counterfeited or materially altered license or temporary license.

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

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

(a) 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; or

(b) An individual self-administering body piercing. [1987 c.698 §13; 1993 c.30 §3; 2003 c.547 §52; 2011 c.346 §11; 2013 c.314 §44]

(Licensing)

690.365 License to perform services and facility licenses; qualifications; inspection; posting requirement; temporary licenses. (1)(a) The Health Licensing Office shall issue a license to perform services in a field of practice to an applicant who:

(A) Shows to the satisfaction of the office that the applicant:

(i) Is at least 18 years of age;

(ii) Has a high school diploma or equivalent education; and

(iii) Has submitted evidence of completion of education and training prescribed and approved by the office;

(B) Has passed an examination approved, administered or recognized by the office; and

(C) Pays the applicable fees established under ORS 676.576.

(b) The office may issue a temporary license to perform services in a field of practice as prescribed by office rule.

(2)(a) The office shall issue a license to operate a facility to a person who:

(A) Files an application in the form and manner prescribed by the office;

(B) Pays the applicable fees established under ORS 676.576; and

(C) Complies with other requirements established by the office by rule.

(b) The office shall conduct periodic inspections of facilities to determine compliance with safety, infection control and sterilization requirements.

(c) A person holding a license to operate a facility must post the license in a conspicuous place at all times on the premises of the facility.

(d) The office may issue a temporary license to operate a facility in accordance with rules adopted by the office. [1987 c.698 §3; 1993 c.30 §4; 2001 c.104 §264; 2003 c.547 §53; 2005 c.648 §68; 2009 c.701 §46; 2011 c.346 §12; 2013 c.314 §45; 2013 c.568 §93]

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690.370 Examinations; rules. The Health Licensing Office shall offer an examination for applicants for licenses to perform services in each field of practice at least twice a year. An applicant who fails any part of the examination may retake the failed section in accordance with rules adopted by the office. [1987 c.698 §4; 2001 c.104 §265; 2003 c.547 §54; 2005 c.648 §69; 2011 c.346 §13; 2013 c.568 §94]

690.380 Display of license required; notice to Health Licensing Office of place of business; notice to licensees. (1) A person who holds a license under ORS 690.350 to 690.410 shall notify the Health Licensing Office in writing of the regular address of the place or places where the person performs or intends to perform services in a field of practice and shall keep the license conspicuously posted in the place of business at all times.

(2) The office shall keep a record of the place or places of business of each person who holds a license.

(3) Any notice required to be given by the office to a person who holds a license may be given by mailing the notice to the address of the last place of business of which the person has notified the office. [1987 c.698 §8; 1993 c.30 §5; 2001 c.104 §266; 2003 c.547 §55; 2005 c.648 §70; 2011 c.346 §14; 2013 c.568 §95]

690.385 License renewal. (1) To renew a license issued under ORS 690.365, the licensee must submit to the Health Licensing Office:

(a) A completed renewal application;

(b) The applicable renewal fee established under ORS 676.576; and

(c) Satisfactory evidence of having completed any required continuing education credits on or before the expiration date of the license as specified by office rule.

(2) A temporary license issued under ORS 690.365 expires as established by the office by rule. [1987 c.698 §9; 1993 c.30 §6; 2001 c.104 §267; 2003 c.547 §56; 2005 c.648 §71; 2009 c.701 §47; 2011 c.346 §15; 2013 c.314 §46; 2013 c.568 §96]

690.390 Required standards for practitioners; rules. The Health Licensing Office shall establish standards for practitioners in a field of practice. The standards must require:

(1) That instruments used in a field of practice be sterilized in accordance with methods approved by the rules of the office;

(2) A practitioner working in a field of practice to be equipped with appropriate sterilizing equipment, hot and cold running water and a covered waste receptacle; and

(3) A practitioner working in a field of practice to keep case history cards for each client. [1987 c.698 §11; 1993 c.30 §7; 2005 c.648 §72; 2011 c.346 §16; 2013 c.568 §97]

690.395 [1987 c.698 §10; 1993 c.30 §8; 2001 c.104 §268; repealed by 2003 c.547 §118]

690.400 [1987 c.698 §12; repealed by 2003 c.547 §118]

(Board of Electrologists and Body Art Practitioners and Health Licensing Office)

690.401 Board of Electrologists and Body Art Practitioners. (1) There is established within the Health Licensing Office the Board of Electrologists and Body Art Practitioners, to advise the office with regard to the regulation of fields of practice. The board consists of seven members appointed by the Governor.

(2) Members of the board must be residents of this state. Of the members of the board:

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(a) Two members must be licensed under ORS 690.365 to perform body piercing, dermal implanting or scarification;

(b) One member must be licensed under ORS 690.365 to practice electrolysis;

(c) Two members must be licensed under ORS 690.365 to perform tattooing;

(d) One member must be licensed under ORS chapter 677, 678 or 685; and

(e) One member must be a member of the public who does not possess the professional qualifications of the other members.

(3) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. The Governor shall fill vacancies 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 eligible for appointment to serve on the board.

(4) The board shall meet at least once per year.

(5) Members of the board are entitled to compensation and reimbursement of expenses as provided in ORS 292.495. [2011 c.346 §10; 2013 c.568 §98; 2015 c.56 §1]

690.405 Powers and duties of Health Licensing Office relating to body art practices; rules.

(1) The Health Licensing Office shall:

(a) Determine the qualifications, training, education and fitness of applicants for licenses, renewal of licenses and reciprocal licenses;

(b) Adopt rules as necessary to administer ORS 690.350 to 690.410;

(c) Issue, deny, revoke, suspend and renew licenses;

(d) Maintain a public record of persons holding licenses;

(e) Establish standards of practice and professional responsibility for persons licensed by the office to perform services in a field of practice;

(f) Select licensing examinations;

(g) Provide for waivers of examinations as appropriate;

(h) Appoint representatives to conduct or supervise examinations of applicants for licensure;

(i) Inspect the facilities of persons who perform services in one or more fields of practice; and

(j) Issue temporary licenses to qualified applicants in accordance with rules adopted by the office.

(2) Before the office adopts rules regulating body piercing of genitals or dermal implanting, the office shall consult with the Oregon Medical Board to ensure that the rules protect public safety.

(3) The office may consult with the Oregon Medical Board before adopting rules relating to other body art practices. [1987 c.698 §15; 1993 c.30 §9; 1999 c.885 §39; 2003 c.547 §59; 2005 c.648 §73; 2009 c.701 §48; 2011 c.346 §17; 2013 c.314 §47; 2013 c.568 §99]

690.407 Disciplinary authority of Health Licensing Office. In the manner prescribed in ORS chapter 183 for contested cases, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against any person performing services in a field of practice for any of the grounds listed in ORS 676.612, and for any violation of the provisions of ORS 690.350 to 690.410, or the rules adopted thereunder. [2003 c.547 §57; 2005 c.648 §74; 2011 c.346 §18; 2013 c.568 §100]

690.410 Minimum standards of education and training; rules; schools. (1) The Health Licensing Office, in accordance with ORS chapter 183 and in consultation with the Board of Electrologists and Body Art Practitioners, shall adopt by rule minimum standards of education and training requirements for each field of practice.

(2) The office shall approve courses in each field of practice. To obtain approval of a course, the provider of a course must submit an outline of instruction to the office and the Department of

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Education. The outline must include the approved courses, total hours of instruction, hours of lectures in theory and the hours of instruction in application of practical skills.

(3) Schools teaching a field of practice must comply with the safety and infection control rules adopted by the office and are subject to inspection at the discretion of the office. [1987 c.698 §6; 1989 c.475 §1; 1989 c.491 §69; 1993 c.30 §10; 1993 c.45 §301; 1999 c.885 §40; 2001 c.104 §269; 2003 c.547 §60; 2005 c.648 §75; 2011 c.346 §19; 2013 c.568 §101; 2015 c.56 §2]

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]