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# A BILL FOR AN ACT

RELATING TO CITATIONS FOR BEAUTY CULTURE VIOLATIONS.

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

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

4           "§439-           Citation for licensee or permittee violations;  
5  fines. (a) In addition to any other remedy available under  
6 this chapter, the department may issue a citation to any person  
7 who holds a beauty operator, beauty instructor, beauty shop, or  
8 beauty school license, or a temporary or beauty apprentice  
9 permit, for any of the following violations of this chapter or  
10 the rules adopted pursuant to this chapter and chapter 91:

11           (1) Failure of a beauty operator, beauty instructor,  
12 beauty shop, beauty school, beauty apprentice, or  
13 temporary permittee engaged in the practice of  
14 cosmetology to display a license or permit in a  
15 conspicuous place in the office, place of business or  
16 employment, or school, during all hours of operation;



- 1        (2) Failure of a beauty shop owner or beauty school to  
2        ensure that only individuals who hold a current and  
3        appropriate license or permit engage in the practice  
4        of cosmetology in the beauty shop or beauty school;  
5        (3) Failure of a beauty shop engaged in the practice of  
6        cosmetology to conspicuously display, in all reception  
7        and work rooms, a sign that shall read "PRICE LIST  
8        AVAILABLE UPON REQUEST" in capital letters at least  
9        three-fourths inch in size;  
10       (4) Failure of a beauty school to identify each  
11       instructor-trainee at the beauty school with a name  
12       tag, stating that person's full name and the words  
13       "Instructor-trainee", to be worn during all hours of  
14       instruction;  
15       (5) Failure of a beauty school to identify each instructor  
16       at the beauty school with a name tag, stating that  
17       person's full name, the word "Instructor", and  
18       identifying the instructor's appropriate beauty  
19       operator category, to be worn during all hours of  
20       instruction;



- 1        (6) Failure of a beauty school, during all hours of
- 2            instruction, to operate the beauty school with an
- 3            instructor-student ratio of one instructor for every
- 4            twenty-five students, or with a minimum of two
- 5            licensed instructors; or
- 6        (7) Failure of a beauty school performing work upon or for
- 7            members of the public to display, in a conspicuous
- 8            place in each reception and work room, a sign not less
- 9            than eighteen inches by twenty-four inches in size
- 10           that shall state "School of Beauty Culture - Work done
- 11           by students under supervision" in letters not less
- 12           than one-half inch high.
- 13        (b) Each citation:
- 14           (1) Shall be in writing and describe the basis of the
- 15           citation, including the specific statute or rule
- 16           violated;
- 17           (2) May contain an order of abatement and the assessment
- 18           of a fine in the amount of \$100 for each violation;
- 19           (3) Shall be served on the licensee or permittee by
- 20           personal service; and



1       (4) Shall inform the licensee or permittee that the  
2       licensee or permittee may submit a written request to  
3       the board or its designee for a hearing to contest the  
4       citation, within twenty calendar days from the service  
5       of the citation.

6       (c) If the licensee or permittee timely submits a written  
7       request to the board or its designee for a hearing, the board  
8       may designate a hearings officer to conduct the hearing in  
9       accordance with chapter 91.

10       (d) If the licensee or permittee does not timely submit a  
11       written request to the board or its designee for a hearing, the  
12       citation shall be deemed a final order of the board.

13       (e) Failure of a licensee or permittee to pay any assessed  
14       fine within thirty calendar days, unless the licensee or  
15       permittee contests the citation, may result in further  
16       disciplinary action taken by the board."

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

20       SECTION 3. New statutory material is underscored.

21       SECTION 4. This Act shall take effect on July 1, 2017.



**Report Title:**

Citations; Beauty Culture Violations; Fines; Licensees;  
Permittees

**Description:**

Authorizes the issuance of a citation for specific violations of beauty culture laws by licensees and permittees. Sets forth a process for licensees and permittees to contest the citation and provides for the assessment of fines for each violation. (SD1)

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

