

House Bill 2971

Sponsored by Representative NOSSE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Abolishes Board of Certified Advanced Estheticians and transfers responsibilities to Health Licensing Office and Board of Cosmetology. Directs office to issue certificate to practice advanced nonablative esthetics procedures to qualified applicant.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to certified advanced estheticians; creating new provisions; amending ORS 345.010, 345.400,
3 345.430, 345.440, 345.450, 676.565, 676.590, 676.992, 690.005, 690.015, 690.155, 690.165 and 690.167;
4 repealing ORS 676.630, 676.635, 676.640, 676.645, 676.650, 676.655 and 676.660; and prescribing
5 an effective date.

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

7 **SECTION 1. Sections 1 and 2 of this 2021 Act are added to and made a part of ORS 690.005**
8 **to 690.225.**

9 **SECTION 2. (1) Except as provided in subsection (3) of this section, the Health Licensing**
10 **Office shall issue a certificate to practice advanced nonablative esthetics procedures to an**
11 **applicant who:**

12 (a) **Is at least 18 years of age;**

13 (b) **Holds a certificate to practice esthetics and is in good standing with the Board of**
14 **Cosmetology;**

15 (c) **Successfully completes:**

16 (A) **Subject to subsection (2) of this section, an advanced nonablative esthetics education**
17 **or training program, or an advanced nonablative esthetics program that combines education**
18 **and training, that is approved by the board; or**

19 (B) **A nationally recognized program that is approved by the board and through which**
20 **individuals are certified to use lasers or other devices for purposes related to practicing ad-**
21 **vanced nonablative esthetics procedures;**

22 (d) **Passes an examination adopted by the board by rule; and**

23 (e) **Pays the applicable fees established under ORS 676.576.**

24 (2) **An education program described in subsection (1)(c)(A) of this section must be:**

25 (a) **If the program is located in this state, licensed through the Higher Education Coor-**
26 **minating Commission; or**

27 (b) **If the program is not located in this state, substantially equivalent to a program li-**
28 **censed through the commission.**

29 (3) **The office shall issue a certificate to practice advanced nonablative esthetics proce-**
30 **dures to an applicant who:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Holds a certificate to practice esthetics and is in good standing with the board;

2 (b) Is authorized and in good standing to practice advanced nonablative esthetics proce-
3 dures in a state where the requirements to practice advanced nonablative esthetics proce-
4 dures are substantially similar to those requirements in this state; and

5 (c) Pays the applicable fee established under ORS 676.576.

6 (4) The office shall issue a temporary certificate to perform advanced nonablative es-
7 thetics procedures to an applicant who:

8 (a) Holds a certificate to practice esthetics and is in good standing with the board;

9 (b) Meets any qualifications established by the office by rule; and

10 (c) Pays the applicable fee established under ORS 676.576.

11 **SECTION 3.** (1) A certificate issued under section 2 (1) or (3) of this 2021 Act must be
12 renewed annually. To renew a certificate under this section, a certified advanced esthetician
13 must submit to the Health Licensing Office:

14 (a) A renewal application;

15 (b) Proof that the certified advanced esthetician has completed any continuing education
16 requirements established by the Board of Cosmetology by rule; and

17 (c) The applicable renewal fee established under ORS 676.576.

18 (2) A temporary certificate issued under section 2 (4) of this 2021 Act expires as pre-
19 scribed by the office by rule.

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

21 690.005. As used in ORS 690.005 to 690.225:

22 (1) "Advanced nonablative esthetics procedure" means a procedure that uses a laser or
23 other device registered with the United States Food and Drug Administration for nonablative
24 procedures performed on the skin or hair, including but not limited to procedures performed
25 in conjunction with one of the following modalities:

26 (a) Skin rejuvenation;

27 (b) Photo rejuvenation;

28 (c) Body contouring;

29 (d) Dyschromia reduction;

30 (e) Cellulite reduction;

31 (f) Hair removal or reduction; and

32 (g) Nonablative tattoo removal.

33 [(1)] (2) "Barbering" means any of the following practices, when done upon the human body for
34 cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
35 ailments:

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

37 (b) Applying hair tonics, dressings and rinses.

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

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

42 [(2)] (3) "Certificate" means a written authorization for the holder to perform in one or more
43 fields of practice.

44 (4) "Certified advanced esthetician" means a person certified to practice advanced
45 nonablative esthetics procedures under section 2 of this 2021 Act.

1 [(3)] (5) “Cosmetology” means the art or science of beautifying and improving the skin, nails and
 2 hair and the study of cosmetics and their application.

3 [(4)] (6) “Demonstration permit” means a written authorization for a person to practice, dem-
 4 onstrate and teach one or more fields of practice on a temporary basis.

5 [(5)] (7) “Esthetics” means any of the following skin care or facial care practices performed on
 6 the human body or face for the purpose of keeping the skin of the human body or face healthy and
 7 attractive and not for medical diagnosis or treatment of disease or physical or mental ailments:

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

10 (b) Temporary removal of hair.

11 (c) Makeup artistry.

12 (d) Eyelash services.

13 (e) Facial and body wrapping.

14 (f) Facial and body waxing.

15 [(6)] (8) “Facility” means an establishment operated on a regular or irregular basis for the pur-
 16 pose of providing services in one or more fields of practice.

17 [(7)] (9) “Field of practice” means the following cosmetology disciplines:

18 (a) Barbering.

19 (b) Esthetics.

20 (c) Hair design.

21 (d) Nail technology.

22 (e) Natural hair care.

23 **(f) Advanced nonablative esthetics procedures.**

24 [(8)] (10) “Freelance license” means a written authorization that allows a practitioner to prac-
 25 tice outside or away from a licensed facility.

26 [(9)] (11) “Hair design” means any of the following practices, when done upon the human body
 27 for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
 28 ailments:

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

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

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

34 [(10)] (12) “Independent contractor” means a practitioner who qualifies as an independent con-
 35 tractor under ORS 670.600 and who is not under the control and direction of a facility license
 36 holder.

37 [(11)] (13) “License” means a written authorization issued under ORS 690.055 to a person to
 38 operate a facility or freelance business for providing services related to one or more fields of prac-
 39 tice to the public.

40 [(12)] (14) “Nail technology” means any of the following manicuring or pedicuring practices
 41 performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical
 42 or mental ailments:

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

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

1 below the knee.

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

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

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

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

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

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

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

16 (16) “Nonablative” means involving an action performed on the skin or hair or a person
17 that does not result in the wounding of skin or underlying tissue.

18 [(14)] (17) “Practitioner” means a person certified to perform services included within a field of
19 practice.

20 [(15)] (18) “Registration” means a written authorization issued to an independent contractor to
21 hold forth to the public as a business entity providing services in a field of practice.

22 [(16)] (19) “School” means an educational establishment that has a license issued by the De-
23 partment of Education and is operated for the purpose of teaching one or more fields of practice.
24 For purposes of this subsection, “field of practice” does not include natural hair care.

25 [(17)] (20) “Temporary facility permit” means a written authorization issued under ORS 690.055
26 to provide services on a temporary basis in one or more fields of practice.

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

28 690.015. (1) This section establishes prohibitions relating to the practice of hair design, barber-
29 ing, esthetics, nail technology [*and*], natural hair care **and advanced nonablative esthetics pro-**
30 **cedures.** The prohibitions under this section are subject to the exemptions under ORS 690.025. A
31 person who commits an act prohibited under this section is subject to the penalties under ORS
32 690.992 in addition to any administrative action taken by or any civil penalty imposed by the Health
33 Licensing Office under ORS 676.612.

34 (2) A person may not:

35 (a) Perform or attempt to perform services in a field of practice without an active certificate,
36 demonstration permit, registration or freelance license.

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

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

40 (d) Practice hair design, barbering, esthetics, nail technology [*or*], natural hair care **or ad-**
41 **vanced nonablative esthetics procedures** as an independent contractor without a registration.

42 (e) Display a sign or in any way advertise or purport to offer services in a field of practice
43 without first obtaining a permit, certificate, independent contractor registration or facility license.

44 (f) Knowingly make a false statement on an application to obtain or renew a certificate, regis-
45 tration, license or permit.

1 (g) Allow an individual in the employ or under the supervision or control of the person to per-
 2 form in a field of practice without a certificate or permit.

3 (h) Sell, barter or offer to sell or barter a document evidencing a certificate, registration, license
 4 or permit.

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

7 (j) Materially alter with fraudulent intent a document evidencing a certificate, registration, li-
 8 cense or permit.

9 (k) Use or attempt to use a fraudulently obtained, counterfeited or materially altered document
 10 evidencing a certificate, registration, license or permit.

11 **(L) Practice advanced nonablative esthetics procedures or use a title, word or abbrevi-**
 12 **ation, including the designation "certified advanced esthetician," that indicates the person**
 13 **is authorized to practice advanced nonablative esthetics procedures unless the person is**
 14 **certified by the office under section 2 of this 2021 Act.**

15 **SECTION 6.** ORS 690.155 is amended to read:

16 690.155. (1) There is established within the Health Licensing Office the Board of Cosmetology
 17 consisting of seven members appointed by the Governor. At all times the membership of the board
 18 [*shall be so constituted that*] **must include:**

19 (a) [*Six*] **Five** members of the board [*shall be*] **who are** practitioners with active certificates.

20 **(b) One member who is a certified advanced esthetician.**

21 [*(b)*] **(c)** One member [*shall be*] **who is** a public member who is not a practitioner.

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

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

30 **SECTION 7.** ORS 690.165 is amended to read:

31 690.165. In addition to the powers otherwise granted by ORS 345.430 and 690.005 to 690.225, the
 32 Board of Cosmetology shall have the power to:

33 (1) Determine whether applicants are qualified to take certification examinations.

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

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

38 (4) Pursuant to ORS 676.568, direct the Health Licensing Office to issue certificates, registra-
 39 tions, licenses and permits to individuals determined by the board to be qualified.

40 (5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules es-
 41 tablishing and enforcing standards for safety, infection control, professional conduct and any other
 42 matters relating to fields of practice, facilities or locations used by persons providing services reg-
 43 ulated by ORS 690.005 to 690.225.

44 (6) Pursuant to ORS 676.612 and 690.167, direct the office to suspend, revoke, limit or refuse to
 45 issue or renew certificates, registrations, licenses or permits or impose a period of probationary

1 activity on the holder.

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

4 (8) Adopt rules prescribing standards of professional conduct for persons practicing hair design,
5 barbering, esthetics, nail technology *[or]*, natural hair care **or advanced nonablative esthetics**
6 **procedures**.

7 (9) Consult with the office about the issuance and renewal of a license under ORS 690.055 au-
8 thorizing a facility to provide barbering, esthetics, hair design, nail technology services *[or]*, natural
9 hair care **or advanced nonablative esthetics procedures**.

10 **SECTION 8.** ORS 690.167 is amended to read:

11 690.167. In the manner prescribed in ORS chapter 183 for contested cases and at the direction
12 of the Board of Cosmetology, the Health Licensing Office may impose a form of discipline listed in
13 ORS 676.612 against any person practicing barbering, hair design, esthetics, nail technology *[or]*,
14 natural hair care **or advanced nonablative esthetics procedures** for any of the grounds listed in
15 ORS 676.612 and for any violation of the provisions of ORS 690.005 to 690.225, or the rules adopted
16 *[thereunder]* **under ORS 690.005 to 690.225**.

17 **SECTION 9.** ORS 676.565 is amended to read:

18 676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and
19 regulatory oversight and centralized service for the following boards, councils and programs:

20 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;

21 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;

22 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;

23 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;

24 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in
25 ORS 688.800 to 688.840;

26 (6) Environmental Health Registration Board, as provided in ORS chapter 700;

27 (7) Board of Electrologists and Body Art Practitioners, as provided in ORS 690.350 to 690.410;

28 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;

29 (9) Sexual Offense Treatment Board, as provided in ORS 675.365 to 675.410;

30 (10) Long Term Care Administrators Board, as provided in ORS 678.710 to 678.820;

31 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;

32 (12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;

33 *[(13) Board of Certified Advanced Estheticians, as provided in ORS 676.630 to 676.660;]*

34 *[(14)] (13)* Art therapy, as provided in ORS 681.740 to 681.758;

35 *[(15)] (14)* Lactation consultation, as provided in ORS 676.665 to 676.689; and

36 *[(16)] (15)* Music therapy, as provided in ORS 681.700 to 681.730.

37 **SECTION 10.** ORS 676.590 is amended to read:

38 676.590. (1) Information obtained by the Health Licensing Office as part of an investigation
39 conducted under the following laws and any reports issued by an investigator are exempt from
40 public disclosure:

41 (a) ORS *[676.630 to 676.660,]* 676.665 to 676.689, 681.700 to 681.730, 681.740 to 681.758, 690.005 to
42 690.225, 690.350 to 690.410 or 694.015 to 694.170.

43 (b) ORS 676.560 to 676.625 if the investigation is related to the regulation of:

44 *[(A) Advanced nonablative esthetics under ORS 676.630 to 676.660;]*

45 *[(B)] (A)* Lactation consultation under ORS 676.665 to 676.689;

1 [(C)] (B) Music therapy under ORS 681.700 to 681.730;

2 [(D)] (C) Art therapy under ORS 681.740 to 681.758;

3 [(E)] (D) Barbering, hair design, esthetics, nail technology [or], natural hair care **or advanced**
4 **nonablative esthetics procedures** under ORS 690.005 to 690.225;

5 [(F)] (E) Electrologists and body art practitioners under ORS 690.350 to 690.410; or

6 [(G)] (F) Dealing in hearing aids under ORS 694.015 to 694.170.

7 (2) The office shall disclose information obtained as part of an investigation described in sub-
8 section (1) of this section to a person who demonstrates by clear and convincing evidence that the
9 public interest in disclosure outweighs other interests in nondisclosure, including the public interest
10 in nondisclosure.

11 (3) A complaint that forms the basis for an investigation described in subsection (1) of this sec-
12 tion shall not be considered information obtained as part of an investigation and is not exempt from
13 public disclosure.

14 (4) Upon request, the office shall disclose to a person against whom disciplinary action is sought
15 any information obtained as part of an investigation described in section (1) of this section, if the
16 information is not otherwise privileged or confidential under state or federal law.

17 **SECTION 11.** ORS 676.992 is amended to read:

18 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other
19 penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to
20 exceed \$5,000 for each violation of the following statutes and any rule adopted under the following
21 statutes:

22 (a) ORS 688.701 to 688.734 (athletic training);

23 (b) ORS 690.005 to 690.225 (cosmetology);

24 (c) ORS 680.500 to 680.565 (denture technology);

25 (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);

26 (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal im-
27 planting and scarification);

28 (f) ORS 694.015 to 694.170 (dealing in hearing aids);

29 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

30 (h) ORS chapter 700 (environmental sanitation);

31 (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);

32 (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility adminis-
33 trators);

34 (k) ORS 691.405 to 691.485 (dietitians);

35 (L) ORS 676.612 (prohibited acts);

36 (m) ORS 676.810 and 676.815 (applied behavior analysis);

37 (n) ORS 681.700 to 681.730 (music therapy);

38 [(o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);]

39 [(p)] (o) ORS 681.740 to 681.758 (art therapy); and

40 [(q)] (p) ORS 676.665 to 676.689 (lactation consultation).

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

45 (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a

1 violation of ORS 694.042.

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

3 (a) The immediacy and extent to which the violation threatens the public health or safety;

4 (b) Any prior violations of statutes, rules or orders;

5 (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-
6 lation; and

7 (d) Any other aggravating or mitigating factors.

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

9 (6) The moneys received by the office from civil penalties under this section shall be deposited
10 in the Health Licensing Office Account and are continuously appropriated to the office for the ad-
11 ministration and enforcement of the laws the office is charged with administering and enforcing that
12 govern the person against whom the penalty was imposed.

13 **SECTION 12.** ORS 345.010 is amended to read:

14 345.010. As used in ORS 345.010 to 345.450 and 345.992 to 345.997:

15 (1) **“Advanced nonablative esthetics procedure” has the meaning given in ORS 690.005.**

16 [(1)] (2) “Agent” means an individual who is employed by or for a career school, or is working
17 on behalf of the school under a contract, for the purpose of actively procuring students, enrollees
18 or subscribers of the school by solicitation in any form that is made at a place or places other than
19 the school office or place of business of the school.

20 [(2)] (3) “Barbering” has the meaning given that term in ORS 690.005.

21 [(3)] (4) “Career school” or “school” means any private proprietary professional, technical, home
22 study, correspondence, business or other school instruction, organization or person that offers any
23 instruction or training for the purpose or purported purpose of instructing, training or preparing
24 persons for any profession.

25 [(4)] (5) “Esthetics” has the meaning given in ORS 690.005.

26 [(5)] (6) “Hair design” has the meaning given in ORS 690.005.

27 [(6)] (7) “License” means the authority the career school has been granted to operate under ORS
28 345.010 to 345.450.

29 [(7)] (8) “Nail technology” has the meaning given in ORS 690.005.

30 [(8)] (9) “Registration” means the approval by the Higher Education Coordinating Commission
31 of a teacher or agent to instruct in or to represent the school.

32 **SECTION 13.** ORS 345.400 is amended to read:

33 345.400. In addition to the other requirements of ORS 345.010 to 345.450, the rules adopted by
34 the Higher Education Coordinating Commission to regulate schools teaching hair design, barbering,
35 esthetics [or], nail technology **or advanced nonablative esthetics procedures:**

36 (1) May include rules the commission considers necessary to protect the economic or physical
37 health and safety of the public and of the students attending the school including compliance with
38 ORS 345.110.

39 (2) Shall include rules that set standards for teachers teaching in schools licensed to teach hair
40 design, barbering, esthetics [or], nail technology **or advanced nonablative esthetics procedures**
41 pursuant to ORS 345.010 to 345.450.

42 (3) Shall require the schools to teach, and require for graduation from the school, courses that
43 meet minimum hourly training requirement or student proficiency-based training requirement stan-
44 dards set by the commission by rule.

45 **SECTION 14.** ORS 345.430 is amended to read:

1 345.430. The Higher Education Coordinating Commission shall determine whether a person from
 2 out-of-state who is not certified in hair design, barbering, esthetics [or], nail technology **or advanced**
 3 **nonablative esthetics procedures** by another state or a person from out-of-country seeking a cer-
 4 tificate in hair design, barbering, esthetics or nail technology is qualified to take the test of the
 5 Board of Cosmetology. A determination shall be made by an evaluation of academic transcripts,
 6 apprenticeship records and work experience documentation. If documentation is not available, the
 7 commission may refer the person to a career school for evaluation and recommendation.

8 **SECTION 15.** ORS 345.440 is amended to read:

9 345.440. Safety and sanitation inspections performed in schools licensed under ORS 345.010 to
 10 345.450 to teach hair design, barbering, esthetics [or], nail technology **or advanced nonablative**
 11 **esthetics procedures** shall be conducted by the Health Licensing Office.

12 **SECTION 16.** ORS 345.450 is amended to read:

13 345.450. (1) In addition to the fees required by ORS 345.080, before issuing any license under
 14 ORS 345.010 to 345.450 to a school teaching hair design, barbering, esthetics [or], nail technology
 15 **or advanced nonablative esthetics procedures**, and annually thereafter, the Higher Education
 16 Coordinating Commission shall collect a nonrefundable annual inspection fee of \$100.

17 (2) The inspection fee collected under subsection (1) of this section shall be transferred to the
 18 Health Licensing Office for inspections performed by the office under ORS 345.440.

19 **SECTION 17.** The amendments to ORS 690.155 by section 6 of this 2021 Act apply to
 20 members of the Board of Cosmetology appointed to the board on and after the operative date
 21 specified in section 19 of this 2021 Act.

22 **SECTION 18.** ORS 676.630, 676.635, 676.640, 676.645, 676.650, 676.655 and 676.660 are re-
 23 pealed.

24 **SECTION 19.** (1) Sections 2 and 3 of this 2021 Act and the amendments to ORS 345.010,
 25 345.400, 345.430, 345.440, 345.450, 676.565, 676.590, 676.992, 690.005, 690.015, 690.155, 690.165 and
 26 690.167 by sections 4 to 16 of this 2021 Act and the repeal of ORS 676.630, 676.635, 676.640,
 27 676.645, 676.650, 676.655 and 676.660 by section 18 of this 2021 Act become operative on Janu-
 28 ary 1, 2022.

29 (2) The Board of Cosmetology, the Health Licensing Office and the Higher Education
 30 Coordinating Commission may take any action before the operative date specified in sub-
 31 section (1) of this section that is necessary to enable the board, the commission and the of-
 32 fice to exercise, on and after the operative date specified in subsection (1) of this section,
 33 all of the duties, functions and powers conferred on the board, the commission and the office
 34 by sections 2 and 3 of this 2021 Act and the amendments to ORS 345.010, 345.400, 345.430,
 35 345.440, 345.450, 676.565, 676.590, 676.992, 690.005, 690.015, 690.155, 690.165 and 690.167 by
 36 sections 4 to 16 of this 2021 Act and the repeal of ORS 676.630, 676.635, 676.640, 676.645,
 37 676.650, 676.655 and 676.660 by section 18 of this 2021 Act.

38 **SECTION 20.** This 2021 Act takes effect on the 91st day after the date on which the 2021
 39 regular session of the Eighty-first Legislative Assembly adjourns sine die.