Chapter 691

1963 REPLACEMENT PART

Cosmetic Therapists

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LICENSING THE PRACTICE OF COSMETIC THERAPY

691.010 "Board" defined. As used in this chapter, "board" means the State Board of Cosmetic Therapy Examiners.

691.020 "Cosmetic therapy" defined; classification of practices. (1) For the purpose of this chapter "cosmetic therapy" means any one or any combination of the following practices, and the following classification of practices shall be adopted and understood to define practitioners within the meaning of this chapter:

Class A. Hairdresser. Any person who engages for compensation in any one or any combination of the following practices shall be construed to be practicing the occupation of a hairdresser: Arranging, dressing, curling, temporary waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person, by any means.

Class B. Cosmetologist. Any person who with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, engages for compensation in any one or any combination of the following practices shall be construed to be practicing the occupation of cosmetologist: Massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, legs, neck, arms, or upper part of the body.

Class C. Electrologist. Any person who engages for compensation in the removal of superfluous hair on the scalp, face, neck, shoulders, arms, legs, or upper part of the body by electrical methods shall be construed to be engaging in the occupation of an electrologist; except that electrical methods as designated in this chapter shall be limited to electrolysis and diathermy and shall not include the use of X-rays, radium, radon, radioactive isotopes, or any other radiation capable of producing ionization in human tissue.

Class D. Manicurist. Any person who engages for compensation in the profession of cutting, trimming, polishing, coloring, tinting, cleansing or manicuring the nails of any person or massaging, cleansing, treating or beautifying the hands of any person, shall be construed to be practicing the occupation of a manicurist.

(2) For the purpose of the general trade, or professional name, any person qualifying in any two or more of the classifications defined in this section may be known as a cosmetician.

691.030 Persons practicing cosmetic therapy required to be registered. Any person who desires to practice the profession of cosmetic therapy by engaging in any one or any combination of the classifications of cosmetic therapy designated and described in ORS 691.020, within this state, may make application to the board for a certificate of registration in any one or any combination of the practices of cosmetic therapy classified in ORS 691.020. No person shall practice the profession of cosmetic therapy within Oregon for compensation without having obtained such certificate.

691.040 Application and construction of chapter. (1) Nothing in this chapter shall prohibit:

(a) Services in case of emergency, or domestic administration, without compensation.

(b) The service by persons authorized under the laws of this state to practice medicine, osteopathy, surgery or dentistry.

(c) Service by barbers, or any act by barbers under any valid, existing law of this state regulatory thereof.

(2) This chapter does not apply to merchants or to individuals demonstrating apparatus or supplies for purposes of sale.

(3) The meaning of cosmetic therapy or the power granted to persons under this chapter includes the cutting or bobbing of the hair of all female persons and of male children up to, and including the age of 10 years.

(4) No person licensed under ORS chapter 690, employed in any place of business regulated by this chapter, shall be required to take out a license under this chapter.

(5) The provisions of this section shall not be construed to authorize any of the persons exempted in this section to do permanent or temporary waving of the hair.

691.050 Qualifications for registration; allowing credit to person holding license in another classification. (1) Any person is eligible to registration under any one or any combination of the classifications defined in ORS 691.020 if he:

(a) Is 18 years of age or more;

(b) Is of good moral character and temperate habits;

(c) Has an education equivalent to the

completion of two years in a high school;

(d) Has had a course of study at a school of cosmetic therapy approved by the board; and

(e) Has satisfactorily passed an examination conducted by the board to determine the fitness of the applicant to receive a certificate of registration.

(2) Where the applicant has received any part of his course of study in cosmetic therapy at the Hillcrest School of Oregon, the requirement of paragraph (b) of subsection (1) of this section shall be determined solely from the conduct of the applicant after the granting of his parole from or his discharge from the institution.

(3) The board in registering an applicant for training in one of the classifications defined in ORS 691.020 shall allow proper credit to an applicant who holds a license in another classification.

[Amended by 1961 c.386 §1]

691.060 Registration of nonresidents. An applicant for registration in this state to any of the classifications defined in ORS 691.020 who is 18 years of age or more, and who is licensed under and has complied with the requirements of the cosmetic therapy laws of another state or similar political entity, and who has been licensed to practice and who has been actively engaged in the practice of the profession of cosmetic therapy for a period of at least two years in another state, may be granted a certificate of registration upon examination of history of cosmetology, shop management, professional ethics, sanitation and practical demonstration, unless the board, in its discretion, sees fit to waive an examination, upon the production of satisfactory evidence and upon payment of the required fee.

[Amended by 1953 c.231 §4]

691.070 Examination of applicants. (1) Applications for examinations shall be in writing on forms prescribed and supplied by the board, shall contain satisfactory evidence of the qualifications required of an applicant, and shall be certified by the applicant under oath, and shall be filed with the secretary of the board and accompanied by the examination fee listed in ORS 691.180. If the board finds the application satisfactory, it shall admit the applicant to examination or to registration under the proper classification.

(2) Examinations of applicants for certificates of registration under any of the classifications of cosmetic therapy, as described in ORS 691.020, shall be held by the board, with the assistance of such examiners the board may appoint, no less frequently than once every six months, under such rules as the board may prescribe. Examinations shall include practical demonstrations, written and oral tests. Examinations shall cover all the subjects taught in approved schools of cosmetic therapy, but shall not be confined to any specific system or methods.

691.080 Issuance and display of certificate of registration. (1) When an applicant has complied with the requirements of this chapter and has furnished a certificate from a physician licensed and registered by the State Board of Medical Examiners that he is free from contagious and infectious disease, the board shall issue to the applicant a certificate to that effect according to the classifications defined in ORS 691.020, in the name of the board, signed by the president and the secretary and attested by the seal of the board. Such certificate shall be evidence that the person to whom it is issued is entitled to the rights granted a person registered under this chapter.

(2) No person shall practice for compensation any of the arts or classifications described in this chapter unless his certificate is displayed in plain, open and unobstructed view in a conspicuous place in his place of business or employment.

691.090 Certificates of identification. Any person practicing any of the arts or classifications mentioned in this chapter outside of or away from a place of business shall carry with him a certificate of identification which must be shown to a person upon whom cosmetic therapy work is being performed. The certificate of identification shall contain the signature of the operator, his postoffice address, the number and date of his license and place of business where such operator regularly is employed. The board shall issue such certificates over the signature of the secretary of the board upon demand by any person entitled thereto.

691.100 Demonstrator's certificate. Any person not licensed under any of the other provisions of this chapter, who demonstrates any lotions, creams or other preparations which are or may be used in any of the arts of cosmetic therapy, in any manner

which involves physical or bodily contact with any other person, whether gratuitously or for compensation, shall first obtain from the board a demonstrator's certificate. When an applicant for a demonstrator's certificate has furnished the board with a certificate from a physician licensed and registered by the State Board of Medical Examiners that he is free from contagious and infectious disease, the board shall issue the certificate upon the payment of the fee required by ORS 691.180. The board may promulgate such rules and regulations as it may deem proper, if any, further governing the issuance and retention of such certificates. Each demonstrator's certificate shall be in force for a period of one year from the date of its issuance unless revoked by the board for cause. The provisions of this section do not apply to any drug store or any person licensed by the Oregon State Board of Pharmacy.

691.105 Temporary permit to practice, demonstrate and teach cosmetic therapy. (1) The board may, in its discretion, grant a permit authorizing a person to practice, demonstrate and teach cosmetic therapy, or perform any one or more of such functions, temporarily and primarily for educational purposes. The permit shall specify the purpose for which it is granted, the period during which the person is permitted to practice, demonstrate and teach cosmetic therapy, which period shall not exceed 10 days, and the time and place of exercising the privilege granted by the permit.

(2) A person may be granted a permit under subsection (1) of this section only if he:

(a) Makes application to the board for the permit.

(b) Is currently licensed to practice or teach cosmetic therapy in another state and presents satisfactory evidence of that fact to the board, or holds a valid certificate of registration to practice cosmetic therapy issued under this chapter.

(c) Demonstrates to the satisfaction of the board that the permit is sought primarily for educational purposes.

(d) Pays the required permit fee.

[1955 c.155 §2]

691.110 Shop license permits. (1) Any manager, owner or person operating a shop or place of business, where any of the work provided for in this chapter is carried on, must apply annually to the board for a shop license permit. A shop license permit shall be issued upon compliance with the rules and regulations of the board concerning health and sanitation.

(2) A shop license permit shall be issued in the name of the owner or owners of the place of business. If the owner is a corporation, then the shop license permit also shall contain the name of the manager of the place of business, who shall be responsible for the proper conduct of the place of business in the same manner as though he were the owner.

(3) All shop license permits shall be displayed in the same manner as certificates of practitioners in this chapter. No person shall practice any of the arts or classifications described in this chapter unless he is the proprietor of or employed by a place of business authorized to display and which does display a shop license permit to practice cosmetic therapy.

[Amended by 1957 c.194 §1]

691.120 Period for which certificates and licenses are valid. All certificates, licenses and shop license permits shall expire on July 31 next after the date of issue, unless theretofore renewed for the following year by the payment of the required renewal fee. A certificate or license expired for more than one year may be restored upon payment of one year's renewal fee and upon satisfactory proof of qualification to resume practice or teaching but no certificate shall be restored after a period of five years after date of expiration unless the applicant shall have passed an examination and paid one year's fee in advance.

[Amended by 1953 c.231 §4; 1955 c.155 §3; 1961 c.102 §1]

691.130 Grounds for revocation, suspension or denial of certificates. The board may refuse to issue, renew or restore, may suspend or may revoke a person's certificate for any of the following reasons:

(1) Fraud in obtaining or in attempting to obtain a certificate of registration.

(2) Knowingly making any false, misleading or deceptive material statement in advertising or statement such as "lowest prices in town," or "reduced prices" or words of like substance, effect or import.

(3) Advertisement of any definite or fixed price or prices for personal services rendered.

(4) Conducting a business in a grossly unprofessional or dishonest manner.

(5) Conviction of a felony or of gross immorality except that where a person has received any part of his course of study in cosmetic therapy at the Hillcrest School of Oregon, his conduct prior to the granting of his parole or his discharge from the institution shall not be considered.

(6) Continuing to practice while knowingly afflicted with an infectious or contagious disease.

(7) Addiction to the liquor habit or the drug habit to such degree as to render the person unfit to practice.

(8) Persisting in violating the sanitary rules and regulations and other published rules and regulations of the board.

(9) Failure to keep his certificate upon display, as provided in this chapter.

(10) Employment of cappers, steerers or solicitors to obtain business.

(11) Obtaining any fee by fraud or misrepresentation.

(12) Employment, directly or indirectly, of any person not holding a certificate of registration under this chapter to perform cosmetic therapy work.

[Amended by 1961 c.386 §2]

691.140 Procedure for revoking, suspending or denying certificates and licenses. (1) Before taking action under ORS 691.130 or 691.230, the board shall give written notice to the accused person, stating the specific reason for its adverse action, and such person shall be granted the opportunity to appear before the board for a public hearing within 20 days from the date of the notice.

(2) At the hearing the defendant may be represented by counsel. The board shall have the power to subpena witnesses and to require the production of books, records and papers for the purpose of the hearing. Subpenas shall be issued by the secretary of the board, directed to the sheriff of the proper county, to be served and returned in the same manner as subpenas for criminal cases. Fees and mileage of the sheriff and of the witnesses shall be the same as allowed in criminal cases and shall be paid from the fund of the board as other expenses of the board are paid. If the defendant prevails at the hearing, the board shall grant the proper relief without delay.

(3) Any investigation, inquiry or hearing thus authorized may be undertaken or held by and before any member or members of the board, and the finding or order of such member or members, when approved and confirmed by the board, shall be deemed the finding or order of the board.

691.150 Appeal from action of board. In case of refusal to grant the certificate or license or the revocation of the certificate or license, the applicant for the license or certificate or the person whose license or certificate is revoked shall have the right to appeal from the refusal to grant or revocation within 30 days after the cancelation or refusal. The appeal shall be to the circuit court in the county in which was held the meeting of the board in which the revocation or refusal was made. If a person desires to take an appeal he shall serve, or cause to be served, upon the secretary of the board a written notice of appeal, which shall contain a statement of the grounds of appeal, and likewise shall serve and file in the office of the secretary an undertaking on appeal with good and sufficient surety, to be approved by the secretary, running to the State of Oregon, conditioned on the speedy prosecution of the appeal and the payment of such costs as may be charged against him upon appeal. The secretary, within 10 days after the service of notice of appeal and the filing and approval of the bond, shall transmit to the clerk of the circuit court to which the appeal is taken, a certified copy, under the seal of the board, of accusations on which the revocation or the refusal to grant the license was based, the grounds so assigned for appeal, together with the notice and undertaking on appeal. The clerk of the court thereupon shall docket the appealed cause and it shall be tried in all respects as an ordinary civil suit and like proceedings shall be had thereon. Upon appeal the cause shall be tried de novo. Either party may appeal from the decree of the circuit court to the Supreme Court in the same manner as civil suits may be appealed thereto.

691.160 Prohibited practices. No person shall engage in the practice of cosmetic therapy in this state:

(1) Without first having obtained a certificate, as provided in this chapter.

(2) Who permits any person in his employ or under his supervision or control to practice cosmetic therapy without such certificate.

(3) Who has obtained or attempted to obtain such certificate by fraudulent means.

(4) Who has permitted the fraudulent use of his certificate by another person.

(5) Who has failed to display his certificate, as required by this chapter.

(6) Who has failed to comply with the sanitary rules and regulations promulgated by the board.

(7) Who violates any of the provisions of this chapter.

691.170 Use of shop for purposes other than the practice of cosmetic therapy. No person shall permit the place of business wherein the practice of cosmetic therapy is carried on to be used for sleeping quarters or to allow cooking in such place or to be used for domestic purposes. If such place of business is established in part of a building, the balance of which building is used for purposes other than the practice of cosmetic therapy, the part wherein the practice of cosmetic therapy is carried on shall be separated from the balance of the building by a partition from floor to ceiling and shall not be connected except by doors which shall not be left open while the place of business is in actual operation; this provision shall not apply to the displaying and selling of merchandise incidental to or related to the practice of cosmetic therapy in a beauty salon.

[Amended by 1953 c.231 §4]

691.180 Fees. The following is the schedule of fees to be paid to the board:

(1) Certificate of registration as a practitioner in any of the branches of cosmetic therapy, $5.

(2) Certificate of registration of a nonresident as a practitioner in any of the branches of cosmetic therapy, $25.

(3) Annual renewal of certificate of registration as a practitioner in any of the branches of cosmetic therapy, $4.

(4) Examination fee for certificate of registration as a practitioner in any of the branches of cosmetic therapy, $5.

(5) Demonstrator's certificate, $1.

(6) Shop license permit, $20.

(7) Annual renewal of shop license permit, $5.

(8) Temporary permit issued pursuant to ORS 691.105, $1.

[Amended by 1953 c.231 §4; 1955 c.155 §4; 1959 c.29 §1; 1963 c.52 §2]

691.190 to 691.200 [Reserved for expansion]

LICENSING THE TEACHING OF COSMETIC THERAPY

691.210 License required by schools teaching cosmetic therapy. No school for the teaching of cosmetic therapy, or any of the classifications thereof, as defined in ORS 691.020, shall be conducted or operated without being approved and licensed by the board.

691.220 Standards and requirements of schools teaching cosmetic therapy. (1) Except as provided in subsection (7) of this section, no school for the teaching of cosmetic therapy, or any of the classifications thereof, as defined in ORS 691.020, shall be approved by the board unless the school has the following requirements:

(a) Has a continuous course of study of 2,500 hours minimum, distributed over a term of not less than 12 months, except that a full course as manicurist only may be completed in 350 hours, and a full course of study of electrologist only may be completed in 500 hours of specialized training over a period of not less than four months.

(b) Has filed a bond with the board running to the State of Oregon, in the penal sum of $3,000 for the benefit of any person concerned, conditioned upon faithful performance of any contract made with any pupil of the school with reference to condition, time and term of teaching, on which bond any student claiming to be damaged by reason of the failure of the school to operate may maintain an action against the school and the surety named therein, or either of them, for refund of tuition paid, and any judgment against the principal or surety in any such action shall include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee.

(c) Has filed with the board, on forms furnished by the board, names and addresses of the owner or owners of such school, together with the name and address of each teacher, together with the subjects taught by each and his qualifications therefor. Each teacher so employed shall devote his entire time during school hours to instructing students, except that if the board in its discretion grants its written approval, special lecturers and instructors who have been approved by the board pursuant to ORS 691.240 may be employed to teach courses referred to in paragraph (d) of this subsection; provided that there shall be one full-

time teacher licensed to teach cosmetic therapy in all the regular branches, except class C, for each 20 students enrolled. No instructor in a school may practice upon any patron for a charge, and any instructor who does so shall be subject to disciplinary action by the board.

(d) Has outlined in writing and filed with the board the proposed course of study for the teaching of cosmetic therapy, stating which of the classes A, B, C or D defined in ORS 691.020 are to be taught and outlining the hours of instruction in anatomy, bacteriology, physiology, sanitation, the nervous system, glands, hair, skin, fingernails, the circulatory system, electricity, shop management, professional ethics, and history of cosmetology, setting forth the hours for instruction and lectures in theory and for instruction for practical application.

(e) Is so located as to be entirely separate and apart from, and have no connection with, living quarters, beauty shop, or any other place of business.

(f) Does not display or sell merchandise except such merchandise as is incidental to or related to the teaching of cosmetic therapy.

(g) Has a separate entrance for use of such school, and the word "school," "academy" or "college" shall be painted in letters at least three inches high on all doors leading to such school which are open to the public. The word "school," "academy" or "college" shall appear conspicuously on its literature and advertising matter.

(h) Provides separate rooms for class work and practical instruction and adequate equipment for the full and ready teaching of all subjects included in the curriculum.

(2) Each school so licensed shall file with the board the name and address of each student applying for registration in such school and such forms shall be accompanied by satisfactory evidence that the student is at least 17 years of age and of good moral character and has received the equivalent of two years' education in a high school, has passed a satisfactory physical examination, including a Wasserman test, and has furnished a certificate from a physician licensed by the State Board of Medical Examiners that he is free from contagious and infectious diseases.

(3) No person or corporation shall be granted a license to open a new school unless 20 verified applications for enrollment as students for a course of training of the minimum number of hours and months required by this chapter have been filed with the board by the school.

(4) Each school shall furnish to each student enrolling a financial schedule showing the total cost of all charges involved in the course of study. All advertising of the school, when mentioning cost of tuition or related subjects, shall furnish the same financial statement.

(5) Every school shall keep a daily record of attendance of each student and the time devoted by each student to the various practices or branches, and shall establish grades and hold examinations.

(6) Every school owner or manager shall file student monthly operation and attendance records with the board, which records shall be subscribed by the school owner or manager and head instructor.

(7) Paragraphs (b), (e), (g) and (h) of subsection (1) of this section and subsections (3) and (4) of this section shall not apply to a school of cosmetic therapy established at the Hillcrest School of Oregon. The evidence of the good moral character of a student required by subsection (2) of this section shall not be required where the student is enrolled in a school established at the Hillcrest School of Oregon.

[Amended by 1955 c.155 §5; 1961 c.386 §3]

691.225 Credit for attendance at cosmetic therapy school at Hillcrest School of Oregon. Every school approved by the board shall grant full credit for the hours of study in cosmetic therapy at a school established at the Hillcrest School of Oregon if the student enrolls within 30 days after the granting of his parole or his discharge from the institution. For the purpose of subsection (2) of ORS 691.220, a certificate of parole or discharge from the Hillcrest School of Oregon shall be conclusive evidence of the good moral character of the student before and at the time of the granting of his parole or his discharge from the institution.

[1961 c.386 §5]

691.230 Revocation, suspension or denial of school licenses. The board may, as provided in ORS 691.140, refuse to issue, renew or restore, or may suspend or revoke a school's license for:

(1) Failure of any school owner or manager to comply with the provisions of ORS 691.210, 691.220 and 691.225.

(2) Falsification of any record required to be filed with the board.

(3) Any of the reasons for which a certificate of registration is subject to revocation under ORS 691.130.

[Amended by 1953 c.272 §1; 1961 c.386 §6]

691.240 Teaching of cosmetic therapy without license prohibited. Except as provided in ORS 691.105, no person shall be employed to instruct students in any cosmetic therapy school unless the person is the holder of a current teacher's license. However, the board may in its discretion approve in writing a special lecturer or instructor who may be employed as provided in paragraph (c) of subsection (1) of ORS 691.220 to teach courses referred to in paragraph (d) of subsection (1) of ORS 691.220 without being required to hold a teacher's license.

[Amended by 1955 c.155 §6]

691.250 Examination and fee required for teacher's license; exemption from examination. A teacher's license shall be issued any person who has passed an examination conducted by the board to determine the fitness of the person as a teacher of cosmetic therapy and has paid the teacher's license fee listed in ORS 691.280 in addition to the examination fee. Persons who have had three years' continuous experience as an active practitioner of cosmetic therapy in class A, B and D as defined in ORS 691.020 immediately preceding application and have completed 30 clock hours of professional teacher training approved by the board in methods and materials of teaching and student-teacher relations within five years immediately preceding application shall be issued a license without examination upon payment of the teacher's license fee listed in ORS 691.280.

[Amended by 1957 c.406 §1; 1961 c.42 §1]

691.260 Qualifications of applicant for teacher's license. An applicant to take the examination to qualify for a teacher's license shall have the following qualifications:

(1) One year's continuous experience as a licensed practitioner in class A, B and D as defined in ORS 691.020 immediately preceding the examination.

(2) Thirty clock hours of professional teacher training approved by the board in methods and materials of teaching and student-teacher relations completed during the year which immediately precedes the examination.

(3) Two years of high school education or its equivalent.

(4) Twenty-one years of age.

(5) Currently licensed as a practitioner in class A, B and D as defined in ORS 691.020.

[Amended by 1957 c.406 §2; 1961 c.42 §2]

691.270 Examination of applicant for teacher's license. (1) The applications for examinations for teachers' licenses shall be in writing on forms prescribed and supplied by the board, contain satisfactory evidence of the qualifications required of an applicant, be certified by the applicant under oath, be filed with the secretary of the board and be accompanied by the examination fee listed in ORS 691.280.

(2) Examination of applicants for teachers' licenses shall be held by the board, with the assistance of such examiners as the board may appoint, at least once every six months under such rules as the board may prescribe.

691.275 Professional teacher training required for renewal of teacher's license. The board shall refuse to renew the teacher's license of any applicant who has not completed an average of 10 clock hours of professional teacher training approved by the board in methods and materials of teaching and student-teacher relations for each year the applicant has held a teacher's license; but this requirement does not apply to the renewal of the teacher's license of any applicant who has completed a total of 200 clock hours of such professional teacher training. In computing clock hours of professional teacher training under this section, the number of such clock hours approved by the board and completed by an applicant before and after the original issuance of the teacher's license and before and after August 9, 1961, shall be included.

[Amended by 1957 c.406 §3; 1961 c.42 §3]

691.280 Fees. The following is the schedule of fees to be paid the board, except that subsections (1) and (3) of this section shall not apply to a school established at the Hillcrest School of Oregon:

(1) Certificate of approval of a school for the teaching of cosmetic therapy, $150.

(2) Teacher's license, $5.

(3) Annual renewal of certificate of approval, $50.

(4) Annual renewal of teacher's license, $5.

(5) Examination fee for teacher's license, $5.

[Amended by 1953 c.231 §4; 1961 c.386 §7]

691.290 to 691.300 [Reserved for expansion]

STATE BOARD OF COSMETIC THERAPY EXAMINERS

691.310 State Board of Cosmetic Therapy Examiners; appointment, qualifications, terms and removal of members. (1) There hereby is created a State Board of Cosmetic Therapy Examiners consisting of three members to be appointed by the Governor. Each member of the board shall serve for a term of two years and until his successor is appointed and qualified. At all times the personnel of the board shall be so constituted that two graduates of the same school of cosmetology shall not be members at the same time.

(2) To be eligible for appointment as a member of the board, a person shall be:

(a) A registered and practicing hairdresser and cosmetician, manager-operator or operator under this chapter.

(b) Of good moral character.

(c) At least 25 years of age.

(d) Actively engaged in the practice of the profession in Oregon for at least five years prior to his appointment.

(e) A citizen of the United States.

(3) No person is eligible for appointment as a member of the board who is connected, directly or indirectly:

(a) In the wholesale business of the manufacture, rental, sale or distribution of cosmetological appliances or supplies.

(b) With any school of cosmetology.

(4) Any member of the board may be removed at any time during his term of office at the discretion of the Governor. Vacancies shall be filled by appointment by the Governor for the unexpired portion of any term.

691.320 Meetings; seal; officers; administering oaths. The members of the board shall prescribe rules for the government of the board. They shall adopt a seal and the seal shall be used to authenticate the acts of the board and shall be affixed to all certificates issued by the board. They shall hold meetings at such times and places as they may elect. A majority of the board shall constitute a quorum. There shall be elected a president, a vice president and a secretary. The president and the secretary shall have the power to administer oaths.

691.330 Compensation of members. The members of the board shall serve without compensation except when actually engaged in the active performance of official duties as members of the board. Each member, except the secretary, shall receive $10 for each day so employed, together with expenses necessarily incurred. The secretary shall be paid his annual salary as provided by law, together with expenses actually and necessarily incurred in the performance of official duties.

691.340 Books and records of board. (1) The secretary of the board shall keep:

(a) A record of the proceedings of the board.

(b) A register of applicants for certificates, showing the name of the applicant, the name and location of his place of occupation or business and whether the applicant was granted or refused a certificate.

(c) A chronological and alphabetical register of the names and exact locations of business of all places where the art of cosmetic therapy, in any of its classifications, is practiced or taught, and the names and addresses of all managers of beauty parlors or shops, practitioners or operators in any classification, and apprentices.

(2) The books and the records of the board are prima facie evidence of matter therein contained and are public records. All records and files of the board shall be kept at the principal office and shall, at all reasonable hours, be open to public inspection.

691.350 Rules and regulations; making inspections. (1) With the approval of the State Board of Health the board shall enforce the provisions of this section and ORS 691.360 and shall make and enforce reasonable rules governing the sanitary and hygienic conditions concerning the practice of cosmetic therapy and the conduct and operation of beauty parlors and the conduct and operation of cosmetic therapy schools, and for this purpose any member of the board may act as inspector or the board may appoint and remove one or more inspectors, each of whom shall be a registered and practicing cosmetician and shall devote such time to inspecting any place devoted to the practice or teaching of cosmetic therapy.

(2) The board may make and enforce under subsection (1) of this section rules applicable only to a cosmetic therapy school established at the Hillcrest School of Oregon.
[Amended by 1961 c.386 §8]

691.360 Investigating complaints. Whenever complaint is made to the board that any place devoted to the practice or teaching of cosmetic therapy is kept in an insanitary condition or that contagious disease has been imparted to any person thereby or thereat, the board shall cause the complaint to be investigated and upon such cause shown shall institute proper proceedings thereon.

691.370 Disposition of receipts; bond of treasurer. All fees collected by the board in accordance with this chapter shall be held by the treasurer of the board. On the tenth of each month he shall deposit with the State Treasurer all moneys on hand received during the previous month. The State Treasurer shall place the moneys in a special fund, and shall pay it out on warrants drawn by the Secretary of State upon vouchers ordered by the board and issued and signed by the president and treasurer of the board. At no time, however, shall any expenses of the board be paid out of any other fund. The treasurer shall keep a true and accurate account of all moneys received and of all vouchers issued by the board, and on December 1 of each year the treasurer shall file with the Secretary of State a report of all receipts and disbursements for the fiscal year. He shall give to the board a corporate surety bond in such sum as the board may determine, conditioned for the faithful performance of the duties of his office, the expense of the bond to be paid out of the special fund.

691.380 to 691.980 [Reserved for expansion]

PENALTIES

691.990 Penalties. Violation of any of the provisions of this chapter is punishable, upon conviction, by a fine of not more than $25, or by imprisonment in the county jail for not more than 10 days. Each day of violation is a separate offense. In all prosecutions arising under this chapter, justice courts, district courts and circuit courts have concurrent jurisdiction.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel