

Enrolled House Bill 2380

Sponsored by Representative LEVY B, Senator SMITH DB, Representative PHAM H; Representatives JAVADI, OSBORNE, SCHARF, WRIGHT, Senator NASH (Presession filed.)

CHAPTER

AN ACT

Relating to cosmetology provisional certificates; creating new provisions; amending ORS 690.005, 690.035 and 690.046; and declaring an emergency.

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

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 690.005 to 690.225.

SECTION 2. (1) The Board of Cosmetology shall adopt rules to allow an individual who holds a provisional certificate issued under this section to perform in a field of practice under the supervision of a practitioner who holds a certificate in the same field of practice and meets the requirements established under paragraph (c) of this subsection. The rules adopted under this subsection must establish:

(a) A process for the Health Licensing Office to issue a provisional certificate, including eligibility requirements specifying that the holder of a provisional certificate shall be actively working toward holding a certificate;

(b) A process to enable a practitioner to supervise the holder of a provisional certificate; and

(c) Requirements for a practitioner to supervise the holder of a provisional certificate that must include, but are not limited to, requirements that a practitioner:

(A) Shall have held, for at least five years, an active certificate in a field of practice in which the practitioner intends to offer supervision; and

(B) May not be subject to any current or pending disciplinary action.

(2)(a) An applicant for a provisional certificate shall pay a fee established under ORS 676.576.

(b) The office may issue a provisional certificate to perform in a field of practice only if no school that offers a program of study in the field of practice is located within 50 miles of the applicant's residential address.

(3) A provisional certificate issued under this section may be renewed pursuant to rules adopted by the board. The holder of a provisional certificate may perform only in the field of practice for which the provisional certificate is issued and may hold provisional certificates in more than one field of practice.

(4) The number of hours of supervised experience completed by the holder of a provisional certificate shall be credited in an equal number toward the total number of educational hours required for issuance of a certificate under ORS 690.046.

(5) A practitioner described in subsection (1) of this section may not be required to pay a fee in order to supervise the holder of a provisional certificate.

(6) The board may adopt other rules as necessary to carry out this section, including rules to establish the amount of time for which a provisional certificate issued under this section is valid.

SECTION 3. ORS 690.005 is amended to read:

690.005. As used in ORS 690.005 to 690.225:

(1) "Authorization" has the meaning given that term in ORS 676.562.

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

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

(b) Applying hair tonics, dressings and rinses.

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

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

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

(4) "Cosmetology" means the art or science of beautifying and improving the skin, nails and hair and the study of cosmetics and their application.

(5) "Demonstration permit" means a written authorization for a person to practice, demonstrate and teach one or more fields of practice on a temporary basis.

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

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

(b) Temporary removal of hair by using lotion, cream, an appliance, wax, thread, sugar, tweezers, dermaplaning, a depilatory or other means.

(c) Makeup artistry.

(d) Eyebrow and eyelash services.

(e) Facial and body treatments.

(7) "Facility" means an establishment operated on a regular or irregular basis for the purpose of providing services in one or more fields of practice.

(8) "Field of practice" means the following cosmetology disciplines:

(a) Barbering.

(b) Esthetics.

(c) Hair design.

(d) Nail technology.

(e) Natural hair care.

(9) "Freelance license" means a written authorization that allows a practitioner to practice outside or away from a licensed facility.

(10) "Hair design" means any of the following practices, when done upon the human body for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

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

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

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

(11) "Independent contractor" means a practitioner who qualifies as an independent contractor under ORS 670.600 and who is not under the control and direction of a facility license holder.

(12) "License" means a written authorization issued under ORS 690.055 to a person to operate a facility or freelance business for providing services related to one or more fields of practice to the public.

(13)(a) "Mechanical or electrical apparatus, appliance or device" includes, but is not limited to, galvanic current, high-frequency microcurrents, light-emitting diode therapy and microdermabrasion that does not penetrate beyond the epidermis except through natural physiological effects.

(b) "Mechanical or electrical apparatus, appliance or device" does not include lasers or intense pulsed light or a device, as that term is defined by the Board of Cosmetology by rule, in collaboration with the Board of Certified Advanced Estheticians.

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

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

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

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

(15)(a) "Natural hair care" means:

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

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

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

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

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

(16) "Practitioner" means a person certified to perform services included within a field of practice.

(17) "Provisional certificate" means a written authorization issued under section 2 of this 2025 Act for the holder to perform in one field of practice under the supervision of a practitioner who holds a certificate in the same field of practice.

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

[(18)] (19) "School" means an educational establishment that offers a program of study in one or more fields of practice other than natural hair care, including, but not limited to, a career school licensed under ORS 345.010 to 345.340 including a proficiency-based career school, a community college or an educational establishment operated by a school district.

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

SECTION 4. ORS 690.035 is amended to read:

690.035. [A person desiring] **In order** to obtain a certificate, **provisional certificate** or demonstration permit, **a person** shall apply in writing to the Health Licensing Office on a form approved by the office. [Each] **The** application [shall] **must** contain:

(1) An affirmation by the applicant that the information contained therein is accurate[. *The application must also include*]; **and**

(2) Evidence establishing to the satisfaction of the office that the applicant possesses the necessary qualifications.

SECTION 5. ORS 690.046 is amended to read:

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

(a) If the applicant is applying for certification to practice hair design, barbering, esthetics or nail technology:

(A) Complete the curriculum requirements in the field of practice for which certification is sought that are adopted by the Board of Cosmetology by rule and approved by the Health Licensing Office; and

(B) Submit satisfactory evidence from a school **or, if the applicant holds a provisional certificate issued under section 2 of this 2025 Act, from the applicant's supervisor**, to the office that demonstrates the applicant has successfully met the requirements described in subparagraph (A) of this paragraph.

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

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

(d) Meet any additional requirements the board may impose by rule in the field of practice for which certification is sought.

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

(a) For an applicant who holds an active authorization issued in another state or territory of the United States or another country:

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

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

(b)(A) For an applicant who has received education or training outside of this state and does not hold an active authorization issued by another jurisdiction, the school that provided to the applicant a skills assessment and practical evaluation:

(i) Submits to the office evidence that the applicant passed the skills assessment and practical evaluation; and

(ii) Attests, on a form prescribed by the office, to having verified the applicant's prior training or education.

(B) An applicant described in this paragraph shall obtain a skills evaluation and practical assessment from a school.

(3) A person who is certified to practice hair design or barbering under this section is authorized to practice natural hair care.

SECTION 6. (1) Section 2 of this 2025 Act and the amendments to ORS 690.005, 690.035 and 690.046 by sections 3 to 5 of this 2025 Act become operative on January 1, 2027.

(2) The Board of Cosmetology and the Health Licensing Office may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board and the office to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board and the office by section 2 of this 2025 Act and the amendments to ORS 690.005, 690.035 and 690.046 by sections 3 to 5 of this 2025 Act.

SECTION 7. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

Passed by House April 22, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate May 14, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State