A BILL FOR AN ACT

RELATING TO CITATIONS FOR BEAUTY CULTURE VIOLATIONS.

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

1	PART I
2	SECTION 1. Chapter 439, Hawaii Revised Statutes, is
3	amended by adding a new section to be appropriately designated
4	and to read as follows:
5	"§439- Citation for licensee or permittee violations;
6	fines. (a) In addition to any other remedy available under
7	this chapter, the department may issue a citation to any person
8	who holds a beauty operator, beauty instructor, beauty shop, or
9	beauty school license, or a temporary or beauty apprentice
10	permit, for any of the following violations of this chapter or
11	the rules adopted pursuant to this chapter and chapter 91:
12	(1) Failure of a beauty operator, beauty instructor,
13	beauty shop, beauty school, beauty apprentice, or
14	temporary permittee engaged in the practice of
15	cosmetology to display a license or permit in a
16	conspicuous place in the office, place of business or
17	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	<u>(6)</u>	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	<u>(7)</u>	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 (c) If the licensee or permittee timely submits a written 2 request to the board or its designee for a hearing, the board may designate a hearings officer to conduct the hearing in 3 4 accordance with chapter 91. 5 If the licensee or permittee does not timely submit a 6 written request to the board or its designee for a hearing, the 7 citation shall be deemed a final order of the board. 8 (e) Failure of a licensee or permittee to pay any assessed 9 fine within thirty calendar days, unless the licensee or 10 permittee contests the citation, may result in further 11 disciplinary action taken by the board." 12 PART II 13 SECTION 2. Section 439-2, Hawaii Revised Statutes, is 14 amended to read as follows: 15 "§439-2 License; required. (a) [No] Except as provided 16 in subsection (c), no person shall for commercial purposes **17** practice as a beauty operator, apprentice, or instructor or 18 operate a school or beauty shop or announce or advertise as 19 being prepared or qualified to do so unless the person is **20** licensed as required by this chapter; provided that this chapter 21 shall not affect the right of any person licensed by the State

H.B. NO. H.D. 2

- 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

1	(2) Before performing any cosmetology service, obtains
2	written consent to provide the service from the person
3	receiving the service."
4	PART III
5	SECTION 3. This Act does not affect rights and duties that
6	matured, penalties that were incurred, and proceedings that were
7	begun before its effective date.
8	SECTION 4. Statutory material to be repealed is bracketed
9	and stricken. New statutory material is underscored.
10	SECTION 5. This Act shall take effect on July 1, 2099.

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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