

ACT 180

S.B. NO. 1206

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 as follows:

1. By adding a new definition to be appropriately inserted and to read:

““Apprentice permit” means a permit issued by the board, upon registration and payment of application and registration fees, to an apprentice who is under the supervision of a licensed beauty operator.”

ACT 180

2. By amending the definition of “apprentice” to read:

““Apprentice” means a person who is engaged in a beauty shop in learning to be a beauty operator and while so doing assists in any of the practices of cosmetology[.] under the supervision of a licensed beauty operator.”

3. By amending the definition of “temporary permit” to read:

““Temporary permit” means a permit [issued to] allowing a qualified applicant [practicing] to practice as a beauty operator or instructor [until the results of the examination have been published; provided that a temporary permit shall be effective] for [no longer than two years from the] a period of time covering the three consecutive examinations offered by the board after the permit’s date of issuance.”

SECTION 2. Section 439-10, Hawaii Revised Statutes, is amended to read as follows:

“**§439-10 Apprentices.** [All apprentices] An applicant shall [be registered] receive an apprentice permit upon payment of application and registration fees and submission of evidence satisfactory to the board that the applicant [is]:

- (1) [At] Is at least sixteen years of age and [possessed of] possesses an education equivalent to the completion of high school; and
- (2) [In the case of an instructor-trainee, has the required one year of experience as a registered beauty operator.] Will be working in a licensed beauty shop under the supervision of a licensed beauty operator. To satisfy this requirement, the applicant shall identify the name and license numbers of the beauty shop and beauty operator. The beauty operator shall be licensed in an appropriate licensure category.”

SECTION 3. Section 439-16, Hawaii Revised Statutes, is amended to read as follows:

“**§439-16 Temporary permits.** The board may issue a temporary [permits] permit to a qualified [applicants] applicant approved [to be examined] for examination. A temporary permit may be issued upon application for examination and payment of the required fees. The temporary permit shall allow the qualified applicant to practice or teach cosmetology under the supervision of a licensed beauty operator or licensed instructor [until the results of the examination have been published. Applicants who have not successfully passed the examination as prescribed by the board but continue to satisfy the requirements of section 439-14(c) may be issued temporary permits; provided that applicants shall pass the third examination as consecutively scheduled by the board. After failing to pass the third examination, applicants that satisfy], and shall be effective for the period of time covering the three consecutive examinations offered by the board after the permit’s date of issuance. An applicant who fails to pass the third examination but who satisfies the requirements of section 439-14(c) shall continue to qualify for examination and licensure but not for the privilege of a temporary [permits.] permit. [The permits may be issued upon application for examination and payment of the required fees.]”

SECTION 4. Section 439-17, Hawaii Revised Statutes, is amended to read as follows:

“§439-17 Beauty shops. (a) A license for a beauty shop may be secured by filing an application and paying the application and license fees and showing that the shop has been inspected not more than one year before the application was filed and meets the standards of sanitation required by the department of health, that a licensed beauty operator in the appropriate licensure category shall be in charge of the shop, and that it is adequately equipped for the practices in which it engages.

(b) All licenses shall expire on December 31 in each odd-numbered year. Licenses may be renewed by payment of a biennial fee prior to the date of expiration. A lapsed license may be reinstated upon payment of all delinquent fees and a penalty fee.

(c) Nothing in this chapter shall prohibit licensed beauty operators within a beauty shop from teaching any of the practices of cosmetology in which the beauty operator is licensed in the regular course of business; provided that the owners or beauty operators do not hold themselves out as a school, and do not hire or employ or teach, regularly, at any one time, more than one apprentice unless there is one beauty operator regularly employed in the business for each apprentice.

(d) The beauty shop owner shall be responsible for all operations of the shop and shall be responsible to see that only currently licensed individuals are performing cosmetology practices in the shop.

(e) Transfer of ownership, change in beauty shop name, and relocation of a beauty shop shall require filing of an application together with required fees.

(f) The beauty shop shall maintain records of appointments and services offered to clients, as prescribed by the rules of the board, for a period of three years.

(g) All beauty shops shall have equipment and facilities as prescribed by the rules of the board.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 23, 1991.)