

JAN 19 2007

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Chapter 439, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§439- Beauty shop; health spa; laser technology
5 application; regulations. (a) No beauty shop or health spa
6 shall provide a laser technology application to customers unless
7 the person performing the application is licensed by the
8 department of health to perform laser technology applications.

9 (b) Violation of this section shall be subject to a fine
10 of \$ and the shop or spa shall be enjoined from
11 offering these services by an unlicensed person.

12 (c) The director of health shall adopt rules pursuant to
13 chapter 91 necessary for the purposes of this section.

14 §439- Cosmetologist; esthetician; laser technology;
15 special license. As a prerequisite for a cosmetologist or an
16 esthetician licensed under this chapter to use laser technology
17 in practices described in the definition of "esthetician" under
18 section 439-1, the licensed cosmetologist or esthetician shall



1 satisfactorily complete additional training to obtain a special
2 license for laser technology applications in accordance with
3 rules adopted by the department of health pursuant to chapter
4 91. This section shall not apply to a person licensed under
5 chapter 453 or chapter 460."

6 SECTION 2. Section 439-1, Hawaii Revised Statutes, is
7 amended by adding two new definitions to be appropriately
8 inserted and to read as follows:

9 "Health spa" means a place where physical therapeutic non-
10 medical services are provided to customers, including but not
11 limited to, facials, massage, hot baths, steam baths, or
12 whirlpool, for the purpose of providing pampering and
13 relaxation. A health spa may be a stand-alone facility or part
14 of another establishment. The term does not include physical
15 therapy, as defined in section 461J-1.

16 "Laser technology" means the application from a device of
17 an intense band of light to the surface of skin for cosmetic
18 purposes."

19 SECTION 3. Section 439-22, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§439-22 Penalty.** Any person who practices cosmetology,
22 maintains a school or a beauty shop, or acts in any capacity



1 wherein a license is required, without a license, or a special
2 license for laser technology application if the person or the
3 person's employee or contractor offers laser technology
4 applications, as provided in this chapter, shall be fined not
5 more than \$100, or imprisoned not more than ninety days, or
6 both. Each and every day of violation shall be a separate
7 offense."

8 SECTION 4. No person licensed as a cosmetologist or an
9 esthetician under chapter 439, Hawaii Revised Statutes, at the
10 time of the effective date of this Act, shall use laser
11 technology in conjunction with professional practice under
12 chapter 439, Hawaii Revised Statutes, without complying with
13 this Act.

14 SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY:

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Report Title:

Beauty Shops; Health Spas; Laser; Health Regulations

Description:

Requires department of health to adopt rules for beauty shops and health spas providing laser technology. Requires special license for laser technology application for an esthetician to use laser technology. Defines laser technology and health spa. Requires DOH to adopt rules for special license.

