

ACT 187

S.B. NO. 2644

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 two new definitions to be appropriately inserted and to read as follows:

““Esthetician” means any person who, with hands or nonmedically prescribed mechanical or electrical apparatus or devices or by use of cosmetic preparations, antiseptics, tonics, lotions, or creams, engages for compensation in any one or any combination of the following practices:

- (1) Massaging, cleansing, stimulating, manipulating, exercising, beautifying, or doing similar work on the scalp, face, neck, hands, arms, bust, upper part of the body, legs, or feet;
- (2) Cleansing, exfoliating, wrapping, or doing similar work upon the entire body, without direct contact by the hands and utilizing gloves, loofah mitts, or brushes; or
- (3) Removing superfluous hair about the body of any person by means other than electrolysis.

“Nail technician” means any person who for compensation engages in the practice of:

- (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.”

2. By amending the definitions of “beauty operator”, “cosmetologist”, and “cosmetology” to read:

““Beauty operator” means one of the following licensure categories: cosmetologist; hairdresser; [cosmetician;] esthetician; or [manicurist.] nail technician.

“Cosmetologist” means a person who engages in the practices of a hairdresser [and a cosmetician], an esthetician, and a nail technician for compensation.

“Cosmetology”, also known as beauty culture, means the art and science of beauty care of the skin, hair, scalp, and nails, and includes any one or a combination of the licensure categories if they are performed on a person’s head, face, neck, shoulders, arms, hands, bust, upper part of the body, legs, or feet for cosmetic purposes.”

3. By repealing the definitions of “cosmetician” and “manicurist”.

[““Cosmetician” means any person who, with hands or mechanical or electrical apparatus of¹ appliances, or by use of cosmetic preparations, antiseptics, 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; provided that mechanical or electrical apparatus or appliances do not include those apparatus or appliances considered to be medical prescription devices.

“Manicurist” means any person who for compensation engages in the practice of cutting, trimming, polishing, coloring, cleansing, or otherwise treating a person’s fingernails and toenails; applying artificial fingernails and toenails; and massaging and cleansing a person’s hands, arms, legs, and feet.”]

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

1. By amending subsections (a) and (b) to read:

“(a) The executive secretary of the board shall determine the sufficiency of the preliminary qualifications of applicants for admission to examinations; provided that the licensure categories shall be limited to cosmetologist, hairdresser, [cosmetician, manicurist,] esthetician, nail technician, and instructor. The preliminary qualifications for admission to examination shall be as provided in this section.

(b) A cosmetologist applicant shall be [[at[]] least sixteen years old and 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 licensed cosmetologist or in a barber shop under the supervision of a licensed barber for the hairdresser training only; or
- (2) One thousand eight hundred hours of training in a licensed beauty school.”

2. By amending subsections (d) and (e) to read:

“(d) [A cosmetician] An esthetician applicant shall be at least sixteen years old and have an education equivalent to the completion of high school and either:

- (1) [One thousand one hundred] One thousand two hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a licensed cosmetologist or [cosmetician;] esthetician; or
- (2) [Five hundred fifty] Six hundred hours of training in a licensed beauty school.

(e) A [manicurist] nail technician applicant shall be at least sixteen years old and have an education 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 licensed cosmetologist, [cosmetician,] esthetician, or [manicurist;] nail technician; or
- (2) Three hundred fifty hours of training in a licensed beauty school.”

SECTION 3. Current cosmetician licensees shall automatically be issued the esthetician and nail technician licenses upon the effective date of this Act.

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

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SECTION 5. This Act shall take effect on January 1, 1999.

(Approved July 17, 1998.)

Note

1. Prior to amendment “or” appeared here.