

Chapter 690

1999 EDITION

Cosmetic Professionals

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BARBERING; HAIR DESIGN; FACIAL TECHNOLOGY;
NAIL TECHNOLOGY

(Generally)

690.005 Definitions for ORS 690.005 to 690.235. As used in ORS 690.005 to 690.235:

(1) “Barbering” means any of the following practices, when done upon the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Shampooing, arranging, styling, curling, cutting, temporarily waving, singeing, cleansing 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, but such appliances shall not be galvanic or faradic.

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

(2) “Board” means the Board of Cosmetology.

(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. “Cosmetology” includes 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) “Facial technology” means the use of the hands, mechanical or electrical apparatus or appliances, cosmetic preparations, antiseptics, tonics, lotions or creams in massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work performed on the human face and neck above the seventh vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments.

(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:

(a) Barbering.

(b) Facial technology.

(c) Hair design.

(d) Nail technology.

(9) “Hair design” means, when done upon the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments any one or more of the following practices:

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

(b) Arranging, styling, dressing, curling, temporary waving, permanent waving, relaxing, cutting, singeing, bleaching, coloring, dyeing, cleansing, shampooing, conditioning, applying hair tonics 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.

(10) “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.

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

(12) “Nail technology” means manicuring or pedicuring performed for cosmetic purposes and not for treatment of disease or physical or mental ailments. “Manicuring or pedicuring” includes:

(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 or feet; and

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

(13) “Practitioner” means a person certified to perform services included within a field of practice.

(14) “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.

(15) “School” means an educational establishment that has a license issued by the Department of Education and is

operated for the purpose of teaching one or more fields of practice.

(16) "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. [1977 c.886 s.1; 1983 c.151 s.1; 1987 c.31 s.2; 1989 c.171 s.81; 1993 c.45 s.296; 1993 c.267 s.1; 1995 c.343 s.61; 1999 c.425 s.1]

690.010 [Amended by 1969 c.687 s.1; 1977 c.270 s.1; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.015 Prohibited acts. This section establishes prohibitions relating to the practice of hair design, barbering, facial technology and nail technology. The prohibitions under this section are subject to the exemptions under ORS 690.025. A person who violates a prohibition under this section is subject to the penalties under ORS 690.992 in addition to any administrative action taken by the Board of Cosmetology under ORS 690.075 or any civil penalty under ORS 690.995. A person violates a prohibition under this section if the person does any of the following:

(1) Performs or attempts to perform as a practitioner without a certificate, demonstration permit or certificate of identification.

(2) Operates a facility without a license or temporary facility permit.

(3) Operates a facility unless it is at all times under the direct supervision of a practitioner.

(4) Practices hair design, barbering, facial technology or nail technology as an independent contractor without a registration.

(5) Displays a sign or in any way advertises or purports to offer services in a field of practice without first obtaining a permit, certificate, independent contractor registration or facility license.

(6) Knowingly makes a false statement on an application to obtain or renew a certificate, registration, license or permit or to obtain a certificate of identification.

(7) Allows an individual in the employ or under the supervision or control of the person to perform in a field of practice without a certificate or permit.

(8) Sells, barter or offers to sell or barter a document evidencing a certificate, registration, license, permit or certificate of identification.

(9) Purchases or procures by barter a document evidencing a certificate with intent to use it as evidence of the person's qualification as a practitioner.

(10) Materially alters with fraudulent intent a document evidencing a certificate, registration, license, permit or certificate of identification.

(11) Uses or attempts to use as valid a fraudulently obtained, counterfeited or materially altered document evidencing a certificate, registration, license, permit or certificate of identification. [1977 c.886 s.3; 1981 c.141 s.1; 1983 c.151 s.2; 1987 c.31 s.3; 1993 c.267 s.2; 1995 c.343 s.62; 1999 c.425 s.2]

690.020 [Amended by 1961 c.300 s.3; 1969 c.687 s.2; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.025 Exemptions. This chapter does not apply to:

(1) Persons who perform service without compensation in case of emergency or in domestic administration.

(2) A health care professional acting within scope of the professional license or permit or a person subject to regulation by a health care professional licensing board.

(3) A person engaged in rendering emergency medical assistance as defined in ORS 30.800.

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

(5) Commissioned medical and surgical officers and personnel of the United States Armed Forces while operating on a military base and personnel of correctional institutions while operating on the premises of a correctional facility.

(6) Persons applying temporary makeup, combing hair or applying hair spray, without compensation specifically for the application or combing, for the sole purpose of preparing any individual for a professional photograph or theatrical performance.

(7) 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. [1977 c.886 s.2; 1983 c.151 s.3; 1987 c.31 s.4; 1993 c.45 s.297; 1993 c.267 s.3; 1995 c.343 s.63; 1999 c.425 s.3]

690.030 [Repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

(Certificates, Licenses, Permits and Registrations)

690.035 Application for certificate or permit. A person desiring to obtain a certificate or demonstration permit shall apply in writing to the Board of Cosmetology on a form approved by the board. Each application shall contain an affirmation by the applicant that the information contained therein is accurate. The application must also include evidence establishing to the satisfaction of the board that the applicant possesses the necessary qualifications. [1977 c.886 s.4; 1999 c.425 s.4]

690.040 [Repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.045 [1977 c.886 s.5; 1979 c.855 s.3; 1983 c.151 s.4; 1987 c.31 s.5; 1993 c.45 s.298; 1993 c.267 s.4; 1995 c.343 s.64; repealed by 1999 c.425 s.5 (690.046 enacted in lieu of 690.045)]

690.046 Practitioner certification requirements. To qualify for certification as a practitioner of hair design, barbering, facial technology or nail technology, an applicant shall:

(1) Successfully complete all courses required by rule of the State Board of Education for graduation from a school teaching one or more fields of practice.

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

(3) Pay all appropriate fees.

(4) Meet any additional requirements the Board of Cosmetology may impose by rule for certification in a particular field of practice. [1999 c.425 s.6 (enacted in lieu of 690.045)]

690.047 Waiver of educational requirement. The Board of Cosmetology may choose to waive all or part of the educational requirement for an applicant in a field of practice and allow the applicant to take the certification examination, provided that the applicant is otherwise qualified to take the examination and:

(1) The Superintendent of Public Instruction determines that the applicant's education or training is substantially equivalent to the education or training of graduates of schools subject to the rules of the State Board of Education; or

(2) The applicant is certified in another state. [1999 c.425 s.8]

690.048 Certificate prima facie evidence of right to practice. (1) The Board of Cosmetology shall issue a certificate to each applicant who qualifies under ORS 690.046. The certificate is prima facie evidence of the right of the holder to practice in the field of practice for which the holder has qualified and to purport to be a practitioner.

(2) A certificate shall state the fields of practice the practitioner may perform. [1983 c.151 s.6; 1993 c.267 s.5; 1995 c.343 s.65; 1999 c.425 s.9]

690.050 [Amended by 1959 c.630 s.1; 1961 c.436 s.1; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.055 Facility license and temporary facility permit requirements. (1) To be issued a license to operate a facility, each applicant shall:

(a) Be 18 years of age or older.

(b) Comply with the rules of the Board of Cosmetology concerning health, safety and sanitation.

(c) Comply with the applicable health and safety laws and rules of the Health Division and any other state agencies.

(d) Pay the application fee determined by the board.

(2) A license shall confer the right to a facility owner to operate the facility and to advertise the services for which the facility is licensed.

(3) A facility must at all times be under the direct supervision of a practitioner.

(4) To be issued a temporary facility permit, each applicant must:

(a) Operate the facility on a temporary basis for a period not to exceed 30 consecutive calendar days and in accordance with rules of the board.

(b) Be 18 years of age or older.

(c) Be under the direct supervision of a practitioner at all times the facility is open for business.

(d) Apply on forms prescribed by the board prior to opening for business.

- (e) Comply with the rules of the board concerning health, safety and sanitation.
- (f) Comply with the applicable health and safety laws and rules of the Health Division and any other state agencies.
- (g) Pay the appropriate application and permit fees as determined by the board. [1977 c.886 s.6; 1981 c.141 s.2; 1983 c.151 s.7; 1993 c.267 s.6; 1999 c.425 s.10]

690.057 Independent contractor registration requirements. (1) To be issued a registration to operate as an independent contractor, each applicant shall:

- (a) Be 18 years of age or older.
 - (b) Comply with the rules of the Board of Cosmetology concerning health, safety and sanitation.
 - (c) Comply with the applicable health and safety laws and rules of the Health Division and any other state agencies.
 - (d) Pay the application fee determined by the board.
- (2) A registration shall confer the right to an independent contractor to advertise and directly offer practitioner services to the public in a licensed facility or a facility operating under a temporary facility permit. [1999 c.425 s.11]

690.060 [Amended by 1959 c.630 s.2; 1961 c.436 s.2; 1969 c.687 s.3; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.065 Examinations. (1) Examinations shall be given at such times and places as the Board of Cosmetology may determine, but in no instance less often than once every month.

- (2) The board shall give each qualified applicant notice of the time and place of the examination.
- (3) The board shall determine the subjects, scope and form of and the passing score for examinations and qualifications for retaking failed examinations. [1977 c.886 s.7; 1993 c.267 s.7; 1999 c.425 s.12]

690.070 [Repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.075 Grounds for refusal, suspension or revocation of certificate, registration, license or permit; probation. The Board of Cosmetology may revoke, suspend, refuse to issue or refuse to renew a certificate, registration, license or permit, or place on probation any holder thereof, upon proof that the holder:

- (1) Has continually performed hair design, barbering, facial technology or nail technology while knowingly having an infectious or communicable disease.
 - (2) Has violated ORS 646.608 in the conduct of a hair design, barbering, facial technology or nail technology business.
 - (3) Has violated ORS 690.015 or 690.095 or any rule adopted under ORS 690.165 or 690.205.
 - (4) Has performed a field of practice while under the influence of alcohol, controlled substances or other skill-impairing substances or has engaged in the illegal use of controlled substances or other skill-impairing substances so as to create a risk or harm to customers.
 - (5) Has demonstrated negligence, incompetency or misconduct in a field of practice.
 - (6) Has engaged in fraudulent or deceitful activities in performing in a field of practice.
 - (7) Has been convicted in any jurisdiction of a crime that bears a demonstrable relationship to the field of practice.
- A plea of no contest shall be considered a conviction for purposes under this subsection. [1977 c.886 s.8; 1983 c.151 s.8; 1987 c.31 s.6; 1993 c.267 s.8; 1995 c.343 s.66; 1999 c.425 s.13]

690.080 [Repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.085 Renewal of certificates, registrations and licenses. (1) All practitioner certificates shall expire on the last day of the month, two years from the date of issuance, unless renewed prior to the expiration date by payment of the required renewal fee and compliance with other requirements as established by the Board of Cosmetology.

(2) All registrations and licenses shall expire on the last day of the month, one year from the date of issuance, unless renewed prior to the expiration date by payment of the required renewal fee and compliance with other requirements as established by the board.

(3) The board may vary the date of certificate, registration and license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

(4) A certificate, registration or license not renewed before it expires may be renewed by payment of the required renewal and late fees and by compliance with other requirements for renewal as determined by the board.

(5) A certificate that has not been renewed for a period of two years after date of expiration may be renewed and restored if the applicant:

- (a) Submits an application for certification;
- (b) Satisfactorily passes the examination required by ORS 690.065; and
- (c) Submits payment of the application, examination and certificate fees at the time of reapplication. [1977 c.886 s.9; 1983 c.151 s.9; 1987 c.31 s.7; 1993 c.267 s.9; 1999 c.425 s.14]

690.087 [1979 c.855 s.2; 1981 c.897 s.100; renumbered 345.470]

690.090 [Repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.095 Display of certificate, registration, license, permit or certificate of identification. Every holder of a certificate, registration, license, permit or certificate of identification shall display the document in public view where services are being rendered. [1977 c.886 s.10; 1979 c.663 s.1; 1993 c.267 s.10; 1999 c.425 s.15]

690.100 [Amended by 1961 c.300 s.4; 1969 c.687 s.4; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.105 Demonstration permit requirements. (1) A person not certified under ORS 690.048 who wishes to practice, demonstrate and teach a field of practice, or perform a field of practice, temporarily and primarily for educational purposes and who is otherwise qualified as determined by the Board of Cosmetology shall first obtain a demonstration permit from the board.

(2) The permit shall specify:

- (a) The purpose for which it is granted.
- (b) The period during which the person is permitted to practice, demonstrate and teach, which period shall not exceed 30 days.

(c) The time and place of exercising the privilege granted by the permit.

(3) A person may be granted a permit if the person:

- (a) Makes application to the board for the permit.
- (b) Is currently licensed or certified to practice or teach a field of practice in another state and presents satisfactory evidence of that fact to the board, or is otherwise qualified as determined by the board.

(c) Describes the purpose for which the permit is sought.

(d) Pays the required application and permit fees. [1977 c.886 s.11; 1983 c.151 s.11; 1987 c.31 s.8; 1993 c.267 s.11; 1995 c.343 s.67; 1999 c.425 s.16]

690.110 [Repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.115 [1977 c.886 s.12; repealed by 1981 c.141 s.4]

690.120 [Amended by 1961 c.300 s.5; 1973 c.832 s.38; 1977 c.873 s.8; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.123 Certificate of identification. (1) The Board of Cosmetology may issue a practitioner a certificate of identification to practice outside of or away from a licensed facility.

(2) The board shall determine requirements and fees for issuance of a certificate of identification.

(3) Practitioners performing services outside of a licensed facility under the provisions of a certificate of identification shall comply with the safety and sanitation requirements under ORS 690.165 and 690.205 and rules adopted thereunder. [1977 c.886 s.13; 1983 c.151 s.12; 1993 c.267 s.12; 1999 c.425 s.29]

690.125 [1961 c.300 s.2; 1969 c.687 s.6; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.130 [Amended by 1959 c.630 s.3; 1961 c.300 s.6; 1961 c.436 s.3; 1969 c.687 s.7; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.140 [Amended by 1965 c.274 s.1; 1973 c.832 s.39; 1977 c.873 s.9; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.150 [Amended by 1961 c.300 s.7; 1965 c.274 s.2; 1969 c.687 s.11; 1971 c.86 s.1; 1973 c.832 s.40; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

(Board of Cosmetology)

690.155 Board of Cosmetology; qualifications; appointment. (1) There is created within the Health Licensing Office the Board of Cosmetology consisting of seven members appointed by the Governor. Each member of the board shall serve for a term of three years and until a successor is appointed and qualified. At all times the membership of the board shall be so constituted that:

(a) Six members of the board shall be practitioners with valid certificates.

(b) One member shall be a public member who is not a practitioner.

(2) A person is not eligible for appointment as a member of the board if the person has previously served two terms.

(3) A member of the board serves at the pleasure of the Governor. Vacancies shall be filled by the Governor, by appointment for the unexpired term.

(4) The Director of the Health Licensing Office, or a designated representative, shall serve as an ex officio member of the board but without the right to vote. [1977 c.886 s.14; 1983 c.151 s.13; 1987 c.414 s.84; 1999 c.425 s.17; 1999 c.885 s.20]

690.160 [1969 c.687 s.9; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.165 Powers of board. In addition to the powers otherwise granted by ORS 345.430 and 690.005 to 690.235, the Board of Cosmetology shall have the power to:

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

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

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

(4) Issue certificates, registrations, licenses, permits and certificates of identification to individuals determined by the board to be qualified.

(5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules establishing and enforcing standards for safety, sanitation, professional conduct and any other matters relating to fields of practice, facilities or locations used by persons providing services regulated by ORS 690.005 to 690.235.

(6) Suspend, revoke, limit or refuse to issue or renew certificates, registrations, licenses or permits or impose a period of probationary activity on the holder thereof.

(7) Do any act necessary or proper to effect and carry out the duties required of the board by ORS 690.005 to 690.235.

(8) Adopt rules prescribing standards of professional conduct for persons practicing hair design, barbering, facial technology or nail technology. [1977 c.886 s.21; 1983 c.151 s.14; 1987 c.31 s.9; 1993 c.267 s.13; 1995 c.343 s.68; 1999 c.425 s.18]

690.170 [1969 c.687 s.10; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.175 Chairperson; rules; meetings; quorum; compensation and expenses. (1) The Board of Cosmetology shall elect a chairperson. The board shall prescribe rules to govern the proceedings of the board. The board shall hold meetings at such times and places as it determines, but shall meet at least once each year. A majority of the voting members of the board shall constitute a quorum.

(2) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1977 c.886 ss.16,17; 1999 c.425 s.19]

690.185 Administrator; appointment and compensation; services and employees. (1) The Director of the Health Licensing Office shall fix the qualifications of and appoint an administrator for the Board of Cosmetology who shall not be a member of the board. Subject to the applicable provisions of the State Personnel Relations Law, the director shall fix the compensation of the administrator, who shall be in the unclassified service.

(2) The Director of the Health Licensing Office shall provide the board with such services and employees as the board requires to carry out its duties. [1977 c.886 s.18; 1983 c.151 s.15; 1987 c.414 s.85; 1999 c.425 s.30]

690.195 Records of board. (1) The Board of Cosmetology shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates, registrations, licenses and permits and to the imposition of probation. This record shall also contain the name, place of business and the date of each certificate, registration, license and permit issued by the board.

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

(3) The records of the board shall at all reasonable times be open to inspection by the public. [1977 c.886 s.19; 1987 c.31 s.10; 1993 c.267 s.14; 1999 c.425 s.20]

690.200 [Repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.205 Rules; approval of Health Division; when domestic use of facility permitted. (1) The Board of Cosmetology has authority to make reasonable rules for the administration of the provisions of ORS 345.430 and 690.005 to 690.235 and prescribe safety and sanitation requirements for facilities. Sanitation requirements for facilities shall be subject to the approval of the Health Division. A copy of the rules adopted by the board shall be furnished by the board to the owner or manager of each facility.

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

(3) Any rules adopted by the board shall be adopted in accordance with the procedures set forth in ORS 183.310 to 183.550. [1977 c.886 ss.20,22(2); 1983 c.151 s.16; 1993 c.267 s.15; 1999 c.425 s.21]

690.210 [Repealed by 1977 c.270 s.3; 1977 c.842 s.26 and 1977 c.886 s.42]

690.215 When hearing required. When the Board of Cosmetology proposes to revoke or suspend, refuse to issue or renew or place on probation a certificate, permit, license or registration, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550. [1977 c.886 s.22(1); 1999 c.425 s.22]

690.220 [Amended by 1969 c.687 s.12; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.225 Inspections. (1) In addition to any other duties prescribed by law, the Health Licensing Office shall provide for the inspection of facilities and schools licensed to teach practitioner skills under ORS 345.010 to 345.450.

(2) Inspections conducted under this section shall determine whether the facilities comply with the health, safety, sanitation and licensing rules of the Board of Cosmetology and whether the schools comply with the health, safety and sanitation requirements under ORS 345.010 to 345.450 and rules of the Health Licensing Office. A report of the results of the inspection shall be submitted to the Department of Education. [1977 c.886 s.26; 1983 c.151 s.17; 1987 c.31 s.11; 1987 c.414 s.86; 1989 c.491 s.68; 1993 c.45 s.299; 1993 c.267 s.16; 1995 c.343 s.69; 1999 c.425 s.23; 1999 c.885 s.21a]

690.227 Investigations; hearings. (1) Upon its own motion or upon any complaint, the Board of Cosmetology may initiate and conduct investigations of and hearings on all matters relating to violations of ORS 690.005 to 690.235 and rules adopted thereunder.

(2) In the conduct of investigations or upon the hearing of any matter of which the board has jurisdiction, the board shall take evidence, administer oaths and take the deposition of witnesses, including the person charged, in the manner provided by law in civil cases. The board may also compel the appearance of witnesses in person, the same as in civil cases, by subpoena issued over the signature of the board administrator, require answers to interrogatories and compel the production of papers, accounts, documents and testimony pertaining to the matter under investigation or to the

hearing.

(3) In all investigations and hearings, the board and any person affected thereby may have the benefit of counsel, and all hearings shall be held in compliance with ORS 183.310 to 183.550. [1999 c.425 s.24]

690.228 Enjoining violations. If the Board of Cosmetology determines that a person has or is about to engage in an activity that is or will be in violation of any provision of ORS 690.005 to 690.235, the board, without bond, may institute a proceeding in an appropriate circuit court to restrain the activity or proposed activity. A court may issue an injunction under this section without proof of actual damages. The board may employ special counsel for a proceeding under this section. An injunction issued under this section does not relieve a person from any prosecution or board action taken for violation of ORS 690.005 to 690.235. [1983 c.151 s.16b; 1999 c.425 s.31]

690.230 [Amended by 1961 c.436 s.4; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.235 Fees. The Board of Cosmetology shall establish and collect fees approved by the Health Licensing Office as necessary for the administration of ORS 690.005 to 690.235. No fee shall exceed the following:

- (1) Application for a certificate, license or permit, \$15.
- (2) Issuance of an original two-year practitioner certificate, \$60.
- (3) Renewal of a two-year practitioner certificate, \$60.
- (4) Each initial examination section in an individual field of practice and reexamination of failed sections, \$15.
- (5) Issuance of a demonstration permit, \$15.
- (6) Issuance of a facility license, \$100.
- (7) Renewal of a facility license, \$100.
- (8) Issuance of a temporary facility permit, \$50.
- (9) Issuance of an independent contractor registration, \$50.
- (10) Renewal of an independent contractor registration, \$50.
- (11) Issuance of a duplicate or replacement certificate, license or permit, \$5.
- (12) Late renewal fee, \$5.
- (13) Reciprocity fee, \$50.

(14) Issuance of a certificate of identification, \$50. [1977 c.886 s.23; 1981 c.141 s.3; 1983 c.151 s.18; 1987 c.414 s.87; 1989 c.675 s.1; 1993 c.267 s.17; 1999 c.425 s.25; 1999 c.885 s.22]

690.240 [Amended by 1969 c.377 s.2; repealed by 1971 c.734 s.21]

690.243 [1977 c.886 s.24; repealed by 1979 c.31 s.1]

690.245 [1971 c.734 s.146; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.250 [Amended by 1969 c.377 s.3; repealed by 1971 c.734 s.21]

690.260 [Repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.270 [Repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.275 [1977 c.886 s.38a; 1979 c.855 s.1; 1983 c.151 s.20; renumbered 345.460]

690.280 [Amended by 1965 c.373 s.1; 1971 c.753 s.31; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.290 [Amended by 1969 c.377 s.1; 1973 c.832 s.40a; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.300 [Amended by 1965 c.274 s.3; 1969 c.314 s.91; 1969 c.377 s.4; 1973 c.832 s.40b; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.310 [Amended by 1969 c.377 s.5; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.320 [Amended by 1973 c.832 s.41; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.330 [Amended by 1961 c.436 s.5; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.340 [Amended by 1967 c.637 s.34; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

ELECTROLOGISTS; PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS

(Generally)

690.350 Definitions for ORS 690.350 to 690.430. As used in ORS 690.350 to 690.430, unless the context requires otherwise:

(1) “Agency” means the Health Licensing Office.

(2) “Council” means the Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists.

(3) “Electrologist” means a person who practices electrolysis pursuant to the provisions of ORS 690.350 to 690.430.

(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 690.430 and refers to modalities of galvanic electrolysis, thermolysis and combinations thereof.

(5) “Instructor” means a person who teaches in a school of electrolysis pursuant to the provisions of ORS 690.350 to 690.430.

(6) “Licensed electrologist” means a person licensed under the provisions of ORS 690.350 to 690.430 to practice electrolysis.

(7) “Licensed permanent color technician and tattoo artist” means a person licensed under the provisions of ORS 690.350 to 690.430 to practice tattooing.

(8) “Permanent color technician and tattoo artist” means a person who practices tattooing pursuant to the provisions of ORS 690.350 to 690.430.

(9) “Physician” means a person licensed to practice the healing arts by this state pursuant to ORS chapter 677, 684 or 685.

(10) “Schools of electrolysis” means those teaching establishments approved by the Department of Education where electrolysis and related subjects are taught.

(11) “Tattoo” means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.

(12) “Tattooing” means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic, medical or figurative purposes.

(13) “Tattoo facility” means any room or space or any part thereof where tattooing is practiced or where the business of tattooing is conducted. [1987 c.698 s.1; 1993 c.30 s.1; 1993 c.45 s.300; 1999 c.885 s.37]

690.355 License required to perform electrolysis or tattooing; exceptions. No person, including an electrologist or a permanent color technician and tattoo artist, shall perform electrolysis or tattooing, display a sign or in any other way advertise or purport to be an electrologist or permanent color technician and tattoo artist unless that person holds a valid license issued by the Health Licensing Office. However, ORS 690.350 to 690.430 do not prevent or affect the use of electrolysis or tattooing by a physician, a person under the control and supervision of a physician or any other person specifically permitted to use electrolysis or tattooing by law. [1987 c.698 s.2; 1989 c.171 s.82; 1993 c.30 s.2; 1999 c.885 s.38]

690.360 Prohibited acts. No person shall:

(1) Sell, barter or offer to sell or barter a license;

(2) Purchase or procure by barter a license with intent to use it as evidence of the person's qualification to practice electrolysis or tattooing;

(3) Alter materially a license with fraudulent intent;

(4) Use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered; or

(5) Willfully make a false, material statement in an application for licensure or for renewal of a license. [1987 c.698 s.13; 1993 c.30 s.3]

(Licensing)

690.365 License fee; general qualifications. An applicant for licensure shall pay a fee established by the Health Licensing Office under ORS 690.350 to 690.430 and shall show to the satisfaction of the office that the applicant:

(1) Has complied with the provisions of ORS 690.350 to 690.430 and the applicable rules of the office;

(2) Is not less than 18 years of age;

(3) Has a high school diploma or equivalent education;

(4) Has submitted evidence of completion of education or training prescribed and approved by the office under ORS 690.410 as follows:

(a) A course of study in a school of electrolysis meeting the requirements under ORS 690.410, or has completed in another state a course of study that has been determined by the office to be equivalent to that required by ORS 690.350 to 690.430 if the application is for an electrologist license; or

(b) A training program under the direct supervision of a licensed permanent color technician and tattoo artist if the application is for a permanent color technician and tattoo artist license; and

(5) Has passed an examination approved, administered or recognized by the office. [1987 c.698 s.3; 1993 c.30 s.4]

690.370 Examinations. (1) An applicant for licensure who is notified by the Health Licensing Office that the applicant has fulfilled the requirements of ORS 690.365 (1) to (4) shall appear at a time, place and before such persons as the office may designate, for an examination.

(2) The office shall offer an examination at least twice a year. The applicant who fails any part of the examination may apply to retake the failed section or sections twice without being required to obtain additional training. [1987 c.698 s.4]

690.380 Display of license required; notice to Health Licensing Office of place of business; notice to licensees; license to operate tattoo facility. (1) A person who holds a license 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 electrolysis or tattooing 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.

(4) The office shall issue to each qualified applicant a license to operate a tattoo facility as defined in ORS 690.350 (13) and to advertise permanent makeup or tattooing services for which the facility is licensed. [1987 c.698 s.8; 1993 c.30 s.5]

690.385 License renewal; fees; effect of failure to renew; continuing education requirement. (1) Except as otherwise provided in this section, a license issued under ORS 690.415 expires one year after the date of issue unless renewed by payment of the required renewal fee. The Health Licensing Office, however, may vary the date of license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee. If payment is transmitted by postal service, the envelope must be postmarked on or before the expiration of the license. If the license expires, the license may be renewed on payment of a renewal fee and late penalty fee established by the office under ORS 690.350 to 690.430.

(2) The office may suspend the license of any person who fails to renew. A suspended license may be reactivated upon the payment of a reactivation fee established by the office under ORS 690.350 to 690.430 and all past unpaid renewal fees.

(3) A person applying for reactivation shall not be required to take an examination as a condition of reactivation if the reactivation occurs within three years after the date of the license expired.

(4) All electrologists and permanent color technicians and tattoo artists must participate in continuing education, with guidelines and effective date to be established by rule of the office. [1987 c.698 s.9; 1993 c.30 s.6]

690.390 Required standards for licensees. Licensed practicing electrologists and permanent color technicians and tattoo artists shall meet the following standards and any others the Health Licensing Office may adopt by rule:

- (1) Electrolysis and tattooing instruments shall be sterilized in accordance with methods approved by the rules of the Health Licensing Office;
- (2) Practicing electrologists and permanent color technicians and tattoo artists shall be equipped with appropriate sterilizing equipment, with availability of hot and cold running water and a covered waste receptacle; and
- (3) Case history cards shall be kept for each client. [1987 c.698 s.11; 1993 c.30 s.7]

(Discipline)

690.395 Grounds for refusal, suspension, revocation or nonrenewal of license; probation. The Health Licensing Office may revoke, suspend, refuse to issue a license or renewal or place on probation any licensee upon proof that a person or licensee:

- (1) Has been convicted of a violation under ORS 690.360;
- (2) Has been convicted in this or any other state of a crime related to the practice of electrolysis or tattooing;
- (3) Has knowingly misrepresented, misstated or failed to disclose personal qualifications or other information necessary to practice electrolysis or tattooing in any communication to the office;
- (4) Has used, caused or promoted the use of any advertising matter, promotional literature, warranty, label, insignia or any other representation, however disseminated or published, that is false, misleading or deceptive;
- (5) Has knowingly deceived the public by acting in a manner as to mislead clients as to the person's professional status;
- (6) Has employed directly or indirectly any suspended or unlicensed person to perform any electrolysis or tattooing covered by ORS 690.350 to 690.430;
- (7) Has permitted another person to use the license;
- (8) Has practiced electrolysis or tattooing under a false, misleading or deceptive name;
- (9) Has failed, if a licensed electrologist or permanent color technician and tattoo artist, to maintain a business address and telephone number at which the licensee may be reached during business hours;
- (10) Has failed, if a nonpracticing electrologist or permanent color technician and tattoo artist, to provide the office with a home address and telephone number;
- (11) Has failed to properly and reasonably accept responsibility for the actions of employees;
- (12) Has practiced electrolysis or tattooing with a mental or physical illness that affects ability to perform or endangers the public;
- (13) Has demonstrated gross incompetence in performing electrolysis or tattooing; or
- (14) Has violated any of the provisions of ORS 690.350 to 690.430 or rules adopted pursuant to ORS 690.350 to 690.430. [1987 c.698 s.10; 1993 c.30 s.8]

690.400 Opportunity for hearing prior to disciplinary action. Where the Health Licensing Office proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, or impose probation on a licensee, opportunity for a hearing shall be accorded as provided in ORS 183.310 to 183.550. [1987 c.698 s.12]

(Administration)

690.405 Powers and duties of Health Licensing Office relating to practice of electrolysis or tattooing. The powers and duties of the Health Licensing Office as related to ORS 690.350 to 690.430, 690.996 and 690.997 are as follows:

- (1) To authorize all disbursements necessary to carry out the provisions of ORS 690.350 to 690.430;
- (2) To determine training and experience requirements for taking the examination and to supervise and administer examinations to test the knowledge of applicants for licensure;
- (3) To license persons who apply to the agency and who have qualified to practice electrolysis or tattooing;
- (4) To rent facilities when necessary to carry out the examination of applicants for licensure;
- (5) To renew licenses;
- (6) To suspend or revoke licenses or place licensees on probation in the manner provided by ORS 690.350 to 690.430;
- (7) To appoint representatives to conduct or supervise the examination of applicants for licensure;

- (8) To designate the time and place for examining applicants for licensure;
- (9) Subject to the provisions of ORS 183.310 to 183.550, to adopt rules that are necessary to carry out the provisions of ORS 690.350 to 690.430, 690.996 and 690.997;
- (10) To carry out the periodic inspection of facilities of persons who practice electrolysis or tattooing;
- (11) To issue a tattoo facility license to qualified applicants upon compliance with ORS 690.350 to 690.430; and
- (12) To appoint or employ subordinate employees. [1987 c.698 s.15; 1993 c.30 s.9; 1999 c.885 s.39]

690.410 Rules. (1) Pursuant to ORS 183.310 to 183.550, and in consultation with the Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists, the Health Licensing Office shall adopt rules to register and approve schools of electrolysis and to approve instructors who teach in such schools. Such rules shall include, but not be limited to, requirements that schools of electrolysis:

(a) Offer a course of study which shall include minimum standards of 600 hours of instruction as advised by the council;

(b) File with the agency for approval, an outline of the proposed course of study. A copy of the outline shall be sent to the Department of Education. Areas of instruction shall include, but not be limited to, the following: (A) agency rules for electrolysis; (B) bacteriology; (C) sanitation and sterilization; (D) anatomy and physiology; (E) endocrinology; (F) structure, dynamics and diseases of skin and hair; (G) circulatory and nervous systems; (H) electricity; (I) a working knowledge of electrolysis, thermolysis and combinations thereof; (J) draping and positioning; and (K) professional ethics and business practices. The outline shall state the hours for instruction and lectures in theory and the hours for instruction for practical application;

(c) Provide adequate premises with separate areas for classwork and practical instruction including treatment areas for student training;

(d) Provide adequate equipment for the full and ready teaching of all subjects included in the curriculum;

(e) Comply with the agency's sanitary rules; and

(f) Use the word "school" or other appropriate term conspicuously in its literature and advertising matter.

(2) The rules adopted under subsection (1) of this section shall also include requirements that:

(a) An initial inspection shall be performed prior to granting of a license; and

(b) Periodic inspections may be done at the discretion of the agency and the Department of Education.

(3) To teach in an approved school of electrolysis:

(a) Instructors must hold a current, valid license to practice electrolysis in this state and must have had a minimum of two years of practical experience approved by the agency or Department of Education as a licensed electrologist;

(b) Instructors must pass an instructor's examination approved, administered or recognized by the agency;

(c) Instructor owners and instructors when employed as instructors in an approved school shall perform electrolysis only as demonstration for instructional purposes. However, this requirement does not exclude instructors from having a private practice as long as the private practice is not performed during the instructor's regular teaching schedule. An approved electrolysis instructor must be present to supervise and instruct in the classroom substantially at all times during school hours;

(d) Instructors shall comply with ORS 690.350 to 690.430 and the applicable rules of the agency and of the State Board of Education; and

(e) All instructors must participate in continuing education, with guidelines and effective date to be established by rule of the State Board of Education.

(4) Pursuant to ORS 183.310 to 183.550, and in consultation with the council, the agency shall adopt rules to prescribe education and training standards for the practice of tattooing.

(5) An applicant seeking licensure as a permanent color technician and tattoo artist shall be required to demonstrate safety, sanitation and sterilization techniques by means of an inspection conducted by the regulatory authority to test the applicant's knowledge of infection control practices and requirements. [1987 c.698 s.6; 1989 c.475 s.1; 1989 c.491 s.69; 1993 c.30 s.10; 1993 c.45 s.301; 1999 c.885 s.40]

690.415 Fees. (1) The Health Licensing Office shall assess, by rule, the following fees and any other fees necessary to carry out the provisions of ORS 690.350 to 690.430:

(a) Application fee.

(b) Examination fees.

(c) Reexamination fees.

(d) Reciprocity fee.

- (e) License fee.
- (f) License renewal fee, active and inactive.
- (g) Late fee.
- (h) Reactivation fee.
- (i) Duplicate license fee.
- (j) Demonstration permit.
- (k) Tattoo facility fee and renewal fee, active or inactive.

(2) The office shall license each applicant, without discrimination, who proves to the satisfaction of the office fitness for such licensure as required by ORS 690.350 to 690.430 and upon payment of a fee established by the office under this section. Except as provided in ORS 690.385, the office shall issue to the applicant a license that expires one year after the date of issuance.

(3) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the office shall establish all fees under ORS 690.350 to 690.430. The fees and charges established under this subsection shall not exceed the cost of administering the regulatory program under ORS 690.350 to 690.430 pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the budget for ORS 690.350 to 690.430, as the budget may be modified by the Emergency Board. [1987 c.698 s.5; 1991 c.703 s.33; 1993 c.30 s.11]

690.420 Disposition of receipts. (1) All moneys received by the Health Licensing Office under ORS 690.350 to 690.430, 690.992 (2), 690.996 and 690.997 shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Licensing Office Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS 690.350 to 690.430, 690.992 (2), 690.996 and 690.997.

(2) All penalties recovered under ORS 690.996 (1) shall be paid into the General Fund in the State Treasury and credited to the Health Licensing Office Account. [1987 c.698 ss.23,27; 1991 c.734 s.104; 1999 c.885 s.41]

(Advisory Council)

690.425 Advisory council; membership; terms; compensation. (1) There hereby is created in the Health Licensing Office the Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists. The council shall consist of five members to be appointed by the Governor.

(2) Members of the council shall be residents of this state. Two members must be practicing electrologists with a minimum of two years of experience. One member shall be a licensed and practicing permanent color technician and tattoo artist. One member shall be a licensed physician in this state. One member shall be a public member who does not possess the professional qualifications of other members.

(3) No owner, instructor or others having any direct or indirect financial interest in a school of electrolysis or tattooing or in the manufacturing of electrolysis or tattooing equipment shall serve as a member of the council.

(4) No person shall serve more than two consecutive two-year terms.

(5) The term of office of a member shall begin on January 1. A member shall continue to serve until a successor who qualifies has been appointed. Before a member's term expires, the Governor shall appoint a successor to assume the duties of office on January 1 at the expiration of the predecessor's term.

(6) A vacancy on the council shall be filled by appointment for the unexpired term through a list of qualified names submitted to the Governor.

(7) The council shall meet at least once a year.

(8) Members of the council shall be entitled to compensation and expenses as provided in ORS 292.495.

[1987 c.698 s.24; 1993 c.30 s.12; 1999 c.885 s.42]

690.430 Duties of advisory council. (1) The council shall have the responsibility and duty of advising the Health Licensing Office in all matters relating to ORS 690.350 to 690.430, 690.996 and 690.997, shall prepare or adopt the examinations required by ORS 690.350 to 690.430, 690.996 and 690.997 subject to the approval of the office and shall assist the office in carrying out the provisions of ORS 690.350 to 690.430, 690.996 and 690.997.

(2) The office shall consider and be guided by the recommendations of the council in all matters relating to ORS 690.350 to 690.430, 690.996 and 690.997. [1987 c.698 s.26]

BODY PIERCING TECHNICIANS

690.500 Definitions for ORS 690.500 to 690.560. As used in ORS 690.500 to 690.560 and 690.999:

(1) "Agency" means the Health Licensing Office.

(2) "Body piercing" means the puncturing of a part of the body of a live human being so as to create a permanent hole for cosmetic purposes.

(3) "Body piercing facility" means any room, space, location, place, area, structure or business, or any part thereof, where body piercing is practiced or where the business of body piercing is conducted.

(4) "Body piercing technician" means a person who practices body piercing pursuant to the provisions of ORS 690.500 to 690.570 and 690.999. [1995 c.562 s.1; 1999 c.885 s.51]

Note: 690.500 to 690.570 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 690 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

690.510 Registration of body piercing technicians; requirements for issuance; expiration and renewal. (1) In addition to any other duties prescribed by law, there is established within the Health Licensing Office a registration program to provide for the registering of body piercing technicians.

(2) No person shall provide body piercing services without a body piercing technician registration issued by the Health Licensing Office. The body piercing technician registration shall be posted in a conspicuous place on the premises of a licensed body piercing facility.

(3) The agency shall issue a body piercing technician registration to any person who:

(a) Files an application in the form and manner prescribed by the agency;

(b) Pays the application and registration fees prescribed by the agency;

(c) Affirms by written signature on a form prescribed by the agency receipt of:

(A) An information packet regarding safety, sanitation and sterilization requirements adopted by the agency by rule;

(B) A copy of the written notification for clients advising of the risks and possible consequences of body piercing services; and

(C) A disclosure statement to be posted in public view within the licensed body piercing facility; and

(d) Complies with all other requirements established by the agency.

(4) A registration issued under this section shall state that registration does not attest to the body piercing technician's qualifications based on training or education, nor does the registration validate minimum competency to perform body piercing services.

(5) A registration issued under this section expires annually and may be renewed upon application to the agency, payment of the renewal fee established pursuant to ORS 690.550 and compliance with ORS 690.500 to 690.560 and rules adopted by the agency pursuant to sections ORS 690.500 to 690.560. [1995 c.562 s.2; 1999 c.885 s.52]

Note: See note under 690.500.

690.520 Licensing of body piercing facilities; requirements for issuance; expiration and renewal; exemptions.

(1) In addition to any other duties prescribed by law, there is established within the Health Licensing Office a licensing program to provide for the licensing of body piercing facilities.

(2) No person shall operate a body piercing facility without a body piercing facility license issued by the agency. The body piercing facility license shall be posted in a conspicuous place on the premises of the facility.

(3) The agency shall issue a body piercing facility license to any person who:

(a) Files an application in the form and manner prescribed by the agency;

(b) Pays the application and license fees prescribed by the agency;

(c) Demonstrates compliance with all safety, sanitation and sterilization requirements adopted by the agency by rule; and

(d) Complies with all other requirements established by the agency.

(4) A license issued under this section expires annually and may be renewed upon application to the agency, payment of the renewal fee established pursuant to ORS 690.550 and compliance with ORS 690.500 to 690.560 and rules adopted by the agency pursuant to ORS 690.500 to 690.560.

(5) This section shall not prevent or affect the use of body piercing by a physician, a person under the control and

supervision of a physician or any other person specifically permitted by law to engage in body piercing. [1995 c.562 s.3; 1999 c.885 s.53]

Note: See note under 690.500.

690.530 Body piercing facility requirements. Any person operating a body piercing facility licensed under ORS 690.520 shall:

(1) Provide to all customers a written statement approved by the Health Licensing Office that advises the customer of risks or dangers involved in the procedure and all complications that may occur;

(2) Post in public view in the body piercing facility a disclosure statement established by the Health Licensing Office by rule; and

(3) Post in public view in the body piercing facility a notice containing the address of the Health Licensing Office and the procedure for filing a complaint as established by the office by rule. [1995 c.562 s.4]

Note: See note under 690.500.

690.540 Inspection of facilities. (1) There is created within the Health Licensing Office a program to provide for the inspection of body piercing facilities licensed under ORS 690.520.

(2) Upon its own motion or upon any complaint, the Health Licensing Office may inspect any body piercing facility. Inspections under this section shall determine whether the facilities comply with the safety, sanitation and sterilization requirements of ORS 690.500 to 690.560 and rules adopted by the Health Licensing Office. [1995 c.562 s.5; 1999 c.885 s.54]

Note: See note under 690.500.

690.550 Fees; disposition of receipts. (1) The Health Licensing Office shall charge fees for the following in amounts not less than:

(a) Facility application, \$100.

(b) Initial facility license, \$100.

(c) Annual renewal of facility license, \$100.

(d) Technician application, \$10.

(e) Initial technician registration, \$25.

(f) Annual renewal of technician registration, \$25.

(g) Duplicate license or registration, \$10.

(2) The fees in subsection (1) of this section shall not exceed the cost of administering the regulatory programs established pursuant to ORS 690.500 to 690.560 pertaining to the purpose for which each fee is established.

(3) All moneys received by the agency under this section shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Licensing Office Account, and such moneys hereby are appropriated continuously and shall be used only for the expenditures, including but not limited to costs associated with staffing, needed for the administration and enforcement of ORS 690.500 to 690.570 and 690.999. [1995 c.562 s.6; 1999 c.885 s.55]

Note: See note under 690.500.

690.560 Grounds for refusal, suspension, revocation or nonrenewal of license; probation. The Health Licensing Office may revoke, suspend or refuse to issue or renew a license or may place a body piercing facility on probation upon proof that the operator of the facility:

(1) Has failed to maintain a business address or telephone number at which the facility may be reached during business hours;

(2) Has failed to maintain proper safety, sanitation or sterilization procedures as established by the office;

(3) Has obtained a body piercing facility license through fraud or deceit; or

(4) Has violated any provision of ORS 690.500 to 690.560 or rules adopted by the office pursuant to ORS 690.500 to 690.560. [1995 c.562 s.7]

Note: See note under 690.500.

690.570 Rules. In accordance with ORS 183.310 to 183.550, the Health Licensing Office shall adopt rules necessary to implement and enforce ORS 690.500 to 690.560 and 690.999. [1995 c.562 s.9]

Note: See note under 690.500.

PENALTIES

690.990 [Amended by 1977 c.270 s.2; repealed by 1977 c.842 s.26 and 1977 c.886 s.42]

690.992 Criminal penalties. (1) Violation of ORS 690.015 is a Class B misdemeanor.

(2) Violation of ORS 690.355 or 690.360 is a Class A misdemeanor. [1977 c.886 s.25; subsection (2) enacted as 1987 c.698 s.14]

Note: 690.992 (2) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 690 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

690.995 Civil penalties for violation of ORS 690.015, 690.095 or certain rules. (1) In addition to any other remedy provided by law, a person who violates ORS 690.015 or 690.095 or any rule adopted under ORS 690.165 or 690.205 is subject to forfeiture and payment of a civil penalty to the Board of Cosmetology in an amount of not more than \$1,000 for each offense.

(2) Civil penalties under this section shall be imposed as provided in ORS 183.090.

(3) The moneys received by the Board of Cosmetology from civil penalties under this section shall be deposited and accounted for as are other moneys received by the board and shall be for the administration and enforcement of those laws the board is charged with administering and enforcing.

(4) A civil penalty imposed by the Board of Cosmetology may be remitted or reduced upon such terms and conditions as the board considers proper and consistent with public health and safety. [1983 c.151 s.22; 1991 c.734 s.80; 1999 c.425 s.26]

690.996 Civil penalty for violation of ORS 690.350 to 690.430 or certain rules. (1) In addition to any other liability or penalty provided by law, the Health Licensing Office may impose a civil penalty on a person who violates any provision of ORS 690.350 to 690.430, 690.996 and 690.997 or any rule adopted thereunder.

(2) A civil penalty imposed by the office under subsection (1) of this section shall be in an amount determined by the office but shall not exceed \$1,000 for each violation.

(3) A civil penalty imposed under subsection (1) of this section may be remitted or reduced upon such terms and conditions as the office considers proper and consistent with the public health and safety.

(4) In imposing a penalty pursuant to subsection (2) of this section, the office shall consider the following factors:

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

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

(c) The history of the person incurring a penalty in taking all feasible steps to correct any violation. [1987 c.698 ss.16,18,19,20]

690.997 Procedure for imposing civil penalty under ORS 690.996. (1) Any civil penalty under ORS 690.996 (1) shall be imposed in the manner provided in ORS 183.090.

(2) Notwithstanding ORS 183.090, the person to whom the notice is addressed shall have 30 days from the date of service of the notice in which to make written application for a hearing before the Health Licensing Office.

(3) In any judicial review of civil penalties imposed under ORS 690.996 (1), the court may reduce the amount of the penalty. [1987 c.698 s.17; 1991 c.734 s.81]

690.998 [1987 c.698 ss.21,22; repealed by 1991 c.734 s.122]

690.999 Civil penalties for violation of ORS 690.500 to 690.560. (1) In addition to any other sanction authorized by law, the Health Licensing Office may impose a civil penalty not to exceed \$1,000 for violation of any provision of

ORS 690.500 to 690.560 or rules adopted pursuant to ORS 690.500 to 690.560.

(2) Civil penalties under this section shall be imposed in the manner provided in ORS 183.090.

(3) All penalties recovered under this section shall be paid into the General Fund and credited to the Health Licensing Office Account.

[1995 c.562 s.8; 1999 c.885 s.56]

Note: 690.999 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 690 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.
