

SB947

Measure Title: RELATING TO CITATIONS FOR BEAUTY CULTURE VIOLATIONS.
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.
Companion: [HB1081](#)
Package: Governor
Current Referral: CPH, WAM
Introducer(s): KOUCHI (Introduced by request of another party)



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

TO THE SENATE COMMITTEE
ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH STATE LEGISLATURE
REGULAR SESSION, 2017

TUESDAY, FEBRUARY 14, 2017
9:00 A.M.

TESTIMONY ON SENATE BILL NO. 947
RELATING TO CITATIONS FOR BEAUTY CULTURE VIOLATIONS

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND TO THE HONORABLE CLARENCE K. NISHIHARA, 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, 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, with one requested amendment.

Senate Bill No. 947 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 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 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 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 does respectfully request, however, that the phrase "beauty shop" be added on page 1, line 11, after "beauty instructor" to comply with §439-2(a), Hawaii Revised Statutes. The phrase was inadvertently omitted from the bill.

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Thank you for the opportunity to testify in strong support of Senate Bill No.947, with the requested amendment. I will be happy to answer any questions the Committee may have.

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

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, February 14, 2017
9:00 a.m.

WRITTEN TESTIMONY

**TESTIMONY ON SENATE BILL NO. 947, RELATING TO CITATIONS FOR BEAUTY
CULTURE VIOLATIONS.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

Thank you for opportunity to present written testimony on Senate Bill No. 947, Relating to Citations for Beauty Culture Violations. This bill proposes to authorize the issuance of citations for violations of specific beauty culture laws by licensees and permittees. The proposal also sets forth a process for licensees and permittees to contest the citation and provides for the assessment of fines for each violation. The bill proposes to establish this citation process to provide an alternative means by which the Board of Barbering and Cosmetology ("Board") can address specific beauty culture violations.

At the time of this writing, the Board had not yet met and considered this proposal. The Board is scheduled to meet on Monday, February 13, 2017 (the afternoon immediately preceding this hearing), at which time the Board will discuss and determine its position on this measure. A representative of the Board will be available to relay this information to the committee at this hearing, and to answer any questions

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that the committee may have. Although this specific proposal has not been reviewed, the Board has been generally supportive of all such enforcement efforts and initiatives in the past.

Thank you for the opportunity to present written testimony on Senate Bill No. 947.