

JAN 25 2017

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 school, beauty apprentice, or temporary

13 permittee engaged in the practice of cosmetology to

14 display a license or permit in a conspicuous place in

15 the office, place of business or employment, or

16 school, during all hours of operation;

17 (2) Failure of a beauty shop owner or beauty school to

18 ensure that only individuals who hold a current and

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- 1 appropriate license or permit engage in the practice
2 of cosmetology in the beauty shop or beauty school;
- 3 (3) Failure of a beauty shop engaged in the practice of
4 cosmetology to conspicuously display, in all reception
5 and work rooms, a sign that shall read "PRICE LIST
6 AVAILABLE UPON REQUEST" in capital letters at least
7 three-fourths inch in size;
- 8 (4) Failure of a beauty school to identify each
9 instructor-trainee at the beauty school during all
10 hours of instruction with a name tag stating
11 "Instructor-trainee";
- 12 (5) Failure of a beauty school to identify each instructor
13 at the beauty school during all hours of instruction
14 with a name tag stating "instructor" and identifying
15 the instructor's appropriate beauty operator category;
- 16 (6) Failure of a beauty school during all hours of
17 instruction to operate the beauty school with an
18 instructor-student ratio of one instructor for every
19 twenty-five students, or with a minimum of two
20 licensed instructors; or

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- 1 (7) Failure of a beauty school performing work upon or for
2 members of the public to display in a conspicuous
3 place in the reception and work rooms one or more
4 signs at least 18" x 24" in size that shall read
5 "School of Beauty Culture - Work done by students
6 under supervision".
- 7 (b) Each citation:
- 8 (1) Shall be in writing and describe the basis of the
9 citation, including the specific statute or rule
10 violated;
- 11 (2) May contain an order of abatement and the assessment
12 of a fine in the amount of \$100 for each violation;
- 13 (3) Shall be served on the licensee or permittee by
14 personal service; and
- 15 (4) Shall inform the licensee or permittee that the
16 licensee or permittee may submit a written request to
17 the board or its designee for a hearing to contest the
18 citation, within twenty calendar days from the service
19 of the citation.
- 20 (c) If the licensee or permittee timely submits a written

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1 request to the board or its designee for a hearing, the board
2 may designate a hearings officer to conduct the hearing in
3 accordance with chapter 91.

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

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

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

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act, upon its approval, shall take effect
16 on July 1, 2017.

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INTRODUCED BY: *Neil N. Ch...*

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BY REQUEST

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Report Title:

Citations; Beauty Culture Violations; Fines

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.

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

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO CITATIONS FOR BEAUTY CULTURE VIOLATIONS.

PURPOSE: To authorize the issuance of citations to licensees and permittees who violate specific beauty culture laws.

MEANS: Add a new section to chapter 439, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Citations for unlicensed beauty culture activity are authorized under section 436B-26.5, HRS. Currently, there is no mechanism to issue citations for licensee or permittee conduct that violates chapter 439, HRS. This bill seeks to establish a citation process as an alternative means for the Board of Barbering and Cosmetology (Board) to address specific beauty culture violations.

The bill also requires personal service of the citation upon the licensee and permittee and affords the licensee and permittee the opportunity to submit a written request for a hearing to contest the citation within twenty calendar days. The bill also provides that failure to pay any assessed fine within thirty calendar days may subject the licensee and permittee to further disciplinary action.

The citation process created in this bill will expedite enforcement of and promote swift compliance with beauty culture laws. The bill also will allow investigative staff to focus efforts and resources on other beauty culture violations.

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Impact on the public: The public will benefit from quick enforcement against certain violations of the beauty culture laws.

Impact on the department and other agencies: The bill will improve the Department's ability to address technical, less serious beauty culture violations. No impact upon other agencies is anticipated.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: CCA-112.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: July 1, 2017.