

**PRESENTATION OF THE
BOARD OF BARBERING AND COSMETOLOGY**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Wednesday, March 22, 2017
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 947, S.D. 2, H.D. 1, RELATING TO CITATIONS
FOR BEAUTY CULTURE VIOLATIONS.**

TO THE HONORABLE ROY TAKUMI, CHAIR,
AND MEMBERS OF THE COMMITTEE:

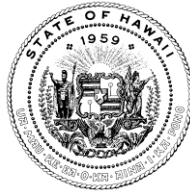
My name is Margaret Williams and I am a member of the Board of Barbering and Cosmetology ("Board"). Thank you for the opportunity to testify on behalf of the Board in strong support of Senate Bill No. 947, Senate Draft 2, House Draft 1, Relating to Citations for Beauty Culture Violations.

This bill proposes to authorize the Regulated Industries Complaints Office ("RICO") to issue citations to beauty culture licensees and permittees for violations of specific beauty culture laws. The citation process requires personal service of the citation upon the licensee or permittee and affords the licensee or permittee the opportunity to request a hearing to contest the citation within twenty calendar days. The measure also authorizes the assessment of fines for each violation and provides that the failure to pay any assessed fine within thirty calendar days may subject the licensee or permittee to further disciplinary action.

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The Board respectfully requests that this Committee amend the bill by restoring the original effective date of July 1, 2017. This will expeditiously provide an alternative means by which the Board can address specific, technical beauty culture violations, enhance and support RICO's enforcement efforts, and promote timely compliance by licensees and permittees.

Thank you for the opportunity to provide testimony in strong support of Senate Bill No. 947, Senate Draft 2, House Draft 1, with the requested amendment. I will be available to answer any questions that the Committee may have.



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PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE
ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-NINTH STATE LEGISLATURE
REGULAR SESSION, 2017

WEDNESDAY, MARCH 22, 2017
2:00 P.M.

TESTIMONY ON SENATE BILL NO. 947 S.D.2 H.D.1
RELATING TO CITATIONS FOR BEAUTY CULTURE VIOLATIONS

TO THE HONORABLE ROY M. TAKUMI, CHAIR,
AND TO THE HONORABLE LINDA ICHIYAMA, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No. 947 S.D.2 H.D.1, Relating to Citations for Beauty Culture Violations. My name is Daria Loy-Goto and I am the Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). The Department strongly supports this Administration bill.

Senate Bill No. 947 S.D.2 H.D.1 authorizes RICO to issue citations to beauty culture licensees for certain violations of the beauty culture laws. The citation

process requires personal service of the citation upon the licensee and affords the licensee the opportunity to request a hearing to contest the citation within twenty calendar days. Senate Bill No. 947 S.D.2 H.D.1 also provides that failure to pay any assessed fine within thirty calendar days may subject the licensee to further disciplinary action.

Senate Bill No. 947 S.D.2 H.D.1 establishes a citation process as an additional enforcement tool to address the following specific, technical beauty culture violations by licensees or permittees: (1) failure to conspicuously display a license or permit while engaged in the practice of cosmetology; (2) failure of a beauty shop owner or beauty school to ensure that only appropriately licensed or permitted individuals engage in the practice of cosmetology in the beauty shop or beauty school; (3) failure of a beauty shop to conspicuously display a sign indicating that a price list is available upon request; (4) failure of a beauty school to identify instructors and instructor-trainees with appropriate name tags; (5) failure of a beauty school to operate with an instructor-student ratio of one instructor for every twenty-five students or with a minimum of two licensed instructors; and (6) failure of a beauty school that performs work on members of the public to conspicuously display a sign indicating work is performed by students under supervision.

Senate Bill No. 947 S.D.2 H.D.1 will expedite RICO's enforcement of certain technical violations of the beauty culture laws and will promote swift compliance by licensees and permittees. The bill will also enable RICO staff to concentrate its efforts and resources on other violations.

RICO notes that this Committee heard the companion measure, House Bill No. 1081, and passed out a House Draft 2 version that contained language in Section 2 requiring a cosmetology license for persons who sell or demonstrate beauty products or techniques for promotional purposes, unless the person is not compensated and obtains written consent to provide the service from the person receiving the service. RICO is concerned that Section 2 will require licensure for activity not traditionally covered under Hawaii law and, as such, prefers Senate Bill No. 947 S.D.2 H.D.1 over House Bill No. 1081 H.D.2, subject to a preferred effective date of July 1, 2017.

Thank you for the opportunity to testify in strong support of Senate Bill No. 947 S.D.2. H.D.1, subject to an effective date of July 1, 2017. I will be happy to answer any questions the Committee may have.