

Senate Bill 74

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Higher Education Coordinating Commission)

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**.

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, 345.030, 676.562, 690.005,
3 690.015, 690.025, 690.046, 690.047, 690.165, 690.195, 690.205, 690.225 and 690.360; repealing ORS
4 345.400, 345.430, 345.440 and 345.450; and prescribing an effective date.

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

REGULATION OF COSMETOLOGY CURRICULA

6
7
8
9 **SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS 690.005**
10 **to 690.225.**

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

13 **SECTION 3. (1) A career school must obtain a certificate of compliance under this sec-**
14 **tion in order to conduct or do business under its license issued under ORS 345.030.**

15 **(2) In order to obtain a certificate of compliance under this section, a career school must:**

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

18 **(b) Comply with applicable health and safety laws and rules of the Oregon Health Au-**
19 **thority and any other state agencies.**

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

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

22 **(e) Meet any other requirements established by the Health Licensing Office by rule.**

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

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

25 690.005. As used in ORS 690.005 to 690.225:

26 **(1) "Authorization" means a certificate, license, permit or registration issued under ORS**
27 **690.005 to 690.225.**

28 **(2) "Barbering" means any of the following practices, when done upon the human body for cos-**

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 metic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

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

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

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

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

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

11 [(2)] **(4) “Certificate” means a:**

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

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

14 [(3)] **(5) “Cosmetology” means the art or science of beautifying and improving the skin, nails and**
15 **hair and the study of cosmetics and their application.**

16 [(4)] **(6) “Demonstration permit” means a written authorization for a person to practice, dem-**
17 **onstrate and teach one or more fields of practice on a temporary basis.**

18 [(5)] **(7) “Esthetics” means any of the following skin care or facial care practices performed on**
19 **the human body or face for the purpose of keeping the skin of the human body or face healthy and**
20 **attractive and not for medical diagnosis or treatment of disease or physical or mental ailments:**

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

23 (b) Temporary removal of hair.

24 (c) Makeup artistry.

25 (d) Eyelash services.

26 (e) Facial and body wrapping.

27 (f) Facial and body waxing.

28 [(6)] **(8)(a) “Facility” means an establishment operated on a regular or irregular basis for the**
29 **purpose of providing services in one or more fields of practice.**

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

31 [(7)] **(9) “Field of practice” means the following cosmetology disciplines:**

32 (a) Barbering.

33 (b) Esthetics.

34 (c) Hair design.

35 (d) Nail technology.

36 (e) Natural hair care.

37 [(8)] **(10) “Freelance license” means a written authorization that allows a practitioner to prac-**
38 **tice outside or away from a licensed facility.**

39 [(9)] **(11) “Hair design” means any of the following practices, when done upon the human body**
40 **for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental**
41 **ailments:**

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

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

45 (c) Massaging the scalp and neck when performed in conjunction with activities in paragraph

1 (a) or (b) of this subsection.

2 [(10)] (12) "Independent contractor" means a practitioner who qualifies as an independent con-
3 tractor under ORS 670.600 and who is not under the control and direction of a facility license
4 holder.

5 [(11)] (13) "License" means a written authorization issued under ORS 690.055 to a person to
6 operate a facility [*or freelance business*] for providing services related to one or more fields of
7 practice to the public.

8 [(12)] (14) "Nail technology" means any of the following manicuring or pedicuring practices
9 performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical
10 or mental ailments:

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

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

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

16 [(13)(a)] (15)(a) "Natural hair care" means:

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

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

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

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

25 (b) "Natural hair care" does not include the use of scissors, except as provided in paragraph
26 (a)(B) of this subsection, penetrating chemical hair treatments, chemical hair coloring agents,
27 chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical
28 hair bleaching agents.

29 [(14)] (16) "Practitioner" means a person certified to perform services included within a field of
30 practice.

31 [(15)] (17) "Registration" means a written authorization issued to an independent contractor to
32 hold forth to the public as a business entity providing services in a field of practice.

33 [(16)] (18) "School" means an educational establishment that [*has a license issued by the De-*
34 *partment of Education and is operated for the purpose of teaching one or more fields of practice. For*
35 *purposes of this subsection, "field of practice" does not include natural hair care.*] **offers a program**
36 **of study in one or more fields of practice other than natural hair care, including, but not**
37 **limited to, a career school, a community college or an educational establishment operated**
38 **by a school district.**

39 [(17)] (19) "Temporary facility permit" means a written authorization issued under ORS 690.055
40 to provide services on a temporary basis in one or more fields of practice.

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

42 690.015. (1) This section establishes prohibitions relating to the practice of hair design, barber-
43 ing, esthetics, nail technology and natural hair care. The prohibitions under this section are subject
44 to the exemptions under ORS 690.025. A person who commits an act prohibited under this section
45 is subject to the penalties under ORS 690.992 in addition to any administrative action taken by or

1 any civil penalty imposed by the Health Licensing Office under ORS 676.612.

2 (2) A person may not:

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

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

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

8 (d) Practice hair design, barbering, esthetics, nail technology or natural hair care as an inde-
9 pendent contractor without a registration.

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

13 (f) Knowingly make a false statement on an application to obtain or renew [*a certificate, regis-*
14 *tration, license or permit*] **an authorization.**

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

17 (h) Sell, barter or offer to sell or barter a document evidencing [*a certificate, registration, license*
18 *or permit*] **an authorization.**

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

21 (j) Materially alter with fraudulent intent a document evidencing [*a certificate, registration, li-*
22 *cence or permit*] **an authorization.**

23 (k) Use or attempt to use a fraudulently obtained, counterfeited or materially altered document
24 evidencing [*a certificate, registration, license or permit*] **an authorization.**

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

26 690.025. (1) ORS 690.005 to 690.225 do not apply to:

27 (a) Persons who perform service without compensation in case of emergency or in domestic ad-
28 ministration.

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

31 (c) Persons identified by the Health Licensing Office or Board of Cosmetology by rule who are
32 acting under the authority of a hospital or long term care facility licensed under ORS 441.025 or a
33 residential facility licensed under ORS 443.415.

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

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

37 (f) Commissioned medical and surgical officers and personnel of the United States Armed Ser-
38 vices while operating on a military base and personnel of correctional institutions while operating
39 on the premises of a correctional facility.

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

45 (h) Subject to subsection (3) of this section, persons applying temporary makeup or styling hair

1 by any method for the sole purpose of preparing an individual for a professional film or video per-
 2 formance or a theatrical performance.

3 (i) A student while engaged in training at the direction of and under the direct supervision of
 4 the faculty of a school [*licensed under ORS 345.010 to 345.450 to teach a field of practice. For pur-*
 5 *poses of this paragraph, "field of practice" does not include natural hair care*].

6 (2) The office may exempt from ORS 690.005 to 690.225 practitioners providing services at
 7 charitable or fund raising events. In establishing an exemption, the office shall consider and evalu-
 8 ate each written request on an individual basis.

9 (3) The office may develop and disseminate guidelines for persons described in subsection (1)(g)
 10 and (h) of this section for the purpose of ensuring sanitation and hygiene best practices. The office
 11 is not required to adopt rules to implement this subsection.

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

13 690.046. (1) To qualify for certification as a practitioner of hair design, barbering, esthetics, nail
 14 technology or natural hair care, an applicant shall:

15 (a) If the applicant is applying for certification to practice hair design, barbering, esthetics or
 16 nail technology, [*successfully complete all courses required by rule of the State Board of Education for*
 17 *graduation from a school teaching one or more fields of practice*] **submit satisfactory evidence from**
 18 **a school to the Health Licensing Office that demonstrates the applicant has successfully**
 19 **completed education, prescribed by the Board of Cosmetology by rule and approved by the**
 20 **office, in the field of practice for which certification is sought.**

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

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

24 (d) Meet any additional requirements the board [*of Cosmetology*] may impose by rule [*for*] **in the**
 25 **field of practice for which** certification [*in a particular field of practice*] **is sought.**

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

29 (a) **For an applicant who holds an active authorization issued in another state or terri-**
 30 **tory of the United States:**

31 (A) **The office determines that the applicant's education or training, including any edu-**
 32 **cation or training obtained in the military, is substantially equivalent to the certification**
 33 **requirements described in subsection (1) of this section and any rules adopted under sub-**
 34 **section (1) of this section; and**

35 (B) **The applicant's active authorization has not been subject to disciplinary action by the**
 36 **authorizing body.**

37 (b) **For an applicant who has received education or training outside of this state and does**
 38 **not hold an active authorization issued by another jurisdiction, the office determines the**
 39 **applicant is qualified to take the certification examination based on:**

40 (A) **An assessment of evidence submitted by the applicant, prescribed by the office by**
 41 **rule, regarding the applicant's out-of-state education or training in the field of practice for**
 42 **which certification is sought; or**

43 (B) **If the evidence described in this paragraph is unavailable or insufficient, an assess-**
 44 **ment of the applicant's skills based on a school's evaluation and recommendation.**

45 [(2)] (3) A person who is certified to practice hair design or barbering under this section is au-

1 thORIZED to practice natural hair care.

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

3 690.047. [(1) For purposes of this section, “field of practice” does not include natural hair care.]

4 [(2) The Board of Cosmetology may waive all or part of the educational requirement for an appli-
5 cant in a field of practice and allow the applicant to take the certification examination, provided
6 that:]

7 [(a) The applicant’s education or training, including relevant education or training obtained in the
8 military, is determined by the board to be substantially equivalent to Oregon certification
9 requirements;]

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

11 [(c) The applicant holds an active certification that was issued in another state or a territory of the
12 United States and has not been subject to disciplinary action by the other certifying body.]

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

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

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

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

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

20 690.165. In addition to the powers otherwise granted by ORS [345.430 and] 690.005 to 690.225,
21 the Board of Cosmetology shall have the power to:

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

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

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

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

30 (5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules es-
31 tablishing and enforcing standards for safety, infection control, professional conduct, **curriculum**
32 and any other matters relating to fields of practice, facilities or locations used by persons providing
33 services regulated by ORS 690.005 to 690.225.

34 (6) Pursuant to ORS 676.612 and 690.167, direct the office to suspend, revoke, limit or refuse to
35 issue or renew certificates, registrations, licenses or permits or impose a period of probationary
36 activity on the holder.

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

39 (8) Adopt rules prescribing standards of professional conduct for persons practicing hair design,
40 barbering, esthetics, nail technology or natural hair care.

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

44 (10) Pursuant to ORS 690.046, direct the office to approve a school’s curriculum.

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

1 690.195. (1) The Health Licensing Office shall keep a record of *[its]* **the office's** proceedings
 2 relating to the issuance, refusal, suspension and revocation of *[certificates, registrations, licenses and*
 3 *permits]* **authorizations** and to the imposition of probation. This record *[shall]* **must** also contain
 4 the name, place of business and the date of each *[certificate, registration, license and permit]* **au-**
 5 **thorization** issued by the office.

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

9 (3) The records of the office shall at all reasonable times be open to inspection by the public.

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

11 690.205. (1) The Board of Cosmetology may adopt rules for the administration of ORS *[345.440*
 12 *and]* 690.005 to 690.225 and for prescribing safety and infection control requirements for facilities
 13 **and career schools**. Infection control requirements for facilities **and career schools** shall be sub-
 14 ject to the approval of the Oregon Health Authority. *[A copy of the rules adopted by the board shall*
 15 *be furnished by the board to the owner or manager of each facility.]*

16 (2) Notwithstanding subsection (1) of this section, the board may not prohibit the use of the fa-
 17 cility for domestic purposes if the part devoted to domestic purposes is in a completely separate
 18 room not used by customers, with walls extending from floor to ceiling and with any connecting
 19 doors kept closed while the facility is in actual operation.

20 (3) Rules adopted by the board prescribing safety and infection control requirements for facili-
 21 ties **and career schools** shall be adopted in accordance with the procedures set forth in ORS
 22 chapter 183.

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

24 690.225. (1) In addition to any other duties prescribed by law, the Health Licensing Office shall
 25 provide for the inspection of facilities and **career** schools *[licensed to teach practitioner skills under*
 26 *ORS 345.010 to 345.450]* **teaching a field of practice**.

27 (2) Inspections conducted under this section shall determine whether the facilities **and career**
 28 **schools** comply with the health, safety, infection control and licensing rules of the Board of
 29 Cosmetology. *[and whether the schools comply with the health, safety and infection control require-*
 30 *ments under ORS 345.010 to 345.450 and rules of the office. A report of the results of the inspection*
 31 *shall be submitted to the Higher Education Coordinating Commission.]*

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

33 690.360. (1) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12
13 **CONFORMING AMENDMENTS**

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

16 345.010. As used in ORS 345.010 to 345.450 and 345.992 to 345.997:

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

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

22 [(3)] (2) “Career school” or “school” means any private proprietary professional, technical, home
23 study, correspondence, business or other school instruction, organization or person that offers any
24 instruction or training for the purpose or purported purpose of instructing, training or preparing
25 persons for any profession.

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

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

28 [(6)] (3) “License” means the authority the career school has been granted to operate under ORS
29 345.010 to 345.450.

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

31 [(8)] (4) “Registration” means the approval by the Higher Education Coordinating Commission
32 of a teacher or agent to instruct in or to represent the school.

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

34 345.030. (1) A person may not open, conduct or do business as a career school in this state
35 without obtaining a license under ORS 345.010 to 345.450.

36 (2) Except as provided in subsection (8) of this section, the Higher Education Coordinating
37 Commission may issue a license to conduct a career school only after the applicant has presented
38 proof satisfactory to the commission that the applicant complies with applicable standards adopted
39 under ORS 345.325 and 670.280. For the purpose of this subsection, ORS 670.280 applies to individ-
40 uals who hold positions of authority or control in the operation of the school and to its faculty
41 members and agents.

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

45 (4) In determining whether to issue a license to a career school, the commission may consider

1 the prior history of the applicant in operating other career schools. The prior history of operating
 2 other career schools includes, but is not limited to:

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

5 (b) Failure to comply with ORS 345.010 to 345.450 or rules adopted under ORS 345.010 to
 6 345.450; and

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

8 (5) The commission may not issue a license to or renew the license of a career school until the
 9 applicant provides all of the following to the commission:

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

11 (b) Proof of compliance with the tuition protection policy established by the commission pursu-
 12 ant to ORS 345.110; and

13 (c) Fingerprints of individuals as described in subsection (6) of this section.

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

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

22 (c) An applicant is not required to provide fingerprints under paragraph (a) or (b) of this sub-
 23 section if the commission has conducted a state or nationwide criminal records check on the person
 24 within the three years preceding the date of the application.

25 (d) The commission shall request a state or nationwide criminal records check under ORS
 26 181A.195. Fingerprints acquired under this subsection may be used only for the purpose of obtaining
 27 a criminal records check under this section.

28 (7) Notwithstanding ORS 345.325 (10), the commission may issue a notice for corrective action
 29 or deny, suspend or revoke a license if the commission finds that an individual who holds a position
 30 of authority or control in the operation of the school was convicted of a crime listed in ORS 342.143.

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

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

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

40 (A) The owner of the school dies, is incapacitated or is incarcerated; or

41 (B) Other circumstances render the owner unable to operate the career school.

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

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

SECTION 16. ORS 676.562 is amended to read:

676.562. As used in ORS 676.560 to 676.625:

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

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

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

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

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

(4) "Inactive authorization" means an authorization that has been not current for three years or less.

CONTINUITY OF CURRICULA

SECTION 17. A school that teaches a curriculum that was approved by the Higher Education Coordinating Commission before the operative date specified in section 21 of this 2021 Act may continue to teach the curriculum after the operative date specified in section 21 of this 2021 Act unless the Health Licensing Office determines that the curriculum must be approved by the office pursuant to rules adopted by the Board of Cosmetology under ORS 690.005 to 690.225.

CERTIFICATION REQUIREMENT

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

REPEALS

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

UNIT CAPTIONS

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

OPERATIVE AND EFFECTIVE DATES

SECTION 21. (1) Sections 2 and 3 of this 2021 Act, the amendments to ORS 345.010, 345.030, 676.562, 690.005, 690.015, 690.025, 690.046, 690.047, 690.165, 690.195, 690.205, 690.225 and 690.360 by sections 4 to 16 of this 2021 Act and the repeal of ORS 345.400, 345.430, 345.440 and

1 **345.450 by section 19 of this 2021 Act become operative on January 1, 2022.**

2 **(2) The Board of Cosmetology, the Higher Education Coordinating Commission and the**
3 **Health Licensing Office may take any action before the operative date specified in subsection**
4 **(1) of this section that is necessary to enable the board, the commission and the office to**
5 **exercise, on and after the operative date specified in subsection (1) of this section, all of the**
6 **duties, functions and powers conferred on the board, the commission and the office by**
7 **sections 2 and 3 of this 2021 Act, the amendments to ORS 345.010, 345.030, 676.562, 690.005,**
8 **690.015, 690.025, 690.046, 690.047, 690.165, 690.195, 690.205, 690.225 and 690.360 by sections 4 to**
9 **16 of this 2021 Act and the repeal of ORS 345.400, 345.430, 345.440 and 345.450 by section 19**
10 **of this 2021 Act.**

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

13