

A BILL FOR AN ACT

RELATING TO THE BARBERING AND COSMETOLOGY LICENSING ACT.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

BARBERING AND COSMETOLOGY LICENSING ACT

§ -1 **Short title.** This chapter may be cited as the
Barbering and Cosmetology Licensing Act.

§ -2 **Definitions.** As used in this chapter:

"Adequate sanitary facilities" means toilets located in properly ventilated rooms with doors, hot and cold running water, sinks or wash basins, and other requirements as may be prescribed by rule of the board.

"Apprentice permit" means a permit issued by the board, upon registration and payment of application and registration fees, to a barber apprentice or beauty apprentice.

"Barber" means a person licensed in the State to engage in the practice of barbering for compensation.



1 "Barber apprentice" means a person registered with the
2 board to learn the practice of barbering within a barber shop or
3 beauty shop and while learning assists in the practice of
4 barbering under the immediate direction and supervision of a
5 barber or beauty operator with the license category of
6 cosmetologist or hairdresser for the hairdresser portion of
7 training.

8 "Barber school" means a school licensed in the State to
9 engage in teaching the practice of barbering.

10 "Barber shop" means an establishment or a place of business
11 licensed in the State that engages or carries on the practice of
12 barbering as the primary purpose of that establishment or place
13 of business. "Barber shop" includes an establishment or a place
14 of business that engages in or carries on the practice of
15 cosmetology.

16 "Barber student" means a person enrolled in a barber school
17 who is learning to be a barber and while learning assists in the
18 practice of barbering.

19 "Beauty apprentice" means a person registered with the
20 board to learn the practice of cosmetology within a barber shop
21 or beauty shop and while learning assists in any of the



1 practices of cosmetology under the immediate direction and
2 supervision of a barber or beauty operator.

3 "Beauty instructor" means a person licensed in the State
4 who teaches any of the cosmetology license categories. "Beauty
5 instructor" does not include a beauty operator who teaches a
6 barber apprentice or beauty apprentice in a barber shop or
7 beauty shop.

8 "Beauty operator" means one of the following license
9 categories: cosmetologist; hairdresser; esthetician; or nail
10 technician.

11 "Beauty school" means a school licensed in the State to
12 engage in teaching the practice of cosmetology.

13 "Beauty shop" means an establishment or a place of business
14 licensed in the State that engages in or carries on the practice
15 of cosmetology as the primary purpose of that establishment or
16 place of business. "Beauty shop" includes an establishment or a
17 place of business that engages in or carries on the practice of
18 barbering.

19 "Beauty student" means a person enrolled in a beauty school
20 who is learning to be a beauty operator and while learning
21 assists in any of the practices of cosmetology.



1 "Board" means the board of barbering and cosmetology as
2 established pursuant to section -4.

3 "Cosmetologist" means a licensed person who engages in the
4 practices of a hairdresser, esthetician, and nail technician for
5 compensation.

6 "Department" means the department of commerce and consumer
7 affairs.

8 "Director" means the director of commerce and consumer
9 affairs.

10 "Esthetician" means a person licensed in the State who,
11 with hands or nonmedically prescribed mechanical or electrical
12 apparatus or devices or by use of cosmetic preparations,
13 antiseptics, tonics, lotions, or creams, engages for
14 compensation in any of the following practices:

15 (1) Massaging, cleansing, stimulating, manipulating,
16 exercising, beautifying, or doing similar work on the
17 scalp, face, neck, hands, arms, bust, upper part of
18 the body, legs, or feet;

19 (2) Cleansing, exfoliating, wrapping, or doing similar
20 work upon the entire body, without direct contact by



1 the hands and utilizing gloves, loofah mitts, or
2 brushes; or

3 (3) Removing superfluous hair about the body of any person
4 by means other than electrolysis.

5 "Hairdresser" means a person licensed in the State who
6 engages for compensation in any of the following practices:
7 arranging, dressing, curling, waving, cleansing, cutting,
8 singeing, bleaching, coloring, relaxing, or similar work upon
9 the hair of another person.

10 "Nail technician" means a person licensed in the State who
11 engages for compensation in any of the following practices:

12 (1) Cutting, trimming, polishing, coloring, cleansing, or
13 otherwise treating a person's fingernails and
14 toenails;

15 (2) Applying artificial fingernails and toenails; and

16 (3) Massaging and cleansing a person's hands, arms, legs,
17 and feet.

18 "Practice of barbering" means any of the following
19 practices: shaving, cutting, trimming, singeing, shampooing,
20 arranging, dressing, curling, waving, relaxing, or coloring the
21 hair or beard or applying tonics or other preparation thereto;



1 massaging, cleansing, or applying oils, creams, lotions, or
2 other preparation to the face, scalp, or neck, either by hand or
3 by mechanical appliances.

4 "Practice of cosmetology", also known as beauty culture,
5 means the art and science of beauty care of the skin, hair,
6 scalp, and nails, and includes any one or a combination of the
7 beauty operator license categories if they are performed on a
8 person's head, face, neck, shoulders, arms, hands, bust, upper
9 part of the body, legs, or feet for cosmetic purposes.

10 "Temporary permit" means a permit allowing an applicant
11 approved for examination to practice as a barber, beauty
12 operator, or beauty instructor under the supervision of a
13 barber, beauty operator, or beauty instructor for one year after
14 the permit's date of issuance.

15 **§ -3 License required.** (a) No person shall for
16 commercial purposes practice as a barber apprentice, beauty
17 apprentice, barber, beauty operator, or beauty instructor;
18 operate a barber shop, beauty shop, or beauty school; or
19 announce or advertise as being prepared or qualified to practice
20 or operate unless the person is licensed as required by this
21 chapter.



(b) The practice of barbering and practice of cosmetology shall be carried on only by persons duly licensed to practice in the State and only in licensed barber shops or licensed beauty shops; provided that nothing in this chapter shall prevent or prohibit a duly licensed barber to practice barbering or a duly licensed beauty operator to practice cosmetology:

(1) At any place for educational purposes;

(2) Upon persons at a health care, nursing, mental, or correctional facility;

(3) At a charitable event; or

(4) At a person's private home, office, or hotel room when requested to do so.

(c) All licensees shall follow the sanitary practices as prescribed by the rules of the board and any other sanitary practices or public health guidelines recommended by government agencies to protect the health and safety of the public.

(d) Nothing in this chapter shall be construed to prohibit or restrict the practice of a profession by individuals who are licensed, certified, or registered under the laws of the State who are performing services within their authorized scope of practice.



1 **§ -4 Board of barbering and cosmetology.** (a) There is
2 established the board of barbering and cosmetology. The board
3 shall consist of seven members who shall be appointed and may be
4 removed by the governor pursuant to section 26-34, except as
5 otherwise provided by law. The members shall be residents of
6 the State, of which:

7 (1) Two members shall possess a current and active license
8 as a barber;

9 (2) Two members shall possess a current and active license
10 as a beauty operator; and

11 (3) Three members shall be private citizens not connected
12 with the industry.

13 (b) Board members affiliated with any school teaching the
14 practice of barbering or the practice of cosmetology or any
15 apprenticeship or other barbering or cosmetology program shall
16 disclose that affiliation and at all times shall adhere to
17 chapter 84 and the interpretations of chapter 84 by the state
18 ethics commission.

19 **§ -5 Powers and duties of the board.** (a) In addition
20 to any other powers and duties authorized by law, the board



1 shall have all the powers necessary to effectuate the purpose of
2 this chapter including:

3 (1) Approving examinations for licensure to practice
4 barbering and cosmetology;

5 (2) Issuing apprentice permits or temporary permits;

6 (3) Granting, revoking, or suspending licenses, apprentice
7 permits, or temporary permits; and

8 (4) Establishing, subject to chapter 91 and with the
9 approval of the governor and the director, rules
10 governing the practice of barbering and practice of
11 cosmetology and the standards and requirements for
12 apprenticeship training and courses of training
13 provided by schools, which shall have the force and
14 effect of law.

15 (b) The board may require the attendance of witnesses and
16 the production of books, records, and papers as it or any person
17 involved may desire at any hearing of any matter that the board
18 has authority to investigate, and for that purpose may require
19 the executive secretary to issue a subpoena for any witness or a
20 subpoena duces tecum to compel the production of any books,
21 records, or papers directed to the sheriff or chief of police of



1 the county where the witness resides or is found, which subpoena
2 shall be served and returned in the same manner as a subpoena in
3 a criminal case. Fees and mileage shall be paid from the funds
4 in the state treasury for the use of the board in the same
5 manner as other expenses of the board.

6 (c) Any investigation, inquiry, or hearing that the board
7 is authorized by law to hold or undertake may be held or
8 undertaken by or before any member or members of the board or an
9 appointed hearings officer and the finding or order of that
10 member, members, or hearings officer shall be deemed to be the
11 finding or order of the board when approved and confirmed by the
12 board.

13 (d) The board may adopt rules pursuant to chapter 91 to
14 allow training of an apprentice by either a barber or a beauty
15 operator in order for the apprentice to fulfill training
16 requirements.

17 **§ -6 Applications; requisites for admission to**

18 **examination.** (a) Each person who desires to practice as a
19 barber apprentice, beauty apprentice, barber, beauty operator,
20 or beauty instructor shall:

21 (1) Be at least sixteen years of age;



(2) File with the board a written application on a form prescribed by the board;

(3) Deposit with the board the required fees; and

(4) Possess the qualifications specified in this section.

(b) A barber apprentice or beauty apprentice applicant shall provide proof that the applicant will be training in a barber shop or beauty shop under the supervision of a barber or beauty operator.

(c) A barber applicant shall have an education equivalent to the completion of high school and either:

(1) Three thousand hours of training as a barber apprentice in a barber shop or beauty shop under the supervision of a barber or beauty operator with the license category of cosmetologist or hairdresser; or

(2) One thousand five hundred hours of training in a barber school.

(d) A cosmetologist applicant shall have an education equivalent to the completion of high school and either:

(1) Three thousand six hundred hours of training as a beauty apprentice in a beauty shop under the supervision of a cosmetologist or in a barber shop



1 under the supervision of a barber for the hairdresser
2 training only; or

3 (2) One thousand eight hundred hours of training in a
4 beauty school.

5 (e) A hairdresser applicant shall have an education
6 equivalent to the completion of high school and either:

7 (1) Two thousand five hundred hours of training as a
8 beauty apprentice in a beauty shop or barber shop
9 under the supervision of a cosmetologist, hairdresser,
10 or barber for the hairdresser training; or

11 (2) One thousand two hundred fifty hours of training in a
12 beauty school.

13 (f) An esthetician applicant shall have an education
14 equivalent to the completion of high school and either:

15 (1) One thousand two hundred hours of training as a beauty
16 apprentice in a beauty shop or barber shop under the
17 supervision of a cosmetologist or esthetician; or

18 (2) Six hundred hours of training in a beauty school.

19 (g) A nail technician applicant shall have an education
20 equivalent to the completion of high school and either:



(1) Seven hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a cosmetologist, esthetician, or nail technician; or

(2) Three hundred fifty hours of training in a beauty school.

(h) A beauty instructor applicant may apply to teach in any of the practices of cosmetology if the applicant has:

(1) Completed six hundred hours of a board approved course in the theory and practice of instruction; and

(2) Served actively for a period of at least one year as a licensed beauty operator in the State or in another jurisdiction having standards for beauty operators substantially equivalent to those of this State.

(i) The board shall recognize barber and beauty training obtained in another jurisdiction that is substantially equivalent to the training in this State. If the training is not equivalent, the board shall make a determination as to whether to recognize the training by evaluating the type and duration of the training and the experience required to obtain a license in the other jurisdiction.



1 § -7 **Apprentice permits.** (a) A barber apprentice or
2 beauty apprentice shall obtain an apprentice permit before
3 beginning apprenticeship training.

4 (b) There shall be a ratio of no more than one apprentice
5 to one barber or beauty operator in any shop.

6 (c) Apprentices shall have forty-two months from the date
7 of registration to complete training at the minimum of twenty
8 hours per week.

9 § -8 **Examination.** (a) The board shall contract with a
10 professional testing service to have the testing service provide
11 examinations for applicants as required for the purposes of this
12 chapter.

13 (b) The professional testing service shall administer the
14 examination approved by the board. Examinations shall be given
15 on a regular basis.

16 (c) Every applicant who is required by the board to be
17 examined shall pay an examination fee as provided in rules
18 adopted by the director pursuant to chapter 91. The examination
19 fee may be paid directly to the professional testing service by
20 the department or the examinee.



(d) An applicant who fails an initial examination may thereafter file another application for examination with the professional testing service and shall pay the examination fee for any subsequent examination.

(e) The board shall issue a barber, beauty operator, or beauty instructor license to each person who passes the required examination, pays the proper fees, and meets all of the other requirements of this chapter. The license shall state the license category for which the person is licensed.

§ -9 Temporary permits. (a) The board may issue a temporary permit to an applicant approved for examination. A temporary permit may be issued upon application for examination and payment of the required fees. The temporary permit shall allow the applicant to practice barbering or cosmetology or teach cosmetology under the supervision of a barber, beauty operator, or beauty instructor, and shall be effective for one year from the date of issuance.

(b) The board may grant an extension to a temporary permit if the professional testing service is unable to administer the examination on a regular basis.



1 § -10 Barber shops and beauty shops. (a) An applicant
2 for a barber shop or beauty shop license shall:

3 (1) Identify the name and location of the shop;

4 (2) Identify at least one licensed barber or beauty
5 operator to qualify the shop for licensure in the
6 applicable license category;

7 (3) Identify the owner of the shop who shall be
8 responsible for all operations of the shop and be
9 responsible for ensuring that only currently licensed
10 individuals, apprentices, or temporary permittees are
11 practicing in the shop;

12 (4) Demonstrate that the applicant has adequate sanitary
13 facilities as defined in section -2; and

14 (5) Provide a statement that the applicant shall allow
15 only licensees who have at least one year of
16 experience to train apprentices as prescribed by the
17 rules of the board.

18 (b) Barber apprentices and beauty apprentices training in
19 a barber shop or beauty shop shall be compensated in accordance
20 with chapter 387.



(c) Any transfer of ownership of a barber shop or beauty shop, or relocation of a barber shop or beauty shop shall require the filing of an application with the required fees.

§ -11 Beauty schools. (a) Any person may apply to the board for a license as a beauty school upon the payment of application and license fees.

(b) No beauty school shall be granted a license unless the beauty school employs and maintains a sufficient number of licensed instructors, and requires a course of training of a proportioned number of hours as approved by the board, for any of the license categories, to include practical demonstrations, written and oral tests, and practical instruction in sanitation, sterilization, and the use of antiseptics consistent with the practical and theoretical requirements applicable to the practice of cosmetology.

(c) All schools shall have sufficient equipment and adequate facilities as prescribed by the rules of the board.

§ -12 Display of licenses or permits. The license of a barber, beauty operator, beauty instructor, barber shop, beauty shop, or beauty school and the permit of a barber apprentice, beauty apprentice, or temporary permittee shall be displayed in



1 a conspicuous place in the barber shop, beauty shop, or beauty
2 school.

3 **§ -13 Fees; compliance resolution fund.** All fees
4 required by this chapter shall be as provided in rules adopted
5 by the director pursuant to chapter 91 and shall be deposited
6 with the director to the credit of the compliance resolution
7 fund established pursuant to section 26-9(o), except that the
8 examination fee required in section -8 may be paid directly
9 to the professional testing service by the department or the
10 examinee.

11 **§ -14 Renewal of licenses.** (a) The holder of a barber,
12 beauty operator, beauty instructor, barber shop, or beauty shop
13 license issued by the board shall biennially, on or before
14 December 31 of each odd-numbered year, renew the license and pay
15 the renewal fee.

16 (b) The holder of a beauty school license issued by the
17 board shall annually, on or before December 31 following the
18 date of issue, renew the license and pay the renewal fee.

19 (c) A license that has not been renewed shall be
20 considered forfeited. A forfeited license shall be restored
21 upon payment of all delinquent fees and a penalty fee if



1 application is made within three years after the license is
2 forfeited. Thereafter, the person shall apply as a new
3 applicant and the board may require the person to take and pass
4 the examination.

5 **§ -15 Citation for licensee or permittee violations;**
6 **finer.** (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 barber, beauty operator, beauty instructor, barber
9 shop, beauty shop, or beauty school license; temporary permit;
10 or apprentice permit, for any of the following violations of
11 this chapter or rules adopted pursuant to this chapter and
12 chapter 91:

13 (1) Failure of a barber, beauty operator, beauty
14 instructor, barber shop, beauty shop, beauty school,
15 barber apprentice, beauty apprentice, or temporary
16 permittee engaged in the practice of barbering or
17 practice of cosmetology to display a license or permit
18 in a conspicuous place in the barber shop, beauty
19 shop, or beauty school, during all hours of operation;

20 (2) Failure of a barber shop owner, beauty shop owner, or
21 beauty school to ensure that only individuals who hold



1 a current and appropriate license or permit engage in
2 the practice of barbering or practice of cosmetology
3 in the barber shop, beauty shop, or beauty school;

4 (3) Failure of a barber shop or beauty shop engaged in the
5 practice of barbering or practice of cosmetology to
6 conspicuously display in reception or work rooms, a
7 price list or sign that shall read "PRICE LIST
8 AVAILABLE UPON REQUEST" in capital letters at least
9 three-fourths of one inch in size;

10 (4) Failure of a beauty school to identify each
11 instructor-trainee at the beauty school with a name
12 tag, stating that person's full name and the words
13 "Instructor-trainee", to be worn during all hours of
14 instruction;

15 (5) Failure of a beauty school to identify each instructor
16 at the beauty school with a name tag, stating that
17 person's full name, the word "Instructor", and
18 identifying the instructor's appropriate beauty
19 operator category, to be worn during all hours of
20 instruction;



(6) Failure of a beauty school, during all hours of instruction, to operate the beauty school with an instructor-student ratio of at least one instructor for every twenty-five students, and with a minimum of two licensed instructors; or

(7) Failure of a beauty school that performs work upon or for members of the public to display, in a conspicuous place in each reception and work room, a sign no less than eighteen inches by twenty-four inches that shall state "School of Beauty Culture - Work done by students under supervision" in letters no less than one-half inch high.

(b) Each citation:

(1) Shall be in writing and describe the basis of the citation, including the specific statute or rule violated;

(2) May contain an order of abatement and the assessment of a fine in the amount of \$500 for each violation;

(3) Shall be served on the licensee or permittee by personal service; and



(4) Shall inform the licensee or permittee that the licensee or permittee may submit a written request to the board or its designee for a hearing to contest the citation, within twenty calendar days from the service of the citation.

(c) If the licensee or permittee timely submits a written request to the board or its designee for a hearing, the board may designate a hearings officer to conduct the hearing in accordance with chapter 91.

(d) If the licensee or permittee does not timely submit a written request to the board or its designee for a hearing, the citation shall be deemed a final order of the board.

(e) Failure of a licensee or permittee to pay any assessed fine within thirty calendar days, unless the licensee or permittee contests the citation, may result in further disciplinary action taken by the board.

§ -16 Refusal to grant and suspension and revocation of licenses and permits. (a) In addition to any other actions authorized by law, the board may take disciplinary action against any license or permit issued under this chapter, including but not limited to revocation, suspension, fine, or a



1 combination thereof, or refuse to grant or renew any license or
2 permit for any cause authorized by law, including but not
3 limited to the following:

4 (1) Procuring a license through fraud, misrepresentation,
5 or deceit;

6 (2) Professional misconduct, gross carelessness, or
7 manifest incapacity;

8 (3) Permitting a person without a license, apprentice
9 permit, or temporary permit to perform activities that
10 require a license, apprentice permit, or temporary
11 permit under this chapter;

12 (4) Violation of this chapter or the rules adopted
13 pursuant thereto;

14 (5) Making any false representation or promise through
15 advertising or otherwise;

16 (6) Failing to display a license, apprentice permit, or
17 temporary permit as provided in this chapter;

18 (7) Any other conduct constituting fraudulent or dishonest
19 dealings;

20 (8) Failing to comply with a board order; or



(9) Making a false statement on any document submitted or required to be filed by this chapter.

(b) Any licensee who violates this chapter or the rules adopted pursuant thereto shall be fined no less than \$500 nor more than \$2,000 for each violation.

§ -17 Appeal from actions of the board; hearing. (a)

An appeal may be taken from a final action of the board suspending or revoking a license, apprentice permit, or temporary permit for the causes mentioned in section -16 to the circuit court of the circuit in which the person whose license, apprentice permit, or temporary permit has been suspended or revoked resides.

(b) Any person aggrieved by the denial of a license, apprentice permit, or temporary permit by the board may submit a request for a hearing pursuant to chapter 91 within sixty days of the date of notification of the denial or refusal.

(c) In all proceedings before the board, the board and each member of the board shall have the same powers respecting administering oaths, compelling the attendance of witnesses, and the production of documentary evidence, and examining witnesses, as are possessed by circuit courts. In case of disobedience by



1 any person of any order of the board or any member of the board,
2 or of any subpoena issued by the board or any member of the
3 board, or the refusal of any witness to testify to any matter
4 regarding which the witness may lawfully be questioned, any
5 circuit judge, on application by the board or any member of the
6 board, shall compel obedience as in the case of disobedience of
7 the requirements of a subpoena issued by a circuit court, or a
8 refusal to testify therein.

9 **§ -18 Board to aid prosecution.** The board shall aid
10 prosecuting officers in the prosecution of persons charged with
11 violations of this chapter.

12 **§ -19 Right of injunction.** The department may, in
13 addition to any other remedies available, apply to a court
14 having competent jurisdiction for an injunction to restrain any
15 violation of this chapter.

16 **§ -20 Cumulative remedies.** Unless otherwise expressly
17 provided, the remedies or penalties provided by this chapter
18 shall be cumulative to each other and to the remedies or
19 penalties available under all other laws of this State."

20 SECTION 2. Section 26-14.6, Hawaii Revised Statutes, is
21 amended by amending subsection (f) to read as follows:



1 "(f) Effective July 1, 1990, the functions, authority, and
2 obligations, together with the limitations imposed thereon and
3 the privileges and immunities conferred thereby, exercised by a
4 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
5 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
6 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
7 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
8 353-11, 356D-54, 356D-94, 383-71, [~~438-57~~] 445-37, 482E-4, 485A-
9 202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33,
10 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,
11 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,
12 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,
13 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to
14 the same extent by the department of public safety."

15 SECTION 3. Section 92-28, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§92-28 State service fees; increase or decrease of.** Any
18 law to the contrary notwithstanding, the fees or other nontax
19 revenues assessed or charged by any board, commission, or other
20 governmental agency may be increased or decreased by the body in
21 an amount not to exceed fifty per cent of the statutorily



1 assessed fee or nontax revenue, to maintain a reasonable
2 relation between the revenues derived from such fee or nontax
3 revenue and the cost or value of services rendered,
4 comparability among fees imposed by the State, or any other
5 purpose which it may deem necessary and reasonable; provided
6 that:

7 (1) The authority to increase or decrease fees or nontax
8 revenues shall be subject to the approval of the
9 governor and extend only to the following: chapters
10 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189,
11 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A,
12 417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431,
13 436E, 436H, 437, 437B, [~~438, 439,~~] 440, 440E, 441,
14 442, 443B, 444, 447, 448, 448E, 448F, 448H, 451A,
15 451J, 452, 453, 453D, 455, 456, 457, 457A, 457B, 457G,
16 458, 459, 460J, 461, 461J, 462A, 463, 463E, 464, 465,
17 465D, 466, 466D, 466K, 467, 467E, 468E, 468L, 468M,
18 469, 471, 472, 482, 482E, 484, 485A, 501, 502, 505,
19 514B, 514E, 572, 574, and 846 (part II) and any board,
20 commission, program, or entity created pursuant to
21 title 25 and assigned to the department of commerce



1 and consumer affairs or placed within the department
2 for administrative purposes;

3 (2) The authority to increase or decrease fees or nontax
4 revenues under the chapters listed in paragraph (1)
5 that are established by the department of commerce and
6 consumer affairs shall apply to fees or nontax
7 revenues established by statute or rule;

8 (3) The authority to increase or decrease fees or nontax
9 revenues established by the University of Hawaii under
10 chapter 304A shall be subject to the approval of the
11 board of regents; provided that the board's approval
12 of any increase or decrease in tuition for regular
13 credit courses shall be preceded by an open public
14 meeting held during or [~~prior to~~] before the semester
15 preceding the semester to which the tuition applies;

16 (4) This section shall not apply to judicial fees as may
17 be set by any chapter cited in this section;

18 (5) The authority to increase or decrease fees or nontax
19 revenues pursuant to this section shall be exempt from
20 the public notice and public hearing requirements of
21 chapter 91; and



(6) Fees for copies of proposed and final rules and public notices of proposed rulemaking actions under chapter 91 shall not exceed 10 cents a page, as required by section 91-2.5."

SECTION 4. Chapters 438 and 439, Hawaii Revised Statutes, are repealed.

SECTION 5. **Transfer of functions.** The jurisdiction, functions, powers, duties, and authority heretofore exercised by the board of barbering and cosmetology pursuant to chapters 438 and 439, Hawaii Revised Statutes, shall be transferred to and conferred upon the board of barbering and cosmetology established by section -4 in section 1 of this Act and shall be performed and enforced in the same manner as previously authorized, entitled, or obligated except as otherwise authorized, directed, or instructed by this Act.

The board of barbering and cosmetology established by section -4 in section 1 of this Act, shall succeed to all of the rights and powers previously exercised, and all of the duties and obligations incurred by the board of barbering and cosmetology in the exercise of the functions, powers, duties, and authority transferred, whether such functions, powers,



1 duties, and authority are mentioned in or granted by any law,
2 contract, or other document.

3 All rules, policies, procedures, guidelines, and other
4 material adopted or developed by the board of barbering and
5 cosmetology to implement provisions of the Hawaii Revised
6 Statutes that are reenacted or made applicable to the board of
7 barbering and cosmetology established by section -4 in
8 section 1 of this Act, shall remain in full force and effect
9 until amended or repealed, pursuant to chapter 91, Hawaii
10 Revised Statutes, by the board of barbering and cosmetology
11 established by section -4 in section 1 of this Act. Every
12 reference to the board of barbering and cosmetology in those
13 rules, policies, procedures, guidelines, and other material
14 shall be deemed to refer to the board of barbering and
15 cosmetology established by section -4 in section 1 of this
16 Act, as appropriate. All fees established by title 16, chapter
17 53, Hawaii Administrative Rules, that are made applicable to the
18 board of barbering and cosmetology established by section -4
19 in section 1 of this Act, shall remain in full force and effect
20 until amended or repealed by the director, pursuant to chapter
21 91, Hawaii Revised Statutes. Every reference to the board of



1 barbering and cosmetology in title 16, chapter 53, Hawaii
2 Administrative Rules, shall be deemed to refer to the board of
3 barbering and cosmetology established by section -4 in
4 section 1 of this Act, as appropriate.

5 All contracts, agreements, licenses, permits, and other
6 documents executed or entered into by or on behalf of the board
7 of barbering and cosmetology pursuant to those provisions of the
8 Hawaii Revised Statutes that are reenacted or made applicable to
9 the board of barbering and cosmetology established by section
10 -4 in section 1 of this Act, shall remain in full force and
11 effect. Every reference to the board of barbering and
12 cosmetology therein shall be construed as a reference to the
13 board of barbering and cosmetology established by section -4
14 in section 1 of this Act.

15 SECTION 6. **Continuity of board members.** Each member of
16 the board of barbering and cosmetology shall be constituted a
17 member of the board of barbering and cosmetology established by
18 section -4 in section 1 of this Act.

19 SECTION 7. **Construction; severability.** This Act shall be
20 liberally construed in order to accomplish the purposes set
21 forth herein. If any provision of this Act, or the application



1 thereof to any person or circumstances is held invalid, the
2 invalidity does not affect other provisions or applications of
3 the Act that can be given effect without the invalid provision
4 or application, and to this end the provisions of this Act are
5 severable.

6 SECTION 8. Any holder of a barber apprentice permit in
7 effect before July 1, 2023, who files an application for a
8 barber's license before July 1, 2024, may satisfy the training
9 requirement by having one thousand five hundred hours of barber
10 training in a barber shop or beauty shop. Any barber student
11 who began training before the effective date of this Act may
12 satisfy the training requirement by having one thousand five
13 hundred hours of barber training in a barber school.

14 SECTION 9. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect on January 1, 2050.
17



Report Title:

Barbering and Cosmetology Licensing Act

Description:

Adds and updates definitions to satisfy current industry practice needs; aligns and remedies inconsistencies between chapters 438 and 439, Hawaii Revised Statutes; removes the five-year license requirement for barber and beauty operator board of barbering and cosmetology member seats; raises fees for penalties and disciplinary actions; and removes medical clearance requirements. Effective 1/1/2050. (HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

