
A BILL FOR AN ACT

RELATING TO THE BARBERING AND COSMETOLOGY LICENSING ACT.

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

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

4 **"CHAPTER**

5 **BARBERING AND COSMETOLOGY LICENSING ACT**

6 § -1 **Short title.** This chapter may be cited as the
7 Barbering and Cosmetology Licensing Act.

8 § -2 **Definitions.** As used in this chapter:

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

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

16 "Barber" means a person licensed in the State to engage in
17 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 duly licensed by the
9 department of education and engaged in teaching the practice of
10 barbering.

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

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 the practice of cosmetology. "Beauty instructor"
5 does not include a beauty operator who teaches a barber
6 apprentice or beauty apprentice in a barber shop or beauty shop.

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

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

12 "Beauty shop" means an establishment or a place of business
13 licensed in the State that engages in or carries on the practice
14 of cosmetology as the primary purpose of that establishment or
15 place of business; provided that the practice of barbering is
16 allowed.

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

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



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

4 "Department" means the department of commerce and consumer
5 affairs.

6 "Director" means the director of commerce and consumer
7 affairs.

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

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

17 (2) Cleansing, exfoliating, wrapping, or doing similar
18 work upon the entire body, without direct contact by
19 the hands and utilizing gloves, loofah mitts, or
20 brushes; or



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

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

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

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

(2) Applying artificial fingernails and toenails; and

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

"Practice of barbering" means any of the following
practices: shaving, cutting, trimming, singeing, shampooing,
arranging, dressing, curling, waving, relaxing, or coloring the
hair or beard or applying tonics or other preparation thereto;
massaging, cleansing, or applying oils, creams, lotions, or



1 other preparation to the face, scalp, or neck, either by hand or
2 by mechanical appliances.

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

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

14 § -3 License or permit required. (a) No person shall
15 for commercial purposes practice as a barber apprentice, beauty
16 apprentice, barber, beauty operator, or beauty instructor;
17 operate a barber shop, beauty shop, or beauty school; or
18 announce or advertise as being prepared or qualified to practice
19 or operate unless the person obtains a license or permit as
20 required by this chapter.



1 (b) The practice of barbering and practice of cosmetology
2 shall be carried on only by persons holding a license or permit
3 to practice in the State and only in barber shops or beauty
4 shops; provided that nothing in this chapter shall prevent or
5 prohibit a barber to practice barbering or beauty operator to
6 practice cosmetology:

7 (1) At any place for educational purposes;

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

10 (3) At a charitable event; or

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

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

18 (d) Nothing in this chapter shall be construed to prohibit
19 or restrict the practice of a profession by individuals who are
20 licensed, certified, or registered under the laws of the State



1 who are performing services within their authorized scope of
2 practice.

3 **§ -4 Board of barbering and cosmetology.** (a) There is
4 established the board of barbering and cosmetology placed within
5 the department pursuant to section 26-9. The board shall
6 consist of seven members who shall be appointed and may be
7 removed by the governor pursuant to section 26-34, except as
8 otherwise provided by law. The members shall be residents of
9 the State, of which:

10 (1) Two members shall possess a current and active license
11 as a barber;

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

14 (3) Three members shall be private citizens not connected
15 with the industry.

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



1 § -5 Powers and duties of the board. (a) In addition
2 to any other powers and duties authorized by law, the board
3 shall have all the powers necessary to effectuate the purpose of
4 this chapter, including the power to:

5 (1) Approve examinations for licensure to engage in the
6 practice of barbering and practice of cosmetology;

7 (2) Issue apprentice permits or temporary permits;

8 (3) Grant, revoke, or suspend licenses, apprentice
9 permits, or temporary permits; and

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

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



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

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

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

18 § -6 Applications; requisites for admission to
19 examination. (a) Each person who desires to practice as a
20 barber apprentice, beauty apprentice, barber, beauty operator,
21 or beauty instructor shall:



- 1 (1) Be at least sixteen years of age;
- 2 (2) File with the board a written application on a form
- 3 prescribed by the board;
- 4 (3) Deposit with the board the required fees; and
- 5 (4) Possess the qualifications specified in this section.

6 (b) A barber apprentice or beauty apprentice applicant

7 shall provide proof that the applicant will be training in a

8 barber shop or beauty shop under the supervision of a barber or

9 beauty operator.

10 (c) A barber applicant shall have an education equivalent

11 to the completion of high school and either:

- 12 (1) Three thousand hours of training as a barber
- 13 apprentice in a barber shop or beauty shop under the
- 14 supervision of a barber, cosmetologist, or
- 15 hairdresser; or

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

18 (d) A cosmetologist applicant shall have an education

19 equivalent to the completion of high school and either:

- 20 (1) Three thousand six hundred hours of training as a
- 21 beauty apprentice in a beauty shop under the



1 supervision of a cosmetologist or in a barber shop
2 under the supervision of a barber for the hairdresser
3 training only; or

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

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

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

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

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

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

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

20 (g) A nail technician applicant shall have an education
21 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 beauty operator in the State or in another jurisdiction having standards for beauty operators substantially equivalent to those of the State.

(i) The board shall recognize barber and beauty training obtained in another jurisdiction that is substantially equivalent to the training in the 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 not 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.



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

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

10 § -9 Temporary permits. (a) The board may issue a
11 temporary permit to an applicant approved for examination. A
12 temporary permit may be issued upon application for examination
13 and payment of the required fees. The temporary permit shall
14 allow the applicant to engage in the practice of barbering or
15 practice of cosmetology or teach cosmetology under the
16 supervision of a barber, beauty operator, or beauty instructor,
17 and shall be effective for one year from the date of issuance.

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



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

- (1) Identify the name and location of the shop;
- (2) Identify at least one barber or beauty operator to qualify the shop for licensure in the applicable license category;
- (3) Identify the owner of the shop who shall be responsible for all operations of the shop and be responsible for ensuring that only currently licensed individuals, apprentices, or temporary permittees are practicing in the shop;
- (4) Demonstrate that the applicant has adequate sanitary facilities; and
- (5) Provide a statement that the applicant shall allow only licensees who have at least one year of experience to train apprentices as prescribed by the rules of the board.

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



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

4 § -11 Beauty schools. (a) Any person may apply to the
5 board for a license as a beauty school upon the payment of
6 application and license fees.

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

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

18 § -12 Display of licenses or permits. The license of a
19 barber, beauty operator, beauty instructor, barber shop, beauty
20 shop, or beauty school, and the permit of a barber apprentice,



1 beauty apprentice, or temporary permittee, shall be
2 conspicuously displayed in the place of business or employment.

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 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 barber, beauty operator, beauty instructor, barber
9 shop, beauty shop, or beauty school license, or a temporary
10 permit or apprentice permit, for any of the following violations
11 of 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 office, place of
19 business or employment, or school, during all hours of
20 operation;



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



1 appropriate beauty operator category, to be worn
2 during all hours of instruction;

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

8 (7) Failure of a beauty school that performs work upon or
9 for members of the public to display, in a conspicuous
10 place in each reception and work room, a sign not less
11 than eighteen inches by twenty-four inches that shall
12 state "School of Beauty Culture--Work done by students
13 under supervision" in letters not less than one-half
14 of one inch.

15 (b) Each citation:

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

19 (2) May contain an order of abatement and the assessment
20 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 license or permit; suspension and revocation of licenses or permits. (a) In addition to any other actions authorized by law, the board may take disciplinary



1 action against any license or permit issued under this chapter,
2 including but not limited to suspension, revocation, fine, or a
3 combination thereof, or refuse to grant or renew any license or
4 permit for any cause authorized by law, including but not
5 limited to the following:

- 6 (1) Procuring a license or permit through fraud,
7 misrepresentation, or deceit;
- 8 (2) Professional misconduct, gross negligence, or manifest
9 incapacity;
- 10 (3) Permitting a person without a license, apprentice
11 permit, or temporary permit to perform activities that
12 require a license, apprentice permit, or temporary
13 permit under this chapter;
- 14 (4) Violation of this chapter or the rules adopted
15 pursuant thereto;
- 16 (5) Making any false representation or promise through
17 advertising or otherwise;
- 18 (6) Failing to display a license, apprentice permit, or
19 temporary permit as provided in this chapter;
- 20 (7) Any other conduct constituting fraudulent or dishonest
21 dealings;



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

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

4 (b) Any licensee or permittee who violates this chapter or
5 the rules adopted pursuant thereto shall be fined not less than
6 \$500 and not more than \$2,000 for each violation.

7 **§ -17 Appeal from actions of the board; hearing. (a)**

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

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

18 (c) In all proceedings before the board, the board and
19 each member of the board shall have the same powers respecting
20 administering oaths, compelling the attendance of witnesses and
21 the production of documentary evidence, and examining witnesses,



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

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

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

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



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

3 "(f) Effective July 1, 1990, the functions, authority, and
4 obligations, together with the limitations imposed thereon and
5 the privileges and immunities conferred thereby, exercised by a
6 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
7 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
8 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
9 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
10 353-11, 356D-54, 356D-94, 383-71, [~~438-57~~] 445-37, 482E-4, 485A-
11 202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33,
12 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,
13 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,
14 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,
15 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to
16 the same extent by the department of public safety."

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

19 "**§92-28 State service fees; increase or decrease of.** Any
20 law to the contrary notwithstanding, the fees or other nontax
21 revenues assessed or charged by any board, commission, or other



1 governmental agency may be increased or decreased by the body in
2 an amount not to exceed fifty per cent of the statutorily
3 assessed fee or nontax revenue, to maintain a reasonable
4 relation between the revenues derived from such fee or nontax
5 revenue and the cost or value of services rendered,
6 comparability among fees imposed by the State, or any other
7 purpose which it may deem necessary and reasonable; provided
8 that:

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



1 commission, program, or entity created pursuant to
2 title 25 and assigned to the department of commerce
3 and consumer affairs or placed within the department
4 for administrative purposes;

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

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

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

20 (5) The authority to increase or decrease fees or nontax
21 revenues pursuant to this section shall be exempt from



1 the public notice and public hearing requirements of
2 chapter 91; and

3 (6) Fees for copies of proposed and final rules and public
4 notices of proposed rulemaking actions under chapter
5 91 shall not exceed 10 cents a page, as required by
6 section 91-2.5."

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

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

18 The board of barbering and cosmetology established by
19 section -4 in section 1 of this Act, shall succeed to all of
20 the rights and powers previously exercised, and all of the
21 duties and obligations incurred by the board of barbering and



1 cosmetology in the exercise of the functions, powers, duties,
2 and authority transferred, whether such functions, powers,
3 duties, and authority are mentioned in or granted by any law,
4 contract, or other document.

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



1 until amended or repealed by the director, pursuant to chapter
2 91, Hawaii Revised Statutes. Every reference to the board of
3 barbering and cosmetology in title 16, chapter 53, Hawaii
4 Administrative Rules, shall be deemed to refer to the board of
5 barbering and cosmetology established by section -4 in
6 section 1 of this Act, as appropriate.

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

17 SECTION 6. Each member of the board of barbering and
18 cosmetology shall be constituted a member of the board of
19 barbering and cosmetology established by section -4 in
20 section 1 of this Act.



1 SECTION 7. This Act shall be liberally construed in order
2 to accomplish the purposes set forth herein. If any provision
3 of this Act, or the application thereof to any person or
4 circumstances is held invalid, the invalidity does not affect
5 other provisions or applications of the Act that can be given
6 effect without the invalid provision or application, and to this
7 end the provisions of this Act are severable.

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

16 SECTION 9. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 10. This Act shall take effect on July 1, 2022.



Report Title:

Barbering and Cosmetology Licensing Act; Board of Barbering and Cosmetology; Licensing; Regulation

Description:

Adds and updates definitions to satisfy current industry practice needs. Aligns and remedies inconsistencies between chapters on barbering and beauty culture. 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. (CD1)

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

