

A Bill for an Act Relating to Citations for Beauty Culture Violations.

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

SECTION 1. Chapter 439, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§439- Citation for licensee or permittee violations; fines. (a) In addition to any other remedy available under this chapter, the department may issue a citation to any person who holds a beauty operator, beauty instructor, beauty shop, or beauty school license, or a temporary or beauty apprentice permit, for any of the following violations of this chapter or the rules adopted pursuant to this chapter and chapter 91:

- (1) Failure of a beauty operator, beauty instructor, beauty shop, beauty school, beauty apprentice, or temporary permittee engaged in the practice of cosmetology to display a license or permit in a conspicuous place in the office, place of business or employment, or school, during all hours of operation;
 - (2) Failure of a beauty shop owner or beauty school to ensure that only individuals who hold a current and appropriate license or permit engage in the practice of cosmetology in the beauty shop or beauty school;
 - (3) Failure of a beauty shop engaged in the practice of cosmetology to conspicuously display, in all reception and work rooms, a sign that shall read “PRICE LIST AVAILABLE UPON REQUEST” in capital letters at least three-fourths inch in size;
 - (4) Failure of a beauty school to identify each instructor-trainee at the beauty school with a name tag, stating that person’s full name and the words “Instructor-trainee”, to be worn during all hours of instruction;
 - (5) Failure of a beauty school to identify each instructor at the beauty school with a name tag, stating that person’s full name, the word “Instructor”, and identifying the instructor’s appropriate beauty operator category, to be worn during all hours of instruction;
 - (6) Failure of a beauty school, during all hours of instruction, to operate the beauty school with an instructor-student ratio of one instructor for every twenty-five students, or with a minimum of two licensed instructors; or
 - (7) Failure of a beauty school performing work upon or for members of the public to display, in a conspicuous place in each reception and work room, a sign not less than eighteen inches by twenty-four inches in size that shall state “School of Beauty Culture - Work done by students under supervision” in letters not less than one-half inch high.
- (b) Each citation:
- (1) Shall be in writing and describe the basis of the citation, including the specific statute or rule violated;

- (2) May contain an order of abatement and the assessment of a fine in the amount of \$100 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.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2017.
(Approved July 10, 2017.)

Note

1. Edited pursuant to HRS §23G-16.5.