

Chapter 690

2003 EDITION

Cosmetic Professionals

BARBERING; HAIR DESIGN; FACIAL TECHNOLOGY; NAIL TECHNOLOGY	
(Generally)	
690.005	Definitions for ORS 690.005 to 690.235
690.015	Prohibited acts
690.025	Exemptions
(Certificates, Licenses, Permits and Registrations)	
690.035	Application for certificate or permit
690.046	Practitioner certification requirements; rules
690.047	Waiver of educational requirement
690.048	Certificate prima facie evidence of right to practice
690.055	Facility license and temporary facility permit requirements
690.057	Independent contractor registration requirements
690.065	Examinations
690.075	Grounds for refusal, suspension or revocation of certificate, registration, license or permit; probation
690.085	Renewal of certificates, registrations and licenses
690.095	Display of certificate, registration, license, permit or certificate of identification
690.105	Demonstration permit requirements
690.123	Certificate of identification; fees
(Board of Cosmetology and Health Licensing Office)	
690.155	Board of Cosmetology; qualifications; appointment
690.165	Powers of board; rules
690.167	Disciplinary authority of Health Licensing Office
690.175	Chairperson; rules; meetings; quorum; compensation and expenses
690.195	Records of Health Licensing Office
690.205	Rules; approval of Department of Human Services; when domestic use of facility permitted
690.225	Inspections
690.235	Fees; rules; disposition of receipts
ELECTROLOGISTS; PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS	
(Generally)	
690.350	Definitions for ORS 690.350 to 690.430
690.355	License required to perform electrolysis or tattooing; exceptions
690.360	Prohibited acts
(Licensing)	
690.365	License fee; general qualifications; initial license; expiration
690.370	Examinations
690.380	Display of license required; notice to Health Licensing Office of place of business; notice to licensees; license to operate tattoo facility
690.385	License renewal; fees; effect of failure to renew; continuing education requirement; rules
690.390	Required standards for licensees
(Administration)	
690.405	Powers and duties of Health Licensing Office relating to practice of electrolysis, permanent coloring or tattooing
690.407	Disciplinary authority of Health Licensing Office
690.410	Minimum standards of education and training; rules; schools
690.415	Fees; rules; disposition of receipts
(Advisory Council)	
690.425	Advisory council; membership; terms; compensation
690.430	Duties of advisory council
BODY PIERCING TECHNICIANS	
690.500	Definitions for ORS 690.500 to 690.550
690.507	Registration of body piercing technicians; licensure of body piercing facility; exceptions
690.510	Registration required for body piercing technician; requirements for issuance; expiration and renewal
690.515	Disciplinary authority of Health Licensing Office
690.520	Licensing of body piercing facilities; inspections; requirements for issuance; expiration and renewal; exemptions
690.530	Body piercing facility requirements
690.550	Fees; disposition of receipts
690.570	Rules
PENALTIES	
690.992	Criminal penalties

OCCUPATIONS AND PROFESSIONS

**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) "Agency" means the Health Licensing Office.

(2) "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.

(3) "Board" means the Board of Cosmetology.

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

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

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

(7) "Facial technology" means the use of the hands, mechanical or electrical apparatus or appliances, cosmetic preparations, anti-septics, 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.

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

(9) "Field of practice" means:

(a) Barbering.

(b) Facial technology.

(c) Hair design.

(d) Nail technology.

(10) "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.

(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 for providing services related to one or more fields of practice to the public.

(13) "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.

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

(15) "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.

(16) "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.

(17) "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 §1; 1983 c.151 §1; 1987 c.31 §2; 1989 c.171 §81; 1993 c.45 §296; 1993 c.267 §1; 1995 c.343 §61; 1999 c.425 §1; 2003 c.547 §38]

690.010 [Amended by 1969 c.687 §1; 1977 c.270 §1; repealed by 1977 c.842 §26 and 1977 c.886 §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 imposed by the Health Licensing Office under ORS 676.612. 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 §3; 1981 c.141 §1; 1983 c.151 §2; 1987 c.31 §3; 1993 c.267 §2; 1995 c.343 §62; 1999 c.425 §2; 2003 c.547 §39]

690.020 [Amended by 1961 c.300 §3; 1969 c.687 §2; repealed by 1977 c.842 §26 and 1977 c.886 §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 §2; 1983 c.151 §3; 1987 c.31 §4; 1993 c.45 §297; 1993 c.267 §3; 1995 c.343 §63; 1999 c.425 §3]

690.030 [Repealed by 1977 c.842 §26 and 1977 c.886 §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 §4; 1999 c.425 §4]

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

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

690.046 Practitioner certification requirements; rules. 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 §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 §8]

690.048 Certificate prima facie evidence of right to practice. (1) The Health Licensing Office 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 a field of practice for which the holder has qualified and purports to be a practitioner.

(2) A certificate must show the practitioner's name, address, certificate number, expiration date and field of practice for which the practitioner is qualified to perform services. [1983 c.151 §6; 1993 c.267 §5; 1995 c.343 §65; 1999 c.425 §9; 2003 c.547 §40]

690.050 [Amended by 1959 c.630 §1; 1961 c.436 §1; repealed by 1977 c.842 §26 and 1977 c.886 §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, if the applicant is a natural person.

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

(c) Comply with the applicable health and safety laws and rules of the Department of Human Services and any other state agencies.

(d) Pay the application fee.

(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, if the applicant is a natural person.

(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 Health Licensing Office prior to opening for business.

(e) Comply with the rules of the board concerning health, safety and infection control.

(f) Comply with the applicable health and safety laws and rules of the Department of Human Services and any other state agencies.

(g) Pay the appropriate application and permit fees.

(h) If the applicant is an entity other than a natural person, be formed and operated in accordance with Oregon law. [1977 c.886 §6; 1981 c.141 §2; 1983 c.151 §7; 1993 c.267 §6; 1999 c.425 §10; 2003 c.547 §41]

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 infection control.

(c) Comply with the applicable health and safety laws and rules of the Department of Human Services and any other state agencies.

(d) Pay the application fee.

(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 §11; 2003 c.547 §42]

690.060 [Amended by 1959 c.630 §2; 1961 c.436 §2; 1969 c.687 §3; repealed by 1977 c.842 §26 and 1977 c.886 §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 §7; 1993 c.267 §7; 1999 c.425 §12]

690.070 [Repealed by 1977 c.842 §26 and 1977 c.886 §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 §8; 1983 c.151 §8; 1987 c.31 §6; 1993 c.267 §8; 1995 c.343 §66; 1999 c.425 §13]

690.080 [Repealed by 1977 c.842 §26 and 1977 c.886 §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 §9; 1983 c.151 §9; 1987 c.31 §7; 1993 c.267 §9; 1999 c.425 §14]

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

690.090 [Repealed by 1977 c.842 §26 and 1977 c.886 §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 §10; 1979 c.663 §1; 1993 c.267 §10; 1999 c.425 §15]

690.100 [Amended by 1961 c.300 §4; 1969 c.687 §4; repealed by 1977 c.842 §26 and 1977 c.886 §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 §11; 1983 c.151 §11; 1987 c.31 §8; 1993 c.267 §11; 1995 c.343 §67; 1999 c.425 §16]

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

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

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

690.123 Certificate of identification; fees. (1) The Health Licensing Office may issue a practitioner a certificate of identification to practice outside of or away from a licensed facility.

(2) The Board of Cosmetology shall determine requirements and the agency shall establish 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 infection control requirements under ORS 690.165 and 690.205 and rules adopted thereunder. [1977 c.886 §13; 1983 c.151 §12; 1993 c.267 §12; 1999 c.425 §29; 2003 c.547 §45]

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

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

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

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

(Board of Cosmetology and Health Licensing Office)

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 §14; 1983 c.151 §13; 1987 c.414 §84; 1999 c.425 §17; 1999 c.885 §20]

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

690.165 Powers of board; rules. 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) Direct the Health Licensing Office to 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, infection control, 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) Direct the Health Licensing Office to 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 §21; 1983 c.151 §14; 1987

c.31 §9; 1993 c.267 §13; 1995 c.343 §68; 1999 c.425 §18; 2003 c.547 §46]

690.167 Disciplinary authority of Health Licensing Office. In the manner prescribed in ORS chapter 183 for contested cases and at the direction of the Board of Cosmetology, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against any person practicing barbering, cosmetology, hair design, facial technology or nail technology for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 690.005 to 690.235, or the rules adopted thereunder. [2003 c.547 §43]

690.170 [1969 c.687 §10; repealed by 1977 c.842 §26 and 1977 c.886 §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 §§16,17; 1999 c.425 §19]

690.185 [1977 c.886 §18; 1983 c.151 §15; 1987 c.414 §85; 1999 c.425 §30; repealed by 2003 c.547 §118]

690.195 Records of Health Licensing Office. (1) The Health Licensing Office 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 agency.

(2) The agency 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 agency shall at all reasonable times be open to inspection by the public. [1977 c.886 §19; 1987 c.31 §10; 1993 c.267 §14; 1999 c.425 §20; 2003 c.547 §47]

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

690.205 Rules; approval of Department of Human Services; 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 infection control requirements for facilities. Infection control requirements for facilities shall be subject to

the approval of the Department of Human Services. 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 use of the facility for domestic purposes may not be prohibited by the board 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 chapter 183. [1977 c.886 §§20,22(2); 1983 c.151 §16; 1993 c.267 §15; 1999 c.425 §21; 2003 c.547 §48]

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

690.215 [1977 c.886 §22(1); 1999 c.425 §22; repealed by 2003 c.547 §118]

690.220 [Amended by 1969 c.687 §12; repealed by 1977 c.842 §26 and 1977 c.886 §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, infection control and licensing rules of the Board of Cosmetology and whether the schools comply with the health, safety and infection control 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 §26; 1983 c.151 §17; 1987 c.31 §11; 1987 c.414 §86; 1989 c.491 §68; 1993 c.45 §299; 1993 c.267 §16; 1995 c.343 §69; 1999 c.425 §23; 1999 c.885 §21a; 2003 c.547 §49]

690.227 [1999 c.425 §24; repealed by 2003 c.547 §118]

690.228 [1983 c.151 §16b; 1999 c.425 §31; repealed by 2003 c.547 §118]

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

690.235 Fees; rules; disposition of receipts. (1) The Health Licensing Office, in consultation with the Board of Cosmetology, shall establish by rule and collect fees. No fee shall exceed the following:

(a) Application for a certificate, license or permit, \$25.

(b) Issuance of an original two-year practitioner certificate, \$100.

(c) Renewal of a two-year practitioner certificate, \$100.

(d) Each initial examination section in an individual field of practice and reexamination of failed sections, \$25.

(e) Issuance of a demonstration permit, \$25.

(f) Issuance of a facility license, \$100.

(g) Renewal of a facility license, \$100.

(h) Issuance of a temporary facility permit, \$100.

(i) Issuance of an independent contractor registration, \$100.

(j) Renewal of an independent contractor registration, \$100.

(k) Issuance of a duplicate or replacement certificate, license or permit, \$25.

(L) Late renewal fee, \$25.

(m) Reciprocity fee, \$200.

(n) Issuance of a certificate of identification, \$100.

(2) All moneys received by the Health Licensing Office under this section shall be paid into the General Fund of the State Treasury and credited to the Health Licensing Office Account, and are appropriated continuously and shall be used by the Health Licensing Office only for the administration and enforcement of ORS 690.005 to 690.235.

(3) The fees established by the Health Licensing Office under subsection (1) of this section are subject to the prior approval of the Oregon Department of Administrative Services. The fees shall not exceed the cost of administering ORS 690.005 to 690.235 pertaining to the purpose for which the fee is established, as authorized by the Legislative Assembly within the Health Licensing Office's budget, as that budget may be modified by the Emergency Board.

(4) In addition to the fees established under subsection (1) of this section, the Health Licensing Office may assess fees for providing copies of official documents or records in specific formats and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records. [1977 c.886 §23; 1981 c.141 §3; 1983 c.151 §18; 1987 c.414 §87; 1989 c.675 §1; 1993 c.267 §17; 1999 c.425 §25; 1999 c.885 §22; 2003 c.547 §50]

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

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

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

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

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

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

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

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

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

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

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

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

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

690.340 [Amended by 1967 c.637 §34; repealed by 1977 c.842 §26 and 1977 c.886 §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) "Electrology facility" means any room or space or any part thereof where electrolysis is practiced or where the business of electrology is conducted.

(5) "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.

(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 career schools licensed by the Department of Education under ORS 345.010 to 345.450

where electrolysis and related subjects are taught.

(11) "Schools of permanent coloring or tattooing" means career schools licensed by the Department of Education under ORS 345.010 to 345.450 in which permanent coloring or tattooing and related subjects are taught.

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

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

(14) "Tattoo facility" means any room or space or any part thereof where tattooing is practiced or where the business of tattooing is conducted.

(15) "Teacher" means a person who is registered by the Department of Education to teach in a school of electrolysis or school of permanent coloring or tattooing pursuant to the provisions of ORS 345.010 to 345.450 and 690.350 to 690.430. [1987 c.698 §1; 1993 c.30 §1; 1993 c.45 §300; 1999 c.885 §37; 2003 c.547 §51]

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 §2; 1989 c.171 §82; 1993 c.30 §2; 1999 c.885 §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.

(6) Operate an electrology facility or tattoo facility without obtaining an electrology facility license or tattoo facility license. [1987 c.698 §13; 1993 c.30 §3; 2003 c.547 §52]

(Licensing)

690.365 License fee; general qualifications; initial license; expiration. (1) 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 agency that the applicant:

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

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

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

(d) Has submitted evidence of completion of education and training prescribed and approved by the agency under ORS 690.410; and

(e) Has passed an examination approved, administered or recognized by the agency.

(2) Subject to the provisions of ORS 676.612, the agency shall issue a license to each applicant who provides evidence satisfactory to the agency of completion of all requirements for licensure. An initial license shall be issued for one year and expires unless renewed on or before the expiration date by payment of required fees and demonstration of completion of continuing education requirements specified by rule. [1987 c.698 §3; 1993 c.30 §4; 2001 c.104 §264; 2003 c.547 §53]

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)(a) to (d) shall appear at a time, place and before such persons as the agency may designate, for an examination.

(2) The agency 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 §4; 2001 c.104 §265; 2003 c.547 §54]

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 under ORS 690.350 to 690.430 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 agency 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 agency 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 agency.

(4) The agency shall issue to each qualified applicant a license to operate an electrolysis facility and to advertise electrolysis services for which the facility is licensed.

(5) The agency shall issue to each qualified applicant a license to operate a tattoo facility and to advertise permanent makeup or tattooing services for which the facility is licensed. [1987 c.698 §8; 1993 c.30 §5; 2001 c.104 §266; 2003 c.547 §55]

690.385 License renewal; fees; effect of failure to renew; continuing education requirement; rules. (1) Except as otherwise provided in this section, a license issued under ORS 690.365 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 post-marked 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 agency under ORS 690.350 to 690.430.

(2) The agency 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 agency 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 agency. [1987 c.698 §9; 1993 c.30 §6; 2001 c.104 §267; 2003 c.547 §56]

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 meth-

ods 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 §11; 1993 c.30 §7]

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

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

(Administration)

690.405 Powers and duties of Health Licensing Office relating to practice of electrolysis, permanent coloring or tattooing. The powers and duties of the Health Licensing Office as related to ORS 690.350 to 690.430 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, permanent coloring 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 chapter 183, to adopt rules that are necessary to carry out the provisions of ORS 690.350 to 690.430;

(10) To carry out the periodic inspection of facilities of persons who practice electrolysis or tattooing;

(11) To issue a tattoo facility license or a temporary facility permit to qualified applicants upon compliance with ORS 690.350 to 690.430;

(12) To issue an electrolysis facility license or a temporary facility permit to qualified applicants upon compliance with ORS 690.350 to 690.430; and

(13) Notwithstanding ORS 690.355, to issue demonstration and temporary permits to perform services as prescribed by agency rule. [1987 c.698 §15; 1993 c.30 §9; 1999 c.885 §39; 2003 c.547 §59]

690.407 Disciplinary authority of Health Licensing Office. In the manner prescribed in ORS chapter 183 for contested cases, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against any person practicing electrolysis or permanent coloring or tattooing for any of the grounds listed in ORS 676.612, and for any violation of the provisions of ORS 690.350 to 690.430, or the rules adopted thereunder. [2003 c.547 §57]

690.410 Minimum standards of education and training; rules; schools. (1) The Health Licensing Office, in accordance with ORS chapter 183 and in consultation with the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists, shall adopt by rule minimum standards of education and training requirements for the practice of electrolysis, permanent coloring and tattooing.

(2) The Health Licensing Office shall approve electrolysis, permanent coloring and tattooing courses of study. An outline of instruction shall be filed with the agency and with the Department of Education. The outline must include the approved courses, total hours of instruction, hours of lectures in theory and the hours of instruction in application of practical skills.

(3) Schools of electrolysis and schools of permanent coloring or tattooing must comply with the agency's safety and infection control rules and are subject to inspection at the discretion of the agency and the Department of Education. A report of the results of each inspection shall be submitted to the department.

(4) An owner of a facility that is also licensed by the Department of Education as a school of electrolysis or a school of permanent coloring or tattooing under ORS 345.010 to 345.450, may employ an individual licensed under ORS 690.350 to 690.430 and registered as a teacher by the Department of Education to perform electrolysis, permanent coloring or tattooing for instructional purposes. [1987 c.698 §6; 1989 c.475 §1; 1989 c.491 §69; 1993 c.30 §10; 1993 c.45 §301; 1999 c.885 §40; 2001 c.104 §269; 2003 c.547 §60]

690.415 Fees; rules; disposition of receipts. (1) The Health Licensing Office shall establish by rule and collect fees for:

- (a) Application.
- (b) Examination.
- (c) Reexamination.
- (d) Reciprocity.

- (e) Initial annual license.
- (f) License renewal, active and inactive.
- (g) Late renewal.
- (h) License reactivation.
- (i) Duplicate license.
- (j) Demonstration and temporary permits.
- (k) Facility license issuance and renewal, active or inactive.
- (L) Providing copies of official documents or records in specific formats and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the Health Licensing Office under this section shall be paid into the General Fund of the State Treasury and credited to the Health Licensing Office Account, and are appropriated continuously and shall be used by the Health Licensing Office only for the administration and enforcement of ORS 690.350 to 690.430.

(3) The fees established by the Health Licensing Office under this section are subject to the prior approval of the Oregon Department of Administrative Services. The fees 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 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 §5; 1991 c.703 §33; 1993 c.30 §11; 2001 c.104 §270; 2003 c.547 §61]

690.420 [1987 c.698 §§23,27; 1991 c.734 §104; 1999 c.885 §41; repealed by 2003 c.547 §118]

(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 person shall serve more than two consecutive two-year terms.

(4) 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.

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

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

(7) Members of the council shall be entitled to compensation and expenses as provided in ORS 292.495. [1987 c.698 §24; 1993 c.30 §12; 1999 c.885 §42; 2003 c.547 §62]

690.430 Duties of advisory council. (1) The Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists shall have the responsibility and duty of advising the Health Licensing Office in all matters relating to ORS 690.350 to 690.430, shall prepare or adopt the examinations required by ORS 690.350 to 690.430 subject to the approval of the agency and shall assist the agency in carrying out the provisions of ORS 690.350 to 690.430.

(2) The agency shall consider and be guided by the recommendations of the council in all matters relating to ORS 690.350 to 690.430. [1987 c.698 §26; 2001 c.104 §271; 2003 c.547 §63]

BODY PIERCING TECHNICIANS

690.500 Definitions for ORS 690.500 to 690.550. As used in ORS 690.500 to 690.550:

(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. [1995 c.562 §1; 1999 c.885 §51; 2003 c.547 §66]

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.

690.507 Registration of body piercing technicians; licensure of body piercing facility; exceptions. (1) A person may not provide body piercing services without a body piercing technician registration issued by the Health Licensing Office.

(2) A person may not operate a body piercing facility without a body piercing facility license issued by the agency.

(3) This section does 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. [2003 c.547 §64]

Note: See note under 690.500.

690.510 Registration required for body piercing technician; 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) 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, infection control 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.

(3) 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.

(4) The body piercing technician registration shall be posted in a conspicuous place on the premises of a licensed body piercing facility.

(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 690.550 and rules adopted by the agency pursuant to ORS 690.500 to 690.550. [1995 c.562 §2; 1999 c.885 §52; 2003 c.547 §67]

Note: See note under 690.500.

690.515 Disciplinary authority of Health Licensing Office. In the manner prescribed in ORS chapter 183 for contested

cases, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against any person practicing body piercing for any of the grounds listed in ORS 676.612, and for any violation of the provisions of ORS 690.500 to 690.550 or the rules adopted thereunder. [2003 c.547 §72]

Note: See note under 690.500.

690.520 Licensing of body piercing facilities; inspections; 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) Pursuant to ORS 676.618, the agency shall conduct periodic inspections of body piercing facilities to determine compliance with safety, infection control and sterilization requirements.

(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, infection control 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 690.550 and rules adopted by the agency pursuant to ORS 690.500 to 690.550.

(5) The body piercing facility license shall be posted in a conspicuous place on the premises of the facility.

(6) 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 §3; 1999 c.885 §53; 2003 c.547 §68]

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 es-

tablished 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 Health Licensing Office by rule. [1995 c.562 §4; 2001 c.104 §272]

Note: See note under 690.500.

690.540 [1995 c.562 §5; 1999 c.885 §54; repealed by 2003 c.547 §118]

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 690.550 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. [1995 c.562 §6; 1999 c.885 §55; 2003 c.547 §69]

Note: See note under 690.500.

690.560 [1995 c.562 §7; repealed by 2003 c.547 §118]

690.570 Rules. In accordance with ORS chapter 183, the Health Licensing Office shall adopt rules necessary to implement and enforce ORS 690.500 to 690.550. [1995 c.562 §9; 2003 c.547 §71]

Note: See note under 690.500.

PENALTIES

690.990 [Amended by 1977 c.270 §2; repealed by 1977 c.842 §26 and 1977 c.886 §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.

(3) Violation of ORS 690.507 is a Class A misdemeanor. [1977 c.886 §25; subsection (2) enacted as 1987 c.698 §14; 2003 c.547 §74]

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 [1983 c.151 §22; 1991 c.734 §80; 1999 c.425 §26; repealed by 2003 c.547 §118]

690.996 [1987 c.698 §§16,18,19,20; 2001 c.104 §273; repealed by 2003 c.547 §118]

690.997 [1987 c.698 §17; 1991 c.734 §81; repealed by 2003 c.547 §118]

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

690.999 [1995 c.562 §8; 1999 c.885 §56; repealed by 2003 c.547 §118]

OCCUPATIONS AND PROFESSIONS
