
A BILL FOR AN ACT

RELATING TO CITATIONS FOR BEAUTY CULTURE VIOLATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

SECTION 1. Chapter 439, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§439- Citation for licensee or permittee violations; fines. (a) In addition to any other remedy available under this chapter, the department may issue a citation to any person who holds a beauty operator, beauty instructor, beauty shop, or beauty school license, or a temporary or beauty apprentice permit, for any of the following violations of this chapter or the rules adopted pursuant to this chapter and chapter 91:

- (1) Failure of a beauty operator, beauty instructor, beauty shop, beauty school, beauty apprentice, or temporary permittee engaged in the practice of cosmetology to display a license or permit in a conspicuous place in the office, place of business or employment, or school, during all hours of operation;



- 1 (2) Failure of a beauty shop owner or beauty school to
2 ensure that only individuals who hold a current and
3 appropriate license or permit engage in the practice
4 of cosmetology in the beauty shop or beauty school;
- 5 (3) Failure of a beauty shop engaged in the practice of
6 cosmetology to conspicuously display, in all reception
7 and work rooms, a sign that shall read "PRICE LIST
8 AVAILABLE UPON REQUEST" in capital letters at least
9 three-fourths inch in size;
- 10 (4) Failure of a beauty school to identify each
11 instructor-trainee at the beauty school during all
12 hours of instruction with a name tag stating
13 "Instructor-trainee";
- 14 (5) Failure of a beauty school to identify each instructor
15 at the beauty school during all hours of instruction
16 with a name tag stating "Instructor" and identifying
17 the instructor's appropriate beauty operator category;
- 18 (6) Failure of a beauty school during all hours of
19 instruction to operate the beauty school with an
20 instructor-student ratio of one instructor for every



1 twenty-five students, or with a minimum of two
2 licensed instructors; or
3 (7) Failure of a beauty school performing work upon or for
4 members of the public to display in a conspicuous
5 place in the reception and work rooms one or more
6 signs at least eighteen inches by twenty-four inches
7 in size that shall read "School of Beauty Culture -
8 Work done by students under supervision".
9 (b) Each citation:
10 (1) Shall be in writing and describe the basis of the
11 citation, including the specific statute or rule
12 violated;
13 (2) May contain an order of abatement and the assessment
14 of a fine in the amount of \$100 for each violation;
15 (3) Shall be served on the licensee or permittee by
16 personal service; and
17 (4) Shall inform the licensee or permittee that the
18 licensee or permittee may submit a written request to
19 the board or its designee for a hearing to contest the
20 citation, within twenty calendar days from the service
21 of the citation.



1 to engage in any other occupation from doing any of the acts
2 properly authorized by the person's license. The license of a
3 beauty operator, instructor, shop, or school and the permit of
4 an apprentice or temporary permittee shall be displayed in a
5 conspicuous place in the office, place of business or
6 employment, or school of the holder.

7 (b) ~~[The]~~ Except as provided in subsection (c), the
8 practice of cosmetology shall be carried on only by persons duly
9 licensed to practice in this State and only in licensed beauty
10 shops; provided a licensed beauty operator may practice
11 cosmetology at any place for educational purposes or upon
12 persons at a health care, nursing, mental, or correctional
13 facility, at a barber shop, and at a charitable event.

14 (c) The licensing requirements in this chapter and in any
15 corresponding administrative rules that govern the practice of
16 cosmetology shall apply to any person selling or demonstrating
17 beauty products or techniques for promotional purposes, unless
18 the person:

19 (1) Is not compensated for practicing cosmetology; and



Report Title:

Citations; Beauty Culture Violations; Fines

Description:

Authorizes the issuance of a citation for specific violations of beauty culture laws by licensees and permittees. Sets forth a process for licensees and permittees to contest the citation and provides for the assessment of fines for each violation.

Establishes requirements for persons selling or demonstrating beauty products or techniques for promotional purposes to adhere to licensing requirements with certain exceptions. (HB1081 HD2)

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