

**ACT 47**

**S.B. NO. 530**

**A Bill for an Act Relating to Beauty Culture.**

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 439-1, Hawaii Revised Statutes, is amended to read as follows:

“§439-1 **Definitions.** As used in this chapter:

- (1) “Board” means the board of cosmetology of the State;
- (2) “Hairdresser” means any person who for compensation engages in any one or any combination of the following practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of another person;
- (3) “Cosmetician” means any person who, with hands or mechanical or electrical apparatus or appliances, or by use of cosmetic preparations, anti-septics, tonics, lotions, or creams, engages for compensation in any one or any combination of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying, or doing similar work upon, the scalp, the face, neck, arms, bust, or upper part of the body, or manicuring the nails, or removing of superfluous hair about the body of any person by means other than electrolysis;
- (4) “Classified occupations” mean the occupations of hairdresser and cosmetician;
- (5) “Classified practice” means any of the practices referred to in the definitions of “hairdresser” and “cosmetician”;
- (6) “Operator” means a hairdresser or cosmetician;
- (7) “Apprentice” means a person who is engaged in a beauty shop in learning to be an operator and while so doing assists in any of the practices of a hairdresser or cosmetician;
- (8) “Student” means a person who is engaged in a school in learning to be an operator and while so doing does or assists in doing any act involved in any of the practices of a hairdresser or cosmetician;
- (9) “Instructor” means a person who teaches any of the classified practices, provided, that the term shall not be taken to include an operator who teaches apprentices in a beauty shop;
- (10) “Beauty shop” means any premises upon or within which is practiced either of the classified occupations;
- (11) “School,” unless the context clearly indicates otherwise, means a school engaged in teaching any of the classified practices;
- (12) “Junior operator” has the meaning set forth in section 439-12(1); and
- (13) “Electrologist” means a person who engages in the practice of removing superfluous hair by penetration of the skin through the use of electricity.”

SECTION 2. Section 439-12, Hawaii Revised Statutes, is amended to read as follows:

“§439-12 **Requisites for admission to examination and registration.** The secretary of the board of cosmetology shall determine the sufficiency of the preliminary qualifications of applicants for admission to examinations and registration. The following preliminary qualifications shall be sufficient:

- (1) An operator may be registered in any of the classified practices or occupations under this chapter upon the payment of an examination fee of \$20 for each of the practices or occupations or any one or any combination of

the practices or occupations, provided he is of good moral character and has an education equivalent to the completion of four years of high school and has either (A) served the required time as an apprentice under the supervision of a registered operator or instructor, as determined by the board for any one or combination of the practices but not less than one year including two thousand hours for each of the two classified occupations; or (B) has acquired the equivalent training in a registered school, and has passed the prescribed examination or examinations to the satisfaction of the board; and provided further, that an applicant to be registered solely in the practice of removing superfluous hair by the use of electricity and commonly known and defined as the practice of electrolysis, shall have trained under the supervision of a registered electrologist for at least six hundred hours including such other studies as the board may prescribe; provided further, that the removal of superfluous hair by use of an electrical instrument or device which neither touches nor penetrates the skin shall not constitute the practice of electrolysis for purposes of this section; and provided further, that an applicant may be registered solely in the classified practice of a manicurist and such an applicant so registered may engage in such classified practice in a barber shop, a beauty shop, or in his own shop upon serving seven hundred hours of time as an apprentice under the supervision of a registered operator or instructor or three hundred fifty hours of training in a registered school and upon satisfying all the other requirements of this section; and provided further, that an applicant may be registered solely as a "Hair Cosmetician" in the classified occupation of a cosmetician upon serving one thousand two hundred hours of time as an apprentice under the supervision of a registered operator or instructor or six hundred hours of training in a registered school and upon satisfying all the other requirements of this section. Any applicant who fails an initial examination after paying the initial examination fee of \$20, shall thereafter pay an examination fee of \$10 for any subsequent examination.

Any person who has taken but has not successfully passed the examination or examinations prescribed by the board for any one or any combination of the practices or occupations but who has satisfied all the other requirements of this section may be registered as a "Junior Operator" and may work in a beauty shop under the supervision of a licensed operator in the practices or occupations in which such person has been examined so long as such person continues to take the prescribed examination or examinations in good faith. Failure or refusal on the part of a "Junior Operator" to take any prescribed examination or examinations shall be sufficient reason for the revocation of such registration by the board.

- (2) Instructors may be registered in any of the classified practices or occupations upon the payment of an examination fee of \$20, provided they are of good moral character and have completed a course satisfactory to the board in the theory and practice of education and have served actively for a period at least three years as a registered operator in the State or in

another jurisdiction having standards for registration in the particular practice or occupation substantially equivalent to those of the State and have passed an examination satisfactory to the board; provided, that the board may at its discretion and without regard to the requirements of this section, issue and revoke a temporary certificate to any person holding a valid existing instructor's license in another territory, county, or state having standards substantially equivalent to those in force in the State at the time of such registration, for the limited purpose of either (A) commercially demonstrating in the State, any hair or cosmetic preparations or products identifiable by a trade name or trademark; or (B) instructing in hairstyling in a registered school or under the sponsorship of any organization approved by the board until the next following instructor's examination given by the board. Instructors duly registered under chapter 453, need not be holders of instructors certificates."

SECTION 3. Section 439-17, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"§439-17 **Beauty shops.** (a) Registration. A certificate of registration of a beauty shop may be secured by filing an application therefor and paying a fee of \$20 and showing to the satisfaction of the board of cosmetology that the shop meets the standards of sanitation required by the rules and regulations of the department of health, that a managing operator who has practiced as a registered operator in the State for at least one year is in charge of the shop, and that it is adequately equipped for the practices in which it engages. The board may waive the requirement that the managing operator have practiced in the State, for at least one year, upon a showing that the person has had other experience as a managing operator equivalent to one year's practice in this State and upon further showing that the aforesaid requirement creates undue hardship on the shop."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 5. This Act shall take effect 60 days after its approval.

(Approved May 26, 1981.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.