
A BILL FOR AN ACT

RELATING TO NATURAL HAIR BRAIDING.

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

1 SECTION 1. The legislature finds that natural hair
2 braiding is a traditional practice that does not present
3 significant health and safety risks to consumers or
4 practitioners. While natural hair braiding is distinct from the
5 practice of cosmetology or barbering, existing law has been
6 interpreted to require natural hair braiders to obtain a license
7 from the board of barbering and cosmetology, imposing an undue
8 burden on those who engage in natural hair braiding as a
9 profession. Licensees are required to undergo education and
10 training for cosmetology practices that are outside the scope of
11 natural hair braiding, such as nail care and makeup application.
12 For these reasons, the legislature believes it is inappropriate
13 for natural hair braiders to be subject to the licensure
14 requirements under the Barbering and Cosmetology Licensing Act.

15 The legislature further finds that, although natural hair
16 braiders should be exempt from licensure due to the nature of
17 their practice, natural hair braiding nevertheless involves



1 direct contact with clients and the use of tools and materials
2 that, if not properly sanitized or sterilized, may create
3 conditions that pose risks to the health and safety of clients.

4 Accordingly, the purpose of this Act is to require natural
5 hair braiders to be registered, rather than licensed, under the
6 Barbering and Cosmetology Licensing Act.

7 SECTION 2. Chapter 439A, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§439A- Natural hair braiders; registration required;**
11 **renewal.** (a) Beginning January 1, 2028, no person shall engage
12 in the practice of natural hair braiding unless the person has
13 registered with the board under this section.

14 (b) Registration shall include:

15 (1) Submission of a complete application for registration
16 on a form prescribed by the board;

17 (2) Evidence of completion of a course or program that
18 covers sanitation, health, and safety practices

19 required for natural hair braiding, approved by the
20 board by rule; and



1 (3) An application fee in an amount as provided in rules
2 adopted by the board.

3 (c) Each certificate of registration shall be valid
4 through December 31 of each odd-numbered year. A registration
5 shall be renewed by December 31 of each odd-numbered year upon
6 meeting the requirements under subsection (d). Failure to renew
7 a registration shall cause the registration to be forfeited. A
8 registration that has been forfeited may be restored within one
9 year of the forfeiture date upon payment of renewal and
10 restoration fees. Failure to restore a forfeited registration
11 within one year shall result in the automatic termination of the
12 registration. A person whose registration has been terminated
13 pursuant to this section shall be required to reapply for a new
14 registration as a new applicant.

15 (d) To renew a registration, the registrant shall submit
16 to the board:

17 (1) A complete application on a form prescribed by the
18 board;

19 (2) Evidence of completion of any continuing education
20 requirement that covers the sanitation, health, and

1 safety practices required for natural hair braiding,
2 as provided by rules of the board; and

3 (3) A renewal fee in an amount as provided by rules of the
4 board.

5 (e) A natural hair braider shall not perform or attempt to
6 perform services for which a license or permit is required under
7 this chapter or advertise services in such a way that misleads
8 consumers to believe that the natural hair braider offers
9 services for which a license or permit is required under this
10 chapter. Any natural hair braider who violates this subsection
11 may be subject to sanctions authorized under this chapter or
12 other law for the unlicensed practice of barbering or the
13 unlicensed practice of cosmetology.

14 (f) All registrants shall follow the sanitary practices as
15 provided by rules of the board and any other sanitary practices
16 or public health guidelines recommended by government agencies
17 to protect the health and safety of the public.

18 (g) Nothing in this section shall be construed to prohibit
19 a person from obtaining a private certification or an employer
20 from requiring a person to obtain a private certification.



1 (h) This section shall not apply to a person who holds a
2 license or permit under this chapter."

3 SECTION 3. Section 439A-2, Hawaii Revised Statutes, is
4 amended by adding three new definitions to be appropriately
5 inserted and to read as follows:

6 "Braiding device" means blunt-tipped needles, clips,
7 combs, crochet hooks, curlers, curling irons, hair binders,
8 hairpins, rollers, scissors, or threads.

9 "Natural hair braider" means a person who engages in the
10 practice of natural hair braiding.

11 "Natural hair braiding" includes:

12 (1) Braiding, cornrowing, extending, locking, twisting,
13 weaving, or wrapping hair by hand or with braiding
14 devices, and the minor trimming of hair extensions
15 incidental thereto;

16 (2) The use of natural or synthetic hair extensions,
17 natural or synthetic hair and fibers, decorative
18 beads, and other hair accessories;

19 (3) The making and lacing of wigs from natural hair,
20 natural fibers, synthetic fibers, and hair extensions;

21 and



1 (4) The use of topical agents, including conditioners,
2 gels, moisturizers, oils, or pomades in conjunction
3 with the performance of the practices described in
4 paragraphs (1) through (3).

5 "Natural hair braiding" does not include:

6 (1) The application of dyes, reactive chemicals, or other
7 preparations to:

8 (A) Alter the color of hair; or

9 (B) Straighten, curl, or alter the structure of hair;

10 or

11 (2) The use of chemical hair joining agents including
12 synthetic tape, keratin bonds, or fusion bonds."

13 SECTION 4. Section 439A-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~§~~**439A-3**~~§~~ **License or permit required.** (a) No person
16 shall for commercial purposes practice as a barber apprentice,
17 beauty apprentice, barber, beauty operator, or beauty
18 instructor; operate a barber shop, beauty shop, or beauty
19 school; or announce or advertise as being prepared or qualified
20 to practice or operate unless the person obtains a license or
21 permit as 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 (e) This section shall not apply to persons registered
4 under section 439A- for activities within the practice of
5 natural hair braiding; provided that the department and board
6 shall retain enforcement authority over a registrant's conduct
7 outside that practice for which a license or permit under this
8 section is required."

9 SECTION 5. Section 439A-5, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) In addition to any other powers and duties authorized
12 by law, the board shall have all the powers necessary to
13 effectuate the purpose of this chapter, including the power to:

- 14 (1) Approve examinations for licensure to engage in the
15 practice of barbering and practice of cosmetology;
16 (2) Issue apprentice permits or temporary permits;
17 (3) Grant, revoke, or suspend licenses, registrations,
18 apprentice permits, or temporary permits; and
19 (4) Establish, subject to chapter 91 and with the approval
20 of the governor and the director, rules governing the
21 practice of barbering ~~and~~ practice of cosmetology.



1 and practice of natural hair braiding and the
2 standards and requirements for apprenticeship training
3 and courses of training provided by schools, which
4 shall have the force and effect of law."

5 SECTION 6. Section 439A-12, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**[+]§439A-12[+]** **Display of licenses, certificates of**
8 **registration, or permits.** The license of a barber, beauty
9 operator, beauty instructor, barber shop, beauty shop, or beauty
10 school[~~τ~~]; the certificate of registration of a natural hair
11 braider; and the permit of a barber apprentice, beauty
12 apprentice, or temporary permittee, shall be conspicuously
13 displayed in the place of business or employment."

14 SECTION 7. Section 439A-15, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**[+]§439A-15[+]** **Citation for licensee, registrant, or**
17 **permittee violations; fines.** (a) In addition to any other
18 remedy available under this chapter, the department may issue a
19 citation to any person who holds a barber, beauty operator,
20 beauty instructor, barber shop, beauty shop, or beauty school
21 license [~~τ~~]; a natural hair braider certificate of registration;



1 or a temporary permit or apprentice permit, for any of the
2 following violations of this chapter or rules adopted pursuant
3 to this chapter and chapter 91:

4 (1) Failure of [a]:

5 (A) A barber, beauty operator, beauty instructor,
6 barber shop, beauty shop, beauty school, barber
7 apprentice, beauty apprentice, or temporary
8 permittee engaged in the practice of barbering or
9 practice of cosmetology; or

10 (B) A natural hair braider engaged in the practice of
11 natural hair braiding,

12 to display a license, certificate of registration, or
13 permit in a conspicuous place in the office, place of
14 business or employment, or school, during all hours of
15 operation;

16 (2) Failure of a barber shop owner, beauty shop owner, or
17 beauty school owner to ensure that only individuals
18 who hold a current and appropriate license or permit
19 engage in the practice of barbering or practice of
20 cosmetology in the barber shop, beauty shop, or beauty
21 school;



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



- 1 instructor for every twenty-five students, and with a
2 minimum of two beauty instructors; or
- 3 (7) Failure of a beauty school that performs work upon or
4 for members of the public to display, in a conspicuous
5 place in each reception and work room, a sign not less
6 than eighteen inches by twenty-four inches that shall
7 state "School of Beauty Culture--Work done by students
8 under supervision" in letters not less than one-half
9 of one inch.
- 10 (b) Each citation:
- 11 (1) Shall be in writing and describe the basis of the
12 citation, including the specific statute or rule
13 violated;
- 14 (2) May contain an order of abatement and the assessment
15 of a fine in the amount of \$500 for each violation;
- 16 (3) Shall be served on the licensee, registrant, or
17 permittee by personal service; and
- 18 (4) Shall inform the licensee, registrant, or permittee
19 that the licensee, registrant, or permittee may submit
20 a written request to the board or its designee for a



1 hearing to contest the citation, within twenty
2 calendar days from the service of the citation.

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

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

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

15 SECTION 8. Section 439A-16, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§439A-16[+] **Refusal to grant license, certificate of**
18 **registration, or permit; suspension and revocation of licenses,**
19 **certificates of registration, or permits.** (a) In addition to
20 any other actions authorized by law, the board may take
21 disciplinary action against any license, certificate of



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

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



1 (7) Any other conduct constituting fraudulent or dishonest
2 dealings;

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

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

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

10 SECTION 9. Section 439A-16.5, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending its title and subsections (a) through (c)
13 to read:

14 "[+]§439A-16.5[+] **Revocation of license or certificate of**
15 **registration or denial of application to renew, restore, or**
16 **reinstate a license or certificate of registration based on**
17 **conviction requiring registration as a sex offender; conditions.**

18 (a) Notwithstanding any law to the contrary, the board shall
19 automatically revoke a license or certificate of registration or
20 deny an application to renew, restore, or reinstate a license or



1 certificate of registration under either of the following
2 circumstances:

3 (1) The licensee or registrant has been convicted in any
4 court in or outside of this State of any offense that,
5 if committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee or registrant has been required to
10 register as a sex offender pursuant to chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee or registrant of
14 the license or certificate of registration revocation or denial
15 of application to renew, restore, or reinstate the license or
16 certificate of registration and of the right to elect to have a
17 hearing as provided in subsection (c).

18 (c) Upon revocation of the license or certificate of
19 registration or denial of an application to renew, restore, or
20 reinstate, the licensee or registrant may file a written request
21 for a hearing with the board within ten days of the notice. The



1 hearing shall be held within thirty days of the revocation or
2 denial. The proceeding shall be conducted in accordance with
3 chapter 91."

4 2. By amending subsection (e) to read:

5 "(e) If the related conviction of the [~~license holder~~]
6 licensee or registrant is overturned upon appeal, the revocation
7 or denial ordered pursuant to this section shall automatically
8 cease. Nothing in this subsection shall prohibit the board from
9 pursuing disciplinary action based on any cause other than the
10 overturned conviction."

11 3. By amending subsection (g) to read:

12 "(g) The board shall not restore, renew, or otherwise
13 reinstate the license or certificate of registration of a person
14 under any of the following circumstances:

15 (1) The person has been required to register as a sex
16 offender pursuant to chapter 846E, regardless of
17 whether the conviction has been appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."



1 SECTION 10. Section 439A-17, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) An appeal may be taken from a final action of the
4 board suspending or revoking a license, certificate of
5 registration, apprentice permit, or temporary permit for the
6 causes pursuant to section 439A-16 to the circuit court of the
7 circuit in which the person whose license, certificate of
8 registration, apprentice permit, or temporary permit has been
9 suspended or revoked resides.

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

15 SECTION 11. No later than November 1, 2026, the board of
16 barbering and cosmetology shall adopt rules pursuant to
17 chapter 91, Hawaii Revised Statutes, prescribing the approved
18 courses or programs that cover sanitation, health, and safety
19 practices required for natural hair braiding, that are necessary
20 for registration under section 2 of this Act.



1 SECTION 12. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 13. This Act shall take effect upon its approval.



Report Title:

Board of Barbering and Cosmetology; Natural Hair Braiding;
Exemption from Licensure; Registration; Sanitation, Health, and
Safety Practices

Description:

Beginning 1/1/2028, requires natural hair braiders to be registered, rather than licensed, under the Board of Barbering and Cosmetology. By 11/1/2026, requires the Board to adopt rules prescribing the approved courses or programs that cover sanitation, health, and safety practices required for natural hair braiding registration. (CD1)

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