
A BILL FOR AN ACT

RELATING TO HAIR BRAIDING.

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

SECTION 1. The legislature recognizes that the practice of hair braiding by hand for commercial purposes may fall within the scope of practice of barbers, hairdressers, and cosmetologists under chapters 438 and 439 of the Hawaii Revised Statutes. The legislature finds that most of the licensing requirements under those chapters are unnecessary for the reasonable regulation of hair braiding, which does not require the use of chemicals or equipment that could harm consumers if used improperly.

The purpose of this Act is to:

- (1) Clarify that the practice of hair braiding by hand is not subject to the licensing requirements for barbers under chapter 438 nor the licensing requirements for hairdressers and cosmetologists under chapter 439; and
- (2) Establish less burdensome licensing requirements for practitioners of hair braiding.



SECTION 2. Section 438-1, Hawaii Revised Statutes, is amended by amending the definition of "practice of barbering" to read as follows:

"§438-1 Definitions. As used in this chapter:

"Practice of barbering" means any combination of the following practices for remuneration: shaving, cutting, trimming, singeing, shampooing, arranging, dressing, curling, waving, or coloring the hair or beard or applying tonics or other preparation thereto[~~r~~], but not braiding of hair by hand or applying tonics or other preparations to the hair to facilitate the braiding process; massaging, cleansing, or applying oils, creams, lotions, or other preparation to the face, scalp, or neck, either by hand or by mechanical appliances; provided that nothing in this chapter shall be construed as applicable to those persons licensed under chapter 439 to practice the occupations named therein.

SECTION 3. Section 439-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Hair braider" means a person who for commercial purposes engages in the practice of braiding the hair of another person



by hand."

SECTION 4. Section 439-1, Hawaii Revised Statutes, is amended by amending the definitions of "beauty operator", "cosmetologist", "cosmetology", and "hairstylist" to read as follows:

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

"Beauty operator" means one of the following licensure categories: cosmetologist; hairstylist; esthetician; ~~or~~ nail technician~~[-]~~; or hair braider.

"Cosmetologist" means a person who engages in the practices of a hairstylist, an esthetician, and a nail technician for compensation~~[-]~~, but shall not include a hair braider.

"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~~[-]~~; but shall not include the braiding of hair by hand or the application of tonics or other preparations to the hair to facilitate the braiding process.

"Hairstylist" 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[-]; but shall not include a hair braider."

SECTION 5. Section 439-12, Hawaii Revised Statutes, is amended to read as follows:

"§439-12 Requisites for admission to examination. (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, esthetician, nail technician, [~~and~~] instructor[-], and hair braider. 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.

(c) A hairdresser applicant shall be at least sixteen years old and have an education equivalent to the completion of high school and either:

(1) Two thousand five hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a licensed cosmetologist or hairdresser or licensed barber for the hairdresser training; or

(2) One thousand two hundred fifty hours of training in a licensed beauty school.

(d) 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 two hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a licensed cosmetologist or esthetician; or

(2) Six hundred hours of training in a licensed beauty school.



(e) A 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, esthetician, or nail technician; or

(2) Three hundred fifty hours of training in a licensed beauty school.

(f) An instructor applicant may apply to teach in any of the practices of cosmetology if the applicant has:

(1) Completed six hundred hours of a board approved course in the theory and practice of teaching; and

(2) Served actively for a period of at least one year as a licensed beauty operator in the State or in another jurisdiction having standards for beauty operators substantially equivalent to those of this State.

(g) A hair braider applicant shall be at least sixteen years old and have satisfactorily completed a training course in hygiene and sanitation approved by the board.

~~(g)~~ (h) The board shall recognize hair braiding and beauty training obtained in another jurisdiction which is



substantially equivalent to the training available in this State. If such training is not equivalent, the board shall make a determination as to whether or not to recognize the training by evaluating the type and duration of the training and the experience required to obtain a license in the other jurisdiction.

~~[(h)]~~ (i) The board, as prescribed by rules, may recognize training obtained under a licensed barber to fulfill the hairdresser training requirement."

SECTION 6. Section 439-22, Hawaii Revised Statutes, is amended to read as follows:

"**§439-22 Penalty.** Any person who practices hair braiding or cosmetology, maintains a school or a beauty shop, or acts in any capacity wherein a license is required, without a license as provided in this chapter, shall be fined not more than \$100, or imprisoned not more than ninety days, or both. Each and every day of violation shall be a separate offense."

SECTION 7. No later than January 1, 2014, the board of barbering and cosmetology shall adopt rules pursuant to chapter 91 to carry out the purpose of this Act.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



SECTION 9. This Act shall take effect on July 1, 2013.

INTRODUCED BY:

JAN 24 2013



H.B. NO. 1464

Report Title:

Hair Braiding; Licensure Requirements

Description:

Clarifies that hair braiding by hand for commercial purposes is not subject to the licensing requirements for barbers, hairdressers, and cosmetologists under chapters 438 and 439. Establishes less burdensome licensing requirements for hair braiders.

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