

Chapter 691

1973 REPLACEMENT PART

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GENERAL PROVISIONS

691.010 [Repealed by 1967 c.587 §1 (subsections (1) to (5) and (8) to (13) of 691.011 enacted in lieu of 691.010)]

691.011 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Beauty shop" or "shop" means an establishment operated for the purpose of engaging in the practice of cosmetic therapy and licensed as provided by this chapter.

(2) "Board" means the State Board of Cosmetic Therapy.

(3) "Certificate of registration" means a certificate of registration issued in accordance with this chapter authorizing the registrant to practice one or more classes of cosmetic therapy.

(4) "Cosmetic therapy" means any one or combination of the practices or classes of practices described in ORS 691.020 when engaged in for compensation and when practiced on any person.

(5) "Cosmetician" means a person registered and licensed to practice in two or more classes of cosmetic therapy.

(6) "Hairpiece" means a wig, wiglet, chignon or other like article designed or manufactured from natural hair or artificial substitutes.

(7) "New hairpiece" means a hairpiece which has been in the possession of the customer less than 30 days from the date of its purchase and every other hairpiece is a used hairpiece.

(8) "Practitioner" means a person registered and licensed to practice a class of cosmetic therapy.

(9) "Professional teacher training" means a course of training in materials of teaching and student-teacher relations approved by the board as provided by ORS 691.350.

(10) "School of cosmetic therapy" or "school" means an establishment operated for the purpose of teaching cosmetic therapy and licensed as provided by this chapter.

(11) "School manager" means the owner, or other person, who controls the operation of the school.

(12) "Shop manager" means the owner, or other person, who controls the operation of a beauty shop.

(13) "State Board of Medical Examiners" means the Board of Medical Examiners for the State of Oregon.

[Subsections (1) to (5) and (8) to (13) enacted as 1967 c.587 §2 (enacted in lieu of 691.010); subsections (6) and (7) enacted as 1967 c.355 §4]

691.020 Classifications of practice of cosmetic therapy. For the purpose of this chapter, the practice of cosmetic therapy is classified, and practitioners of each classification are designated, according to the practices engaged in when rendering services. The classifications, designations of the practitioners of each class and practices included in each classification are:

(1) Class A. Hairdresser. Includes arranging, dressing, curling, temporary waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring or similar work, upon the hair, or upon a hairpiece, by any means.

(2) Class B. Cosmetologist. Includes the use of the hands, mechanical or electrical apparatus or appliances, cosmetic preparations, antiseptics, tonics, lotions or creams in massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp, face, legs, neck, arms or upper part of the body.

(3) Class C. Electrologist. Includes the removal of superfluous hair on the scalp, face, neck, shoulders, arms, legs or upper part of the body by electrical methods. However, electrical methods 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.

(4) Class D. Manicurist. Includes cutting, trimming, polishing, coloring, tinting, cleansing or manicuring the nails or massaging, cleansing, treating or beautifying the hands.

[Amended by 1967 c.355 §2; 1967 c.587 §§3, 58]

691.030 [Repealed by 1967 c.587 §11 (691.055 enacted in lieu of 691.030)]

691.040 Application of chapter generally. (1) This chapter does not apply to:

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

(b) Service by a person authorized under the laws of this state to practice medicine, osteopathy, surgery or dentistry.

(c) Authorized services by barbers licensed pursuant to ORS chapter 690.

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

(2) A person licensed under ORS chapter 690, who is employed in any place of busi-

ness regulated by this chapter, is not required to obtain a license under this chapter.

(3) This section does not authorize any of the persons named in this section to do permanent or temporary waving of the hair. [Amended by 1967 c.587 §4]

691.045 Application of chapter to fitting and styling of hairpieces. (1) This chapter does not preclude an unlicensed person from styling, fitting and arranging a new hairpiece upon the head of another and the use of the hands or combs, brushes and like tools and equipment in arranging the natural hair of such person as an incident to the sale of the hairpiece. However, the storage, use and cleanliness of such tools and equipment so used in arranging the natural hair shall be in compliance with rules and regulations promulgated pursuant to ORS 691.350 relating to their storage, use and cleanliness by licensed practitioners.

(2) Nothing in this chapter precludes a licensed practitioner from styling, fitting and arranging a new or used hairpiece upon the head of another person off the premises of a licensed beauty shop, if such activity is performed on the premises of a bona fide retail establishment. [1967 c.355 §5]

691.050 [Amended by 1961 c.386 §1; repealed by 1967 c.587 §11 (691.055 enacted in lieu of 691.050)]

REGISTRATION AND LICENSING

691.052 Registration and license required. (1) No person shall practice cosmetic therapy unless:

(a) He first obtains a certificate of registration as a cosmetic therapist as required by this chapter; and

(b) He is manager of, or employed by, a beauty shop.

(2) Unless he obtains a license as required by this chapter, no person shall:

(a) Operate a shop engaging in the practice of cosmetic therapy.

(b) Operate a school teaching cosmetic therapy.

(c) Teach cosmetic therapy.

(3) Except as provided in ORS 691.105, a cosmetic therapy school shall not employ a person to teach unless the person has a current license to teach cosmetic therapy as required by this chapter. [1967 c.587 §5]

691.055 Registration procedure. (1) A person who wishes to practice cosmetic ther-

apy shall apply to the board for a certificate of registration authorizing him to practice in a class, or any combination of classes, of cosmetic therapy. The board shall issue a certificate according to his fitness to practice in one or more classes of cosmetic therapy, if the applicant:

(a) Satisfactorily passes an examination to determine his fitness to receive a certificate unless the examination is waived as provided by ORS 691.060.

(b) Furnishes a certificate from a physician licensed by the State Board of Medical Examiners that he is free from contagious and infectious disease.

(c) Provides evidence sufficient to prove to the satisfaction of the board that the applicant is of good moral character.

(d) Pays the required certificate fee.

(2) Application for registration shall be certified by the applicant under oath.

(3) A certificate shall be issued in the name of the board, signed by the president and secretary.

(4) No person shall practice cosmetic therapy unless his certificate is conspicuously displayed in his place of business or employment.

[1967 c.587 §12 (enacted in lieu of 691.030, 691.050 and 691.080)]

691.060 Reciprocity. (1) An applicant for a certificate of registration shall be granted a certificate if he:

(a) Is 18 years of age or more.

(b) Is licensed under and has complied with the requirements of the cosmetic therapy laws of another state.

(c) Has been actively engaged in the practice of cosmetic therapy in another state or country for a period of at least two years ending not more than six months prior to the date of application.

(d) Satisfactorily passes an examination in history of cosmetology, shop management, professional ethics and sanitation and gives a satisfactory practical demonstration.

(e) Pays the required examination and registration fees.

(2) The board may waive the examination and the examination fee upon the production of satisfactory evidence by the applicant of having completed a course of study substantially equivalent to that required by subsection (1) of ORS 691.071.

[Amended by 1953 c.231 §4; 1967 c.587 §15; 1971 c.762 §1]

691.070 [Repealed by 1967 c.587 §13 (691.071 enacted in lieu of 691.070)]

691.071 Examinations. (1) A person shall be admitted to the examination for a certificate of registration if he:

(a) Applies to the board to take the examination for a certificate.

(b) Except as provided in subsection (3) of this section, has completed a course of study in at least one class of cosmetic therapy at a cosmetic therapy school licensed by the board.

(c) Is at least 18 years of age.

(d) Pays the required examination fee.

(2) Examinations shall be practical demonstrations and written and oral tests. Examinations shall cover all subjects taught in schools of cosmetic therapy but shall not be confined to any specific system or methods.

(3) Applicants for certificates of registration who fail to satisfactorily pass an examination may be required by rule of the board to complete a further course of study of a prescribed minimum number of hours prior to admission to any further examination.

[1967 c.587 §14 (enacted in lieu of 691.070); 1973 c.832 §42]

691.080 [Repealed by 1967 c.587 §11 (691.055 enacted in lieu of 691.080)]

691.085 Frequency of examinations. Examinations of applicants for certificates of registration and for licenses to teach in any class of cosmetic therapy shall be conducted by the board at least once every six months.

[1967 c.587 §50]

691.090 Certificates of identification.

(1) A person who practices cosmetic therapy 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 shall contain the signature of the operator, his post-office address, the number and date of his license and the place of business where he is regularly employed.

(2) The board shall, without charge, issue such certificates over the signature of the secretary of the board upon demand by any practitioner who practices cosmetic therapy away from his place of business on persons who are physically unable to visit a beauty shop.

[Amended by 1967 c.587 §16]

691.100 Demonstrator's certificate. (1) If a person not licensed under any of the other provisions of this chapter wishes gra-

tuitously or for compensation to demonstrate lotions, creams or other preparations which are or may be used in cosmetic therapy in any manner which involves physical contact with another person, he shall first obtain from the board a demonstrator's certificate. The board shall issue the certificate to a person who:

(a) Makes application to the board for a demonstrator's certificate.

(b) Furnishes the board with a certificate from a physician licensed by the State Board of Medical Examiners that he is free from contagious and infectious disease.

(c) Pays the required fee.

(2) A demonstrator's certificate shall be in force for a period of one year from the date of issue unless revoked by the board for cause.

[Amended by 1967 c.587 §17]

691.105 Temporary permit to practice, demonstrate and teach cosmetic therapy.

(1) A person who wishes to practice, demonstrate and teach cosmetic therapy, or perform any one or more of such functions, temporarily and primarily for educational purposes shall first obtain a 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 cosmetic therapy, which period shall not exceed 10 days.

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

(3) A person may be granted a permit under subsection (1) of this section 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 has a valid certificate of registration issued pursuant to this chapter.

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

(d) Pays the required permit fee.

[1955 c.155 §2; 1967 c.587 §18]

691.110 Shop licenses. (1) A person who wishes to operate a beauty shop shall apply to the board for a shop license. A shop license shall be issued if:

(a) The shop complies with the rules of the board concerning health and sanitation.

(b) The applicant pays the required license fee.

(2) A shop license shall be issued in the name of the owner of the shop. If the owner is not the shop manager, the shop license also shall name the person who manages the shop, who shall be responsible for the proper conduct of the shop in the same manner as though he were the owner.

(3) A shop license shall be displayed in the same manner as the certificate of a practitioner.

[Amended by 1957 c.194 §1; 1967 c.587 §28]

691.120 Terms of certificates and licenses; renewal dates; prorated fees. (1) Except as otherwise provided by this chapter, all certificates and licenses shall expire on July 31 next after the date of issue, unless theretofore renewed for the following year by payment of the required renewal fee and compliance with other requirements for renewal. The board, however, may vary the date of certificate and license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee.

(2) A certificate of registration or a teacher's license which has not been renewed for more than one year, and less than five years, after the date of expiration may be renewed and restored:

(a) Upon payment of one year's renewal fee; and

(b) Upon satisfactory proof of qualifications to resume practice or teaching.

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

(a) Satisfactorily passes an examination conducted by the board.

(b) Pays one year's license fee in advance.

[Amended by 1953 c.231 §4; 1955 c.155 §3; 1961 c.102 §1; 1967 c.587 §6; 1973 c.832 §43]

DENIAL, REVOCATION, SUSPENSION OF CERTIFICATES AND LICENSES

691.130 Grounds for denial, revocation or suspension of certificates or licenses. The board may refuse to issue, renew or restore, or may suspend or revoke the certificate of registration or license of a person, shop or school, if the school owner, licensee or applicant:

(1) Uses fraud in obtaining or in attempting to obtain a certificate of registration or license.

(2) Knowingly makes a false or deceptive statement of a material fact in advertising.

(3) Conducts a business in a dishonest manner.

(4) Is convicted of a felony or of a misdemeanor involving moral turpitude, in which case a certified copy of the judgment of conviction shall be prima facie evidence thereof.

(5) Continues to practice while he knows he is afflicted with an infectious or contagious disease.

(6) Uses intoxicants, narcotics and drugs habitually and excessively.

(7) Violates the sanitary and other rules of the board.

(8) Fails to keep his certificate or license displayed as provided by this chapter.

(9) Obtains any fee by fraud or misrepresentation.

(10) Permits, directly or indirectly, any person, including a licensee or himself, who is not registered and licensed pursuant to this chapter to perform or practice cosmetic therapy.

(11) Fails to carry on regular instruction in all aspects of the school's approved courses of study or fails to regularly instruct in all aspects of courses or subjects not required by law but advertised or agreed to by contract.

(12) Fails to comply with the provisions of this chapter.

(13) Displays gross incompetence.

(14) Practices cosmetic therapy outside of a licensed school or beauty shop except as provided otherwise in this chapter.

[Amended by 1961 c.386 §2; 1967 c.587 §39; 1971 c.762 §3; 1973 c.832 §44]

691.140 [Amended by 1967 c.587 §41; repealed by 1971 c.734 §21]

691.145 License denial procedure; promulgation, review of rules and orders. (1) Where the board proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.500.

[1971 c.734 §148]

691.150 [Amended by 1967 c.587 §42; repealed by 1971 c.734 §21]

PROHIBITED PRACTICES

691.160 Prohibited practices. No person shall:

(1) Permit any person in his employ or under his supervision or control to practice cosmetic therapy without a certificate of registration as required by this chapter.

(2) Obtain or attempt to obtain a certificate, license or permit by fraudulent means.

(3) Permit the fraudulent use of his certificate by another person.

[Amended by 1967 c.587 §9]

691.170 Prohibited shop practices. No person shall permit the premises of a licensed beauty shop to be used for sleeping quarters, cooking or other domestic purposes. If a beauty shop is established in part of a building, the part in which cosmetic therapy is practiced shall be separated from the balance of the building by a partition extending from floor to ceiling and may be connected by doors if the doors are not left open while the shop is in actual operation. This section is not intended to prohibit the display and sale of merchandise.

[Amended by 1953 c.231 §4; 1967 c.587 §10; 1971 c.762 §4]

691.180 [Amended by 1953 c.231 §4; 1955 c.155 §4; 1959 c.29 §1; 1963 c.52 §2; 1967 c.18 §2; 1967 c.587 §7; renumbered 691.300]

SCHOOLS OF COSMETIC THERAPY

691.190 Issuance of school licenses; designation of chief instructor. (1) A person who wishes to operate a school for the teaching of cosmetic therapy shall apply to the board for a school license. A school license shall be issued by the board if the applicant:

(a) Offers at the school a course of study that meets the requirements of ORS 691.195.

(b) Provides premises for and operates the school as required by ORS 691.200.

(c) Files with the board the name and address of each teacher employed by the school, the subjects taught by each and his qualifications therefor.

(d) Files with the board a bond that meets the requirements of ORS 691.205.

(e) Pays the required license fee.

(2) An application for a school license shall be:

(a) Made by the owner of the school on forms provided by the board.

(b) Certified by the applicant under oath and filed with the board accompanied by the required license fee.

(3) A license to operate a new school shall not be granted unless the applicant files with the board verified copies of the notarized applications for enrollment of at least 20 students for training for the minimum number of hours and months required by this chapter.

(4) A school license shall be issued in the name of the owner. If the owner is not the manager of the school, the owner shall file with the board the name of the person who manages the school, and the manager shall be responsible for the proper conduct of the school in the same manner as though he were the owner.

(5) Each school shall have and designate to the board a chief instructor who shall have the following qualifications:

(a) Hold a teacher's license which shall have been validly in effect for at least one year immediately preceding such designation; and

(b) Has been actively engaged full time in teaching the practice of cosmetic therapy in an established cosmetic therapy school for a period of one year, ending not more than six months immediately prior to date of designation as such.

(6) A school owner or manager may serve as the school's chief instructor if he qualifies under subsection (4) of this section. [1967 c.587 §30 (691.190 enacted in lieu of 691.220); 1971 c.762 §5]

691.195 Courses in cosmetic therapy. (1) A school of cosmetic therapy shall offer a continuous course of study covering a minimum of 2,500 hours distributed over a term of not less than 12 months, except that the school may offer:

(a) For manicurists, a continuous course of study covering a minimum of 350 hours distributed over a term of not less than six weeks.

(b) For electrologists, a continuous course of study covering a minimum of 500 hours distributed over a term of not less than four months.

(2) A school shall file with the board for approval an outline of the proposed course of study for each class of cosmetic therapy to be taught, showing 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 the history of cosmetology. The outline

shall state the hours for instruction and lectures in theory and the hours for instruction for practical application.

[1967 c.587 §31 (enacted in lieu of 691.220)]

691.200 School premises. A school of cosmetic therapy shall:

(1) Be entirely separate and apart from, and have no connection with, living quarters, beauty shop or any other place of business.

(2) Display or sell no merchandise except merchandise that is incidental to or related to the teaching of cosmetic therapy.

(3) Have a separate entrance for use of the school and the word "school," "academy" or "college" printed in letters at least three inches high on all doors leading to the school which are open to the public.

(4) Use the word "school," "academy" or "college" conspicuously in its literature and advertising matter.

(5) Provide separate rooms for classwork and practical instruction.

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

[1967 c.587 §32 (enacted in lieu of 691.220)]

691.205 School bond. The owner of a school of cosmetic therapy shall file with the board a bond, approved by the board as to form, in the penal sum of \$5,000, running to the State of Oregon, for the benefit of any person concerned, conditioned upon faithful performance of any contract made with a student of the school. A student claiming to be damaged by reason of the failure of a school to fulfill the terms of the contract with the student may maintain an action against the school and the surety named in the bond, or either of them, for refund of tuition paid. If the student obtains a judgment against the principal or surety in such an action, he shall be allowed disbursements, costs and a reasonable attorney fee.

[1967 c.587 §33 (enacted in lieu of 691.220)]

691.210 [Repealed by 1967 c.587 §57]

691.215 School regulations regarding students. The manager of a school of cosmetic therapy shall:

(1) Keep a daily record of attendance for each student and a daily record of the time devoted by each student to the various practices or classes of cosmetic therapy.

(2) Establish grades and hold examinations.

(3) File student monthly operation and attendance records with the board which

records shall be subscribed by the school manager and the chief instructor.

[1967 c.587 §34 (enacted in lieu of 691.220)]

691.220 [Amended by 1955 c.155 §5; 1961 c.386 §3; repealed by 1967 c.587 §29 (691.190 to 691.215, 691.235 and 691.245 enacted in lieu of 691.220)]

691.225 [1961 c.386 §5; 1965 c.184 §1; repealed by 1967 c.587 §37 (691.226 enacted in lieu of 691.225)]

691.226 Hillcrest School and students.

(1) Subsection (3) of ORS 691.190, ORS 691.200 and 691.205, subsection (3) of ORS 691.245 and subsection (1) of ORS 691.280 do not apply to a school of cosmetic therapy established at the Hillcrest School of Oregon.

(2) Notwithstanding ORS 691.245, evidence of good moral character shall not be required of a student to enroll in a school established at the Hillcrest School of Oregon.

(3) 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.

(4) A school of cosmetic therapy shall give full credit for hours of study completed by a student transferring from a school of cosmetic therapy established at the Hillcrest School of Oregon.

[1967 c.587 §38 (enacted in lieu of 691.225)]

691.230 Additional grounds for denial, revocation or suspension of school licenses. The board may also refuse to issue, renew or restore, or may suspend or revoke, a school's license if the school manager:

(1) Fails to comply with ORS 691.190 to 691.215, 691.235 and 691.245.

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

[Amended by 1953 c.272 §1; 1961 c.386 §6; 1967 c.587 §40]

691.235 School regulations regarding teachers. (1) A teacher employed at a school of cosmetic therapy shall devote his entire time during school hours to instructing students. A teacher shall not practice for a charge on any patron of the school. A school shall employ at least the following number of full-time teachers licensed to teach cosmetic therapy in classes A, B and D:

(a) Two, if it has 30 or fewer students enrolled;

(b) One additional teacher for each additional 20 students enrolled in excess of 30, or any part thereof.

(2) Special lecturers and instructors who

have special permits issued pursuant to ORS 691.105 may be employed to teach courses referred to in subsection (2) of ORS 691.195. [1967 c.587 §35 (enacted in lieu of 691.220); 1971 c.762 §6]

691.240 [Amended by 1955 c.155 §6; 1967 c.452 §1; repealed by 1967 c.452 §11 and by 1967 c.587 §57]

691.245 Qualifications of students. (1) The school manager of each school of cosmetic therapy shall file with the board the name and address of each student who applies for training in the school accompanied by satisfactory evidence that the student meets the qualifications provided by subsection (2) of this section.

(2) A person is eligible to enroll in a school if he:

- (a) Is at least 17 years of age.
- (b) Is of good moral character.
- (c) Has received the equivalent of two years' education in a high school.

(d) Furnishes a certificate from a physician licensed by the State Board of Medical Examiners that he is free from contagious and infectious diseases.

(3) Each school shall furnish each student a schedule showing the cost of each charge involved in the course of study. The school shall furnish the same information when advertising the school if the cost of tuition or related subjects are mentioned.

(4) When a practitioner applies for training in another class of cosmetic therapy, the board shall allow the applicant credit for training completed to qualify for the certificate of registration which the applicant holds.

[1967 c.587 §36 (enacted in lieu of 691.220)]

691.248 Registration card; fee; effect of course or school transfer; effect of failure of school to receive copy; exception. (1) Upon enrollment in a school, the student shall pay to the board a fee of \$5. Upon receipt of the fee and, complying with the requirements of this chapter, the board shall issue to the student a registration card for the class or classes in which he is enrolled. A copy of the card shall be furnished to the school. The registration card shall entitle the student to complete the class in which he is enrolled without payment of additional enrollment fees to the board.

(2) In the event the student withdraws from the class for which the fee was paid and later enrolls in the same class or a different class, whether in the same school or another licensed school or if he transfers

from the class for which the fee was paid to a different class, whether in the same school or another licensed school, he shall pay a registration fee. The board shall issue to the student a registration card for the new class, and a copy thereof shall be furnished to the school. The card issued by the board prior to the issuance of the new card shall be canceled.

(3) If the school, in which the student was enrolled, has not received a copy of the student's registration card from the board within 30 days after such enrollment, the school shall discontinue the student's training. Any training hours or number of practical operations accumulated during the 30 days may be forfeited.

(4) This 1973 Act shall not apply to a person who is an inmate of a state correctional institution, and is a student of cosmetic therapy while so confined.

[1973 c.832 §46]

Note: The Legislative Counsel has not, pursuant to ORS 173.160, undertaken to substitute specific ORS references for the words of "this Act" in ORS chapter 691. Chapter 832, Oregon Laws 1973, enacted into law and amended the ORS sections which may be found by referring to the 1973 comparative Section Table located following the Index in volume 6 of Oregon Revised Statutes (1973 Replacement Parts).

691.250 [Amended by 1957 c.406 §1; 1961 c.42 §1; 1967 c.452 §2; repealed by 1967 c.452 §11 and by 1967 c.587 §24]

TEACHERS OF COSMETIC THERAPY

691.252 Requirements for license as teacher of cosmetic therapy. A person who wishes to teach cosmetic therapy shall apply to the board for a teacher's license. A license shall be issued if the applicant:

(1) Satisfactorily passes an examination for a teacher's license.

(2) Has had the experience and training required by ORS 691.261.

(3) Is currently licensed as a practitioner in classes A, B and D.

(4) Is at least 21 years of age.

(5) Pays the required license fee.

[1967 c.452 §7; 1967 c.587 §19]

691.260 [Amended by 1957 c.406 §2; 1961 c.42 §2; 1967 c.452 §3; repealed by 1967 c.452 §11 and by 1967 c.587 §22 (691.261 enacted in lieu of 691.260)]

691.261 Qualifications for examination. An applicant is qualified to take the examination for a license to teach cosmetic therapy if he:

(1) Applies to the board to take the examination.

(2) Has:

(a) Completed at least 1,000 hours of student-teacher training as provided by ORS 691.290 and 691.295 in not less than six nor more than eight months;

(b) Had at least 18 months' continuous experience as a licensed practitioner in classes A, B and D, ending not more than six months immediately preceding the date of the application; or

(c) Had 18 months' continuous experience as a licensed teacher of cosmetic therapy in another state ending not more than six months immediately preceding the date of the application.

(3) Has, during the year immediately preceding the date of the teacher's examination, completed 30 clock hours of professional teacher training in a course approved by the board.

(4) Pays the required examination fee. [1967 c.452 §8; 1967 c.587 §23 (enacted in lieu of 691.260)]

691.270 [Repealed by 1967 c.587 §20 (691.271 enacted in lieu of 691.270)]

691.271 Application for license. An application for a license to teach cosmetic therapy:

(1) Shall be on forms provided by the board.

(2) Shall contain satisfactory evidence that the applicant has the qualifications required by ORS 691.252.

(3) Shall be certified by the applicant under oath and filed with the board accompanied by the required license fee. [1967 c.587 §21 (enacted in lieu of 691.270)]

691.275 [1957 c.406 §3; 1961 c.42 §3; repealed by 1967 c.587 §26 (691.276 enacted in lieu of 691.275)]

691.276 License renewals. (1) A license to teach cosmetic therapy shall not be renewed unless the applicant has completed an average of 10 clock hours of professional teacher training for each year the applicant has had a teacher's license. In computing clock hours of professional teacher training, the number of clock hours completed by an applicant before and after issuance of the applicant's original teacher's license, and before and after August 9, 1961, shall be included.

(2) This section does not apply to renewal of a license after a teacher has completed a total of 200 clock hours of such training.

[1967 c.587 §27 (enacted in lieu of 691.275)]

691.280 [Amended by 1953 c.231 §4; 1961 c.386 §7; 1967 c.587 §8; renumbered 691.297]

691.290 Student-teacher permit. (1) An applicant for a student-teacher permit shall:

(a) Pay to the board the required permit fee.

(b) Have had two years of high school education or its equivalent.

(c) Be at least 21 years of age.

(d) Be currently licensed as a practitioner in classes A, B and D.

(2) A permit shall be valid for not less than six months nor more than eight months. A permittee may be trained at a school of cosmetic therapy licensed under this chapter which furnishes a course of study in student-teacher training approved by the board.

(3) A licensed school may not train more than one student-teacher for every two licensed teachers of cosmetic therapy employed by the school. A student-teacher is not a teacher for the purposes of subsection (1) of ORS 691.235.

[1967 c.452 §10; 1971 c.762 §7]

691.295 Student-teacher's eligibility for teacher examination. A student-teacher shall be eligible to take the first teacher's examination given more than six months after issuance of her student-teacher permit. If the permittee fails the teacher's examination, she shall continue student-teacher training for at least 200 hours prior to making application for reexamination for a teacher's license. If she fails a second examination, she shall complete an additional 20 clock hours of professional teacher's training before applying again to take the teacher's examination.

[1967 c.452 §6]

FEEES

691.297 [Formerly 691.280; repealed by 1971 c.762 §8]

691.300 Registration and other fees. Fees required to be paid to the board shall be paid in amounts determined by the board and approved by the Executive Department, except that no fee shall exceed the following:

(1) The filing of an application for an original certificate of registration as a practitioner or as a cosmetician and including issuance of certificate of registration, if issued, \$15; an annual renewal of certificate of registration as a practitioner or cosmetician, \$15.

(2) A certificate of registration pursuant to ORS 691.060 as a practitioner or as a cosmetician, \$75; an annual renewal, same as provided by subsection (1) of this section.

(3) An examination for a certificate of registration as a practitioner or a cosmetician, each written examination and each time taken, \$10; each practical examination and each time taken, \$15.

(4) A demonstrator's certificate, \$5.

(5) A shop license, \$30; an annual renewal, \$15.

(6) A temporary permit issued pursuant to ORS 691.105, \$5.

(7) A school of cosmetic therapy license, \$450; an annual renewal, \$150.

(8) The filing of an application for an original teacher's license including issuance of a teacher's license, if issued, \$15; an annual renewal of teacher's license, \$15.

(9) An examination for a teacher's license, each written examination and each time taken, \$10; each practical examination and each time taken, \$15.

(10) A student-teacher permit, \$10.

(11) A duplicate or replacement for any certificate, license or permit, \$5.

(12) A student enrollment, \$10.

[Formerly 691.180; 1971 c.762 §9; 1973 c.832 §47]

STATE BOARD OF COSMETIC THERAPY

691.310 State Board of Cosmetic Therapy; qualifications, terms and removal of members. (1) There is created within the Department of Commerce a State Board of Cosmetic Therapy consisting of seven members appointed by the Director of Commerce, with the approval of the Governor. Each member of the board shall serve for a term of three years and until his successor is appointed and qualified. At all times the membership of the board shall be so constituted that:

(a) Two graduates of the same school of cosmetology shall not be members at the same time.

(b) One member shall be the owner of a school of cosmetic therapy and licensed under this chapter to practice in classes A, B and D.

(c) Two members shall be public members not licensed under this chapter.

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

(a) Registered and practicing as a class A, B and D practitioner if he is a cosmetologist member.

(b) Of good moral character.

(c) At least 25 years of age.

(d) Actively engaged in the practice of cosmetic therapy in Oregon and shall have been in practice in Oregon for at least five years prior to his appointment if he is a cosmetologist member.

(e) A citizen of the United States.

(3) A person is not eligible for appointment as a member of the board if:

(a) He is associated, directly or indirectly, in the wholesale manufacture, rental, sale or distribution of cosmetological appliances or supplies.

(b) He has previously served three terms, including a portion of a term.

(4) A member of the board may be removed at any time at the discretion of the director. Vacancies shall be filled by the Director of Commerce, with the approval of the Governor, by appointment for the unexpired term.

(5) A board member appointed under paragraph (b) of subsection (1) of this section may not act as an examiner under this chapter.

[Amended by 1967 c.325 §§1, 2; 1967 c.587 §43; 1971 c.753 §32; 1971 c.762 §10; 1973 c.832 §48]

691.320 Officers, meetings, quorum; employees. (1) The board shall elect a president. The board shall prescribe rules to govern the proceedings of the board. The board shall adopt a seal which shall be used to authenticate the acts of the board. The seal shall be affixed to all certificates issued by the board.

(2) The board shall hold meetings at such times and places as it determines. A majority of the members of the board shall constitute a quorum. The president shall have the power to administer oaths.

(3) The board shall fix the qualifications of and appoint a secretary-treasurer, who shall not be a member of the board. For purposes of the State Merit System Law, the person appointed shall be in the unclassified service. The board shall fix the compensation of its appointee.

(4) The board shall subject to applicable rules of the State Merit System Law, appoint all subordinate employees and prescribe their duties and fix their compensation.

[Amended by 1967 c.587 §45; 1971 c.762 §11]

691.330 Compensation and expenses of board members. Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

[Amended by 1965 c.218 §1; 1967 c.587 §44; 1969 c.314 §92]

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

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

(2) A register of applicants for certificates, showing the name and address of the applicant, and whether the applicant was granted or refused a certificate.

(3) A chronological and alphabetical register of the name and exact business location of all places where any class of cosmetic therapy is practiced or taught, and the name and address of each shop manager and practitioner in any classification.
[1967 c.587 §46]

691.345 Powers of the board. In addition to the powers otherwise granted by this chapter, the board shall have the power:

(1) To determine the qualifications of applicants to practice or teach cosmetic therapy, to conduct examinations and to grant certificates and licenses to qualified applicants upon compliance with this chapter and the rules of the board.

(2) To establish educational standards for courses for the study of cosmetic therapy of any class and for courses in professional teacher training.

(3) To appoint examiners to assist in the examination of applicants.

(4) To appoint inspectors to carry out and enforce the provisions of this chapter and the rules of the board.

(5) To prescribe and furnish forms for applications for examinations, certificates, licenses and permits.

(6) To do any act necessary or proper to effect and carry out the duties required of the board by this chapter.
[1967 c.587 §48]

691.350 Rules. The board may, in accordance with ORS chapter 183, promulgate, and from time to time modify or rescind, rules governing:

(1) The sanitary and hygienic conditions concerning the practice of cosmetic therapy, with the approval of the State Board of Health.

(2) The operation of beauty shops and schools.

(3) The conduct of examinations.

(4) The issuance and retention of certificates, licenses and permits.

(5) The approval of courses for the study of cosmetic therapy and of courses in professional teacher training.

[Amended by 1961 c.386 §8; 1967 c.587 §49; 1971 c.762 §12]

691.360 Enforcement. (1) To enforce rules adopted pursuant to subsections (1) and (2) of ORS 691.350, the board may employ inspectors. An inspector shall be a practicing cosmetician.

(2) The board shall investigate every alleged violation of the provisions of this chapter which comes to its notice, and shall report to the proper district attorney all cases that in the judgment of the board warrant prosecution.

[Amended by 1967 c.587 §51; 1971 c.762 §13]

691.370 Board funds; treasurer's bond.

(1) All fees collected by the board in accordance with this chapter shall be held by the treasurer of the board. On the 10th day of each month he shall deposit with the State Treasurer all money received during the previous month.

(2) The State Treasurer shall place the money 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. The expenses of the board shall be paid out of the special fund.

(3) The treasurer of the board shall keep a true and accurate account of all money received and of all vouchers issued by the board. 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.

(4) The treasurer of the board 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.

[Amended by 1967 c.587 §47]

PENALTIES

691.990 Penalties. Violation of any of the provisions of this chapter or of any rule of the board adopted pursuant to this chapter is punishable as a misdemeanor.

[Amended by 1967 c.587 §52]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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 November 1, 1973.

Thomas G. Clifford
Legislative Counsel