

JAN 17 2014

A BILL FOR AN ACT

RELATING TO COLON HYDROTHERAPY.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **COLON HYDROTHERAPISTS AND COLON HYDROTHERAPY ESTABLISHMENTS**

6 **§ -1 Definitions.** As used in this chapter:

7 "Board" means the board of colon hydrotherapy examiners.

8 "Colon hydrotherapist" means a person who is licensed under
9 this chapter to perform colon hydrotherapy in a licensed colon
10 hydrotherapy establishment.

11 "Colon hydrotherapy" is a non-medical procedure that
12 utilizes equipment that is approved by the Food and Drug
13 Administration as a class II medical device to hydrate body
14 waste in the bowel with water to soften and loosen the body
15 waste and cause a reflux action to evacuate the body waste.

16 "Colon hydrotherapy establishment" means premises or part
17 of a premises in which colon hydrotherapy is performed.

18 "Recognized school of colon hydrotherapy" means an



1 institution of learning that provides in-depth instruction in
2 the theory, practice, application, and ethics of colon
3 hydrotherapy and meets the requirements of this chapter.

4 **§ -2 Colon hydrotherapist; licensure.** (a) No person
5 shall practice colon hydrotherapy without a colon hydrotherapist
6 license issued by the board; provided that:

7 (1) A colon hydrotherapist license shall not be required
8 of a person who has practiced colon hydrotherapy
9 continuously since May 1, 1993; and

10 (2) A colon hydrotherapy trainee license may be issued to
11 any person that is a student in a recognized school of
12 colon hydrotherapy as provided in this chapter.

13 A licensed colon hydrotherapist shall perform colon hydrotherapy
14 only in a licensed colon hydrotherapy establishment.

15 (b) A colon hydrotherapist license shall be issued to an
16 applicant who:

17 (1) Submits a certificate or diploma from a recognized
18 school of colon hydrotherapy;

19 (2) Submits a transcript from that school documenting at
20 least one hundred classroom hours and an hourly
21 curriculum breakdown; and

22 (3) Passes a written examination that:



- 1 (A) Is prepared and conducted by the board;
- 2 (B) Indicates the applicant's competency and ability
- 3 to practice therapeutic colon hydrotherapy; and
- 4 (C) Requires the applicant to demonstrate basic
- 5 knowledge of the subjects and methods of colon
- 6 hydrotherapy.

7 (c) In the alternative to subsection (b), a colon
8 hydrotherapist license shall be issued to an applicant who:

- 9 (1) Provides documentation of completion of sixty hours of
- 10 classroom study in the subjects of anatomy and
- 11 physiology of the alimentary tract from an established
- 12 institution that offers a residential course of study
- 13 or a transcript documenting no less than two semesters
- 14 of college level anatomy and physiology courses with a
- 15 passing grade of C or better;

- 16 (2) Presents a certificate or diploma, and a transcript
- 17 documenting the completion of at least one hundred
- 18 hours of a residential course of study in colon
- 19 hydrotherapy instruction and supervised hydrotherapy
- 20 practice from a state-licensed institution or
- 21 established institution that is certified by the
- 22 International Association for Colon Hydrotherapy;



1 (3) Provides written proof of interning experience with a
2 minimum of twenty-five colon hydrotherapy clients, as
3 documented by the institution, employer, private
4 client receipts, or appointment calendar; and

5 (4) Passes a written examination that:

6 (A) Is prepared and conducted by the board;

7 (B) Indicates the applicant's competency and ability
8 to practice colon hydrotherapy; and

9 (C) Requires the applicant to demonstrate basic
10 knowledge of the subjects and methods of colon
11 hydrotherapy.

12 (d) No license shall be issued under this section if the
13 board determines that the applicant exhibits baseness, vileness,
14 or depravity in personal conduct so as to adversely affect one's
15 honesty, integrity, or personal values.

16 **§ -3 Colon hydrotherapist trainee; licensure.** (a) A
17 colon hydrotherapist trainee license may be issued to an
18 applicant who:

19 (1) Submits written proof of current enrollment in a
20 recognized school of colon hydrotherapy; and



1 (2) Has completed fifty hours or more of the required
2 course of study in a recognized school of colon
3 hydrotherapy.

4 (b) A colon hydrotherapist trainee license shall be valid
5 for so long as the applicant is enrolled in a recognized school
6 of colon hydrotherapy. Within sixty days following completion
7 of the required course of study and submission of a certificate
8 or diploma from a recognized school of colon hydrotherapy, the
9 applicant shall be eligible to be examined by the board.

10 **§ -4 Colon hydrotherapy establishment; licensure.** (a)

11 No colon hydrotherapy establishment shall be operated without a
12 colon hydrotherapy establishment license issued by the board;
13 provided that a colon hydrotherapy license shall not be required
14 of an establishment that has operated continuously as a colon
15 hydrotherapy establishment since May 1, 1993.

16 (b) As a prerequisite to licensure or renewal, the colon
17 hydrotherapy establishment shall be approved by the department
18 of health for sanitation purposes. A change of location of the
19 colon hydrotherapy establishment shall require a new colon
20 hydrotherapy establishment license. A colon hydrotherapy
21 establishment license shall not be transferrable upon the sale



1 of the premises or other transfer of ownership or lease of the
2 premises to another person or entity.

3 (c) The premises of the colon hydrotherapy establishment
4 shall be inspected by the board as a prerequisite to issuance
5 and renewal of a license, and at other times in the discretion
6 of the board, to determine whether the premises are properly
7 equipped as follows:

- 8 (1) A readable sign, made of durable material and not less
9 than three inches by five inches, shall be permanently
10 attached and posted at the main entrance identifying
11 the premises as a colon hydrotherapy establishment;
- 12 (2) At least one artificial light of not less than twenty-
13 five watts shall be located and operating in each room
14 where and when a colon hydrotherapy is performed;
- 15 (3) Minimum ventilation shall be provided in accordance
16 with the state building code;
- 17 (4) Proper equipment for disinfecting and sterilizing
18 equipment for colon hydrotherapy shall be available on
19 the premises; provided that it is preferred that all
20 colon hydrotherapy establishments utilize single-use,
21 disposable rectal nozzles or speculums;

- 1 (5) Hot and cold running water, tempered by means of a
2 mixing valve faucet shall be provided;
- 3 (6) Closed containers shall be provided for the storage of
4 clean linens;
- 5 (7) Adequate dressing and toilet facilities shall be
6 provided for patrons; provided that the bathroom shall
7 be within the confines of the establishment;
- 8 (8) One dressing room, which may be the same as the colon
9 hydrotherapy room, one toilet, and one wash basin
10 shall be provided in every colon hydrotherapy room;
- 11 (9) All walls, ceilings, floors, showers, bathtubs, steam
12 rooms, and all other physical facilities within the
13 colon hydrotherapy establishment shall be in good
14 repair and maintained in a clean and sanitary
15 condition;
- 16 (10) All wash basins within the colon hydrotherapy
17 establishment shall have hot and cold running water,
18 tempered by means of a mixing valve faucet;
- 19 (11) Sanitary towels shall be placed in permanently
20 installed dispensers or upon a permanently attached
21 roll dispenser;



1 (12) A soap dispenser shall be located on or near the wash
2 basin;

3 (13) If a colon hydrotherapy establishment is located in a
4 residence:

5 (A) There shall be no more than one room separated
6 from the residence in which colon hydrotherapy is
7 conducted;

8 (B) The colon hydrotherapy room shall be equipped
9 with a toilet and wash basin located on the same
10 floor as the room in which colon hydrotherapy is
11 conducted; provided that non-residential plumbing
12 fixtures shall not be required;

13 (C) The colon hydrotherapy room shall be separated
14 from the residence by complete partitioning and
15 solid, self-closing doors, which shall not
16 include raised panel doors;

17 (D) Adequate parking shall be available with space
18 for no less than two motor vehicles; and

19 (E) The colon hydrotherapy establishment shall be
20 accessible by a separate door with an outside
21 entry;



1 (14) Cabinets, toilets, and wash basins shall be thoroughly
2 cleaned each day after colon hydrotherapy procedures
3 are conducted;

4 (15) Shower compartments and bathtubs, where provided,
5 shall be thoroughly cleaned after each colon
6 hydrotherapy procedure is conducted; and

7 (16) Clean and sanitary materials, including sheets and
8 towels, shall be provided for each person undergoing a
9 colon hydrotherapy procedure.

10 **§ -5 Board of colon hydrotherapy examiners.** (a) There
11 is established a board of colon hydrotherapy examiners for
12 purposes of this chapter. The board shall consist of five
13 practicing colon hydrotherapists who shall have been licensed in
14 this State for a period of not less than two years. Board
15 members shall serve a term of four years and shall be appointed
16 by the governor in accordance with section 26-34; provided that
17 the appointment of initial members shall be staggered as
18 provided in section 26-34.

19 (b) The board shall adopt rules pursuant to chapter 91 to
20 issue, renew, suspend, revoke, discipline, and assess fees for
21 colon hydrotherapist licenses and renewals and for colon
22 hydrotherapy establishment licenses and renewals, and shall



1 adopt other rules as may be necessary to effectuate the purposes
2 of this chapter.

3 (c) The board may inspect the premises, books, and records
4 of a colon hydrotherapy establishment to ascertain compliance
5 with this chapter.

6 **§ -6 Application for licenses.** (a) An application for
7 a colon hydrotherapist license or a colon hydrotherapy
8 establishment license shall be made to the board. The
9 application for each license shall be a separate submission.
10 The application for either license shall include the following
11 information:

- 12 (1) The full legal name and current residence address of
13 the applicant;
- 14 (2) Any other name by which the applicant has been known
15 during the previous five years;
- 16 (3) The address at which the applicant desires to do
17 business;
- 18 (4) The two residence addresses immediately prior to the
19 present address of each applicant, and the dates of
20 residence at each;
- 21 (5) Personally written letters of character reference from
22 three adults who are not related to and who have known



- 1 the applicant for three years or more, including
- 2 addresses and telephone numbers of the references;
- 3 (6) Written proof that the applicant is over the age of
- 4 twenty-one years if applying for a colon hydrotherapy
- 5 establishment license, or over the age of eighteen
- 6 years if applying for a colon hydrotherapy license;
- 7 (7) Proof of identification of the applicant, consisting
- 8 of one of the following:
- 9 (A) A valid picture driver's license issued by any
- 10 state;
- 11 (B) A valid armed forces identification card; or
- 12 (C) A valid passport issued by a government that
- 13 contains a photograph of the applicant and the
- 14 date of birth of the applicant;
- 15 (8) The applicant's height, weight, and hair and eye
- 16 color;
- 17 (9) Two passport-size portrait photographs, approximately
- 18 two inches by two inches in size, taken within the
- 19 previous six months;
- 20 (10) The business, occupation, or employment history of the
- 21 applicant during the previous five years;



- 1 (11) The business license history of the applicant,
2 including whether the applicant, while previously
3 operating in this State under license, has had that
4 license revoked or suspended and the reason for the
5 revocation or suspension, and the business activity or
6 occupation subsequent to each suspension or
7 revocation;
- 8 (12) All felony and misdemeanor convictions, excluding
9 those for civil traffic offenses, and the grounds for
10 each conviction;
- 11 (13) A certificate from a health care provider stating that
12 the applicant has been examined and found to be free
13 of any contagious or communicable disease within
14 thirty days immediately prior to the date of the
15 certificate;
- 16 (14) The applicant's education, training, and experience in
17 the administration and practice of colon hydrotherapy;
18 and
- 19 (15) A diploma or certificate and an official transcript
20 from a recognized school of colon hydrotherapy or the
21 International Association for Colon Hydrotherapy.



1 (b) The board may require additional information from the
2 applicant and may conduct its own investigation of the applicant
3 to verify the information under subsection (a).

4 **§ -7 Recognized school of colon hydrotherapy. A**

5 recognized school of colon hydrotherapy shall:

6 (1) Be approved by the International Association for Colon
7 Hydrotherapy, if the school is located outside of this
8 State, or by the department of education as trade or
9 vocational education, if the school is located in this
10 State;

11 (2) Offer a residential course of study of at least one
12 hundred twenty-five hours of instruction comprising at
13 least one hundred hours of classroom instruction and
14 twenty-five hours of internship; and

15 (3) Issue a diploma or certificate and an official
16 transcript to each participant who successfully
17 completes a course of study in colon hydrotherapy.

18 **§ -8 Reporting requirements of a recognized school of**

19 **colon hydrotherapy.** A recognized school of colon hydrotherapy
20 shall report to the board a list of students:



- 1 (1) Receiving a certificate or diploma from the school
- 2 within ten days of granting a certificate or diploma;
- 3 and
- 4 (2) Terminated from the school within ten days of the
- 5 termination.

6 **§ -9 Criminal record as grounds for denial of license.**

7 (a) No colon hydrotherapy license shall be issued to or renewed
8 for any person who has been convicted within the immediately
9 preceding five years of a criminal offense:

- 10 (1) Involving moral turpitude under the laws of this
- 11 State;
- 12 (2) Under part IV of chapter 712; or
- 13 (3) Under the laws of another jurisdiction that would be
- 14 the substantial equivalent of paragraph (1) or (2).

15 (b) For purposes of this section, the department of
16 commerce and consumer affairs may obtain criminal history record
17 information through the Hawaii criminal justice data center in
18 accordance with section 846-2.7.

19 **§ -10 Display of licenses.** The license of a licensed
20 colon hydrotherapist shall be displayed conspicuously on the
21 premises of a licensed colon hydrotherapy establishment. A

1 recent photograph of the licensed colon hydrotherapist shall be
2 attached to the license.

3 **§ -11 Prohibited conduct; penalty.** (a) It shall be
4 unlawful for any person or entity to conduct colon hydrotherapy
5 on any premises in which:

6 (1) Alcohol is served; provided that this paragraph shall
7 not apply to colon hydrotherapy conducted by a
8 nonprofit entity, health spa, or resort; or

9 (2) An adult book store, a motion picture theater, or an
10 adult entertainment enterprise is operated.

11 (b) No person shall perform colon hydrotherapy, whether
12 for a fee or gratuitously:

13 (1) In any manner or under any circumstance that is
14 intended to arouse, appeal to, or gratify sexual
15 desires;

16 (2) Upon a person who is not draped with a sheet or towel
17 to cover the genital area; or

18 (3) While attired in clothing that does not reflect the
19 generally prevailing standard of the colon
20 hydrotherapy profession in this State.

21 (c) No licensed colon hydrotherapist shall prescribe any
22 medicines or controlled substances, unless the colon



1 hydrotherapist is duly licensed in this State to prescribe
2 medicines or controlled substances.

3 (d) A licensed colon hydrotherapist shall not conduct
4 procedures outside the scope of colon hydrotherapy.

5 (e) A violation of this section shall constitute a
6 misdemeanor.

7 **§ -12 License sanctions; disciplinary action;**
8 **proceedings.** Licensing sanctions for violation of this chapter
9 shall be in accordance with chapter 436B.

10 Proceedings to revoke or suspend a license shall be in
11 accordance with contested case hearings under chapter 91.

12 **§ -13 Exemptions.** (a) This chapter shall not apply to:

13 (1) Persons authorized by the laws of this State to
14 practice medicine, osteopathy, chiropractic,
15 naturopathy, or podiatry; or

16 (2) Registered nurses or licensed practical nurses when
17 acting under the supervision of a licensed physician,
18 naturopath, osteopath, chiropractor, or podiatrist;

19 (b) The exemptions under subsection (a) shall apply only
20 to the extent that colon hydrotherapy is a legitimate adjunct in
21 any particular case to the practice of medicine, osteopathy,
22 chiropractic, naturopathy, or podiatry.



1 § -14 Advertising restrictions. (a) No person shall
 2 advertise or otherwise represent the person's self to the public
 3 to be a colon hydrotherapist or to practice colon hydrotherapy
 4 unless that person is licensed under this chapter.

5 (b) Violation of this section shall constitute a
 6 misdemeanor."

7 SECTION 2. This Act shall take effect on July 1, 2014.

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INTRODUCED BY:

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Report Title:

Colon Hydrotherapy; Licensure

Description:

Establishes licensure for colon hydrotherapists and colon hydrotherapy establishments.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

