
A BILL FOR AN ACT

RELATING TO THE BARBERING AND COSMETOLOGY LICENSING ACT.

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 BARBERING AND COSMETOLOGY LICENSING ACT

6 § -1 Short title. This chapter may be cited as the
7 Barbering and Cosmetology Licensing Act.

8 § -2 Definitions. For the purpose of this chapter:

9 "Adequate sanitary facilities" means toilets located in
10 properly ventilated rooms with doors, hot and cold running
11 water, sinks or wash basins, and other requirements as may be
12 prescribed by the rules of the board.

13 "Apprentice permit" means a permit issued by the board,
14 upon registration and payment of application and registration
15 fees, to a barber apprentice or beauty apprentice.

16 "Barber" means a licensed person who engages in the
17 practice of barbering for compensation.



1 "Barber apprentice" means a person registered with the
2 board to learn the practice of barbering within a barber shop or
3 beauty shop and while learning assists in the practice of
4 barbering under the immediate direction and supervision of a
5 licensed barber or beauty operator with the license category of
6 cosmetologist or hairdresser for the hairdresser portion of
7 training.

8 "Barber school" means a licensed school engaged in teaching
9 the practice of barbering.

10 "Barber shop" means a licensed establishment or place of
11 business wherein the practice of barbering is engaged or carried
12 on and is the primary purpose of that establishment or place of
13 business; provided that the practice of cosmetology is allowed.

14 "Barber student" means a person enrolled in a barber school
15 who is engaged in learning to be a barber and while learning
16 assists in the practice of barbering.

17 "Beauty apprentice" means a person registered with the
18 board to learn the practice of cosmetology within a barber or
19 beauty shop and while learning assists in any of the practices
20 of cosmetology under the immediate direction and supervision of
21 a licensed barber or beauty operator.



1 "Beauty instructor" means a licensed person who teaches any
2 of the cosmetology license practice categories; provided that
3 the term shall not include a beauty operator who teaches a
4 barber or beauty apprentice in a barber or beauty shop.

5 "Beauty operator" means one of the following license
6 categories: cosmetologist; hairdresser; esthetician; or nail
7 technician.

8 "Beauty school" means a licensed school engaged in teaching
9 the practice of cosmetology.

10 "Beauty shop" means a licensed establishment or place of
11 business wherein the practice of cosmetology is engaged or
12 carried on and is the primary purpose of that establishment or
13 place of business; provided that the practice of barbering is
14 allowed.

15 "Beauty student" means a person enrolled in a beauty school
16 who is engaged in learning to be a beauty operator and while
17 learning assists in any of the practices of cosmetology.

18 "Board" means the board of barbering and cosmetology as
19 established pursuant to section -4.



1 "Cosmetologist" means a licensed person who engages in the
2 practices of a hairdresser, esthetician, and nail technician for
3 compensation.

4 "Department" means the department of commerce and consumer
5 affairs.

6 "Director" means the director of commerce and consumer
7 affairs.

8 "Esthetician" means a licensed person who, with hands or
9 nonmedically prescribed mechanical or electrical apparatus or
10 devices or by use of cosmetic preparations, antiseptics, tonics,
11 lotions, or creams, engages for compensation in any of the
12 following practices:

13 (1) Massaging, cleansing, stimulating, manipulating,
14 exercising, beautifying, or doing similar work on the
15 scalp, face, neck, hands, arms, bust, upper part of
16 the body, legs, or feet;

17 (2) Cleansing, exfoliating, wrapping, or doing similar
18 work upon the entire body, without direct contact by
19 the hands and utilizing gloves, loofah mitts, or
20 brushes; or



(3) Removing superfluous hair about the body of any person by means other than electrolysis.

"Hairdresser" means a licensed person who engages for compensation in any of the following practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, relaxing, or similar work upon the hair of another person.

"Nail technician" means a licensed person who engages for compensation in any of the following practices:

(1) Cutting, trimming, polishing, coloring, cleansing, or otherwise treating a person's fingernails and toenails;

(2) Applying artificial fingernails and toenails; and

(3) Massaging and cleansing a person's hands, arms, legs, and feet.

"Practice of barbering" means any of the following practices: shaving, cutting, trimming, singeing, shampooing, arranging, dressing, curling, waving, relaxing, or coloring the hair or beard or applying tonics or other preparation thereto; massaging, cleansing, or applying oils, creams, lotions, or



1 other preparation to the face, scalp, or neck, either by hand or
2 by mechanical appliances.

3 "Practice of cosmetology", also known as beauty culture,
4 means the art and science of beauty care of the skin, hair,
5 scalp, and nails, and includes any one or a combination of the
6 beauty operator license categories if they are performed on a
7 person's head, face, neck, shoulders, arms, hands, bust, upper
8 part of the body, legs, or feet for cosmetic purposes.

9 "Temporary permit" means a permit allowing an applicant
10 approved for examination to practice as a barber, beauty
11 operator, or beauty instructor under the supervision of a
12 licensed barber, beauty operator, or beauty instructor for one
13 year after the permit's date of issuance.

14 § -3 License required. (a) No person shall for
15 commercial purposes practice as a barber apprentice, beauty
16 apprentice, barber, beauty operator, or beauty instructor, or
17 operate a barber shop, beauty shop, or beauty school, or
18 announce or advertise as being prepared or qualified to do so
19 unless the person is licensed as required by this chapter.

20 (b) The practice of barbering and cosmetology shall be
21 carried on only by persons duly licensed to practice in this



1 State and only in licensed barber shops or beauty shops;
2 provided that nothing in this chapter shall prevent or prohibit
3 a duly licensed barber to practice barbering or a duly licensed
4 beauty operator to practice cosmetology at:

5 (1) Any place for educational purposes;

6 (2) Upon persons at a health care, nursing, mental, or
7 correctional facility;

8 (3) At a charitable event; or

9 (4) A person's private home, office, or hotel room when
10 requested to do so.

11 (c) All licensees shall follow the sanitary practices as
12 prescribed by the rules of the board and any other sanitary
13 practices or public health guidelines recommended by government
14 agencies to protect the health and safety of the public.

15 (d) Nothing in this chapter shall be construed to prohibit
16 or restrict the practice of a profession by individuals who are
17 licensed, certified, or registered under the laws of this State
18 who are performing services within their authorized scope of
19 practice.

20 § -4 Board of barbering and cosmetology. (a) There is
21 established the board of barbering and cosmetology placed within



1 the department pursuant to section 26-9. The board shall
2 consist of seven members who shall be appointed and may be
3 removed by the governor pursuant to section 26-34, except as
4 provided by law. The members shall be residents of the State,
5 of which:

6 (1) Two members shall possess a current and active license
7 as a barber;

8 (2) Two members shall possess a current and active license
9 as a beauty operator; and

10 (3) Three members shall be private citizens not connected
11 with the industry.

12 (b) Board members affiliated with any school teaching the
13 practice of barbering or the practice of cosmetology, or any
14 apprenticeship or other barbering or cosmetology program, shall
15 disclose that affiliation and at all times shall adhere to
16 chapter 84 and the interpretations of that chapter by the state
17 ethics commission.

18 § -5 Powers and duties of the board. (a) In addition
19 to any other powers and duties authorized by law, the board
20 shall have all the powers necessary to effectuate the purpose of
21 this chapter, including the power to:



- 1
- 2 (1) Approve examinations for licensure to practice
- 3 barbering and cosmetology;
- 4 (2) Issue apprentice permits or temporary permits;
- 5 (3) Grant, revoke, or suspend licenses, apprentice
- 6 permits, or temporary permits; and
- 7 (4) Establish, subject to chapter 91 and with the approval
- 8 of the governor and the director, rules governing the
- 9 practice of barbering and cosmetology and the
- 10 standards and requirements for apprenticeship training
- 11 and courses of training provided by schools that shall
- 12 have the force and effect of law.
- 13 (b) The board may require the attendance of witnesses and
- 14 the production of books, records, and papers as it or any person
- 15 involved may desire at any hearing of any matter that the board
- 16 has authority to investigate, and for that purpose may require
- 17 the executive secretary to issue a subpoena for any witness or a
- 18 subpoena duces tecum to compel the production of any books,
- 19 records, or papers directed to the sheriff or chief of police of
- 20 the county where the witness resides or is found, which subpoena
- 21 shall be served and returned in the same manner as a subpoena in



1 a criminal case. Fees and mileage shall be paid from the funds
2 in the state treasury for the use of the board in the same
3 manner as other expenses of the board.

4 (c) Any investigation, inquiry, or hearing that the board
5 is authorized by law to hold or undertake may be held or
6 undertaken by or before any member or members of the board or an
7 appointed hearings officer and the finding or order of that
8 member, members, or hearings officer shall be deemed to be the
9 finding or order of the board when approved and confirmed by it.

10 (d) The board may adopt rules pursuant to chapter 91 to
11 allow training of an apprentice by either a barber or a
12 hairdresser in order for the apprentice to fulfill training
13 requirements.

14 § -6 Applications; requisites for admission to
15 examination. (a) Each person who desires to practice as a
16 barber apprentice, beauty apprentice, barber, beauty operator,
17 or beauty instructor shall:

18 (1) Be at least sixteen years of age;

19 (2) File with the board a written application on a form
20 prescribed by the board;

21 (3) Deposit with the board the required fees; and



1 (4) Possess the qualifications specified in this section.

2 (b) A barber apprentice or beauty apprentice applicant
3 shall provide proof that the applicant will be training in a
4 barber shop or beauty shop under the supervision of a licensed
5 barber or beauty operator.

6 (c) A barber applicant shall have an education equivalent
7 to the completion of high school and either:

8 (1) Three thousand hours of training as a barber
9 apprentice in a barber or beauty shop under the
10 supervision of a licensed barber or beauty operator
11 with the license category of cosmetologist or
12 hairdresser; or

13 (2) One thousand five hundred hours of training in a
14 barber school.

15 (d) A cosmetologist applicant shall have an education
16 equivalent to the completion of high school and either:

17 (1) Three thousand six hundred hours of training as a
18 beauty apprentice in a beauty shop under the
19 supervision of a licensed cosmetologist or in a barber
20 shop under the supervision of a licensed barber for
21 the hairdresser training only; or



(2) One thousand eight hundred hours of training in a beauty school.

(e) A hairdresser applicant shall have an education equivalent to the completion of high school and either:

(1) Two thousand five hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a licensed cosmetologist or hairdresser or licensed barber for the hairdresser training; or

(2) One thousand two hundred fifty hours of training in a beauty school.

(f) An esthetician applicant shall have an education equivalent to the completion of high school and either:

(1) One thousand two hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a licensed cosmetologist or esthetician; or

(2) Six hundred hours of training in a beauty school.

(g) A nail technician applicant shall have an education equivalent to the completion of high school and either:



(1) Seven hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a licensed cosmetologist, esthetician, or nail technician; or

(2) Three hundred fifty hours of training in a beauty school.

(h) A beauty instructor applicant may apply to teach in any of the practices of cosmetology if the applicant has:

(1) Completed six hundred hours of a board approved course in the theory and practice of instruction; and

(2) Served actively for a period of at least one year as a licensed beauty operator in the State or in another jurisdiction having standards for beauty operators substantially equivalent to those of this State.

(i) The board shall recognize barber and beauty training obtained in another jurisdiction that is substantially equivalent to the training in this State. If the training is not equivalent, the board shall make a determination as to whether or not to recognize the training by evaluating the type and duration of the training and the experience required to obtain a license in the other jurisdiction.



1 § -7 Apprentice permits. (a) A barber or beauty
2 apprentice shall obtain an apprentice permit before beginning
3 apprenticeship training.

4 (b) There shall be a ratio of not more than one apprentice
5 to one barber or beauty operator in any shop.

6 (c) Apprentices shall have forty-two months from the date
7 of registration to complete training at the minimum of twenty
8 hours per week.

9 § -8 Examination. (a) The board shall contract with a
10 professional testing service to have the testing service provide
11 examinations for applicants as required for the purposes of this
12 chapter.

13 (b) The professional testing service shall administer the
14 examination approved by the board. Examinations shall be given
15 on a regular basis.

16 (c) Every applicant who is required by the board to be
17 examined shall pay an examination fee as provided in rules
18 adopted by the director pursuant to chapter 91. The examination
19 fee may be paid directly to the professional testing service by
20 the department or the examinee.



1 (d) An applicant who fails an initial examination
2 thereafter may file another application for examination with the
3 professional testing service and shall pay the examination fee
4 for any subsequent examination.

5 (e) The board shall issue a barber, beauty operator, or
6 beauty instructor license to each person who passes the required
7 examination, pays the proper fees, and meets all of the other
8 requirements of this chapter. The license shall state the
9 license category for which the person is licensed.

10 § -9 Temporary permits. (a) The board may issue a
11 temporary permit to an applicant approved for examination. A
12 temporary permit may be issued upon application for examination
13 and payment of the required fees. The temporary permit shall
14 allow the applicant to practice barbering or cosmetology or
15 teach cosmetology under the supervision of a licensed barber,
16 beauty operator, or beauty instructor, and shall be effective
17 for one year from the date of issuance.

18 (b) The board may grant an extension to a temporary permit
19 if the professional testing service is unable to administer the
20 examination on a regular basis.



1 § -10 Barber shops and beauty shops. (a) An applicant
2 for a barber shop or beauty shop license shall:

- 3 (1) Identify the name and location of the shop;
4 (2) Identify at least one licensed barber or beauty
5 operator to qualify the shop for licensure in the
6 applicable license category;
7 (3) Identify the owner of the shop who shall be
8 responsible for all operations of the shop and be
9 responsible to see that only currently licensed
10 individuals, apprentices, or temporary permittees are
11 practicing in the shop;
12 (4) Demonstrate that the applicant has adequate sanitary
13 facilities as defined in section -2; and
14 (5) Provide a statement that the applicant shall allow
15 only licensees who have at least one year of
16 experience to train apprentices as prescribed by the
17 rules of the board.

18 (b) Barber and beauty apprentices training in a barber
19 shop or beauty shop shall be compensated in accordance with
20 chapter 387.



1 (c) Any transfer of ownership of a barber shop or beauty
2 shop, or relocation of a shop, shall require the filing of an
3 application with the required fees.

4 § -11 **Beauty schools.** (a) Any person may apply to the
5 board for a license as a beauty school upon the payment of
6 application and license fees.

7 (b) No beauty school shall be granted a license unless it
8 employs and maintains a sufficient number of licensed
9 instructors, and requires a course of training of a proportioned
10 number of hours as approved by the board, for any of the license
11 categories, to include practical demonstrations, written and
12 oral tests, practical instruction in sanitation and
13 sterilization, and the use of antiseptics consistent with the
14 practical and theoretical requirements applicable to the
15 practice of cosmetology.

16 (c) All schools shall have sufficient equipment and
17 adequate facilities as prescribed by the rules of the board.

18 § -12 **Display of licenses or permits.** The license of a
19 barber, beauty operator, beauty instructor, barber shop, beauty
20 shop, or beauty school, and the permit of a barber or beauty



1 apprentice or temporary permittee, shall be displayed in a
2 conspicuous place in the shop or school.

3 § -13 **Fees; compliance resolution fund.** All fees
4 required by this chapter shall be as provided in rules adopted
5 by the director pursuant to chapter 91 and shall be deposited
6 with the director to the credit of the compliance resolution
7 fund established pursuant to section 26-9(o), except that the
8 examination fee required in section -8 may be paid directly
9 to the professional testing service by the department or the
10 examinee.

11 § -14 **Renewal of licenses.** (a) The holder of a barber,
12 beauty operator, beauty instructor, barber shop, or beauty shop
13 license issued by the board shall biennially, on or before
14 December 31 of each odd-numbered year, renew the license and pay
15 the renewal fee.

16 (b) The holder of a beauty school license issued by the
17 board shall annually, on or before December 31 following the
18 date of issue, renew the license and pay the renewal fee.

19 (c) A license that has not been renewed shall be
20 considered forfeited. A forfeited license shall be restored
21 upon payment of all delinquent fees and a penalty fee if



1 application is made within three years after the license is
2 forfeited. Thereafter, the person shall apply as a new
3 applicant and the board may require the person to take and pass
4 the examination.

5 § -15 Citation for licensee or permittee violations;
6 fines. (a) In addition to any other remedy available under
7 this chapter, the department may issue a citation to any person
8 who holds a barber, beauty operator, beauty instructor, barber
9 shop, beauty shop, or beauty school license, or a temporary or
10 apprentice permit, for any of the following violations of this
11 chapter or the rules adopted pursuant to this chapter and
12 chapter 91:

- 13 (1) Failure of a barber, beauty operator, beauty
14 instructor, barber shop, beauty shop, beauty school,
15 barber apprentice, beauty apprentice, or temporary
16 permittee engaged in the practice of barbering or
17 cosmetology to display a license or permit in a
18 conspicuous place in the office, place of business or
19 employment, or school, during all hours of operation;
- 20 (2) Failure of a barber shop owner, beauty shop owner, or
21 beauty school to ensure that only individuals who hold



1 a current and appropriate license or permit engage in
2 the practice of barbering and cosmetology in the
3 barber shop, beauty shop, or beauty school;

4 (3) Failure of a barber shop or beauty shop engaged in the
5 practice of barbering or cosmetology to conspicuously
6 display in reception or work rooms, a price list or
7 sign that shall read "PRICE LIST AVAILABLE UPON
8 REQUEST" in capital letters at least three-fourths
9 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;



(6) Failure of a beauty school, during all hours of instruction, to operate the beauty school with an instructor-student ratio of at least one instructor for every twenty-five students, and with a minimum of two licensed instructors; or

(7) Failure of a beauty school performing work upon or for members of the public to display, in a conspicuous place in each reception and work room, a sign not less than eighteen inches by twenty-four inches in size that shall state "School of Beauty Culture--Work done by students under supervision" in letters not less than one-half inch high.

(b) Each citation:

(1) Shall be in writing and describe the basis of the citation, including the specific statute or rule violated;

(2) May contain an order of abatement and the assessment of a fine in the amount of \$500 for each violation;

(3) Shall be served on the licensee or permittee by 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 § -16 Refusal to grant license; revocation and
18 suspension of licenses. (a) In addition to any other actions
19 authorized by law, the board may take disciplinary action
20 against any license issued under this chapter, including but not
21 limited to revocation, suspension, fine, or a combination



1 thereof, or refuse to grant or renew any license for any cause
2 authorized by law, including but not limited to the following:

- 3 (1) Procuring a license through fraud, misrepresentation,
4 or deceit;
- 5 (2) Professional misconduct, gross carelessness, or
6 manifest incapacity;
- 7 (3) Permitting a person without a license, apprentice
8 permit, or temporary permit to perform activities that
9 require a license, apprentice permit, or temporary
10 permit under this chapter;
- 11 (4) Violation of this chapter or the rules adopted
12 pursuant thereto;
- 13 (5) Making any false representation or promise through
14 advertising or otherwise;
- 15 (6) Failing to display a license, apprentice permit, or
16 temporary permit as provided in this chapter;
- 17 (7) Any other conduct constituting fraudulent or dishonest
18 dealings;
- 19 (8) Failing to comply with a board order; or
- 20 (9) Making a false statement on any document submitted or
21 required to be filed by this chapter.



1 (b) Any licensee who violates this chapter or the rules
2 adopted pursuant thereto shall be fined not less than \$500 nor
3 more than \$2,000 for each violation.

4 § -17 Appeal from actions of the board; hearing. (a)

5 An appeal may be taken from a final action of the board
6 suspending or revoking a license, apprentice permit, or
7 temporary permit for the causes pursuant to section -16 to
8 the circuit court of the circuit in which the person whose
9 license, apprentice permit, or temporary permit has been
10 suspended or revoked resides.

11 (b) Any person aggrieved by the denial of a license,
12 apprentice permit, or temporary permit by the board may submit a
13 request for a hearing pursuant to chapter 91 within sixty days
14 of the date of notification of the denial or refusal.

15 (c) In all proceedings before it, the board and each
16 member thereof shall have the same powers respecting
17 administering oaths, compelling the attendance of witnesses and
18 the production of documentary evidence, and examining witnesses,
19 as are possessed by circuit courts. In case of disobedience by
20 any person of any order of the board or any member thereof, or
21 of any subpoena issued by it or any member, or the refusal of



1 any witness to testify to any matter with regard to which the
2 witness may lawfully be questioned, any circuit judge, on
3 application by the board or any member thereof, shall compel
4 obedience as in the case of disobedience of the requirements of
5 a subpoena issued by a circuit court, or a refusal to testify
6 therein.

7 § -18 **Board to aid prosecution.** The board shall aid
8 prosecuting officers in the prosecution of persons charged with
9 violations of this chapter.

10 § -19 **Right of injunction.** The department may, in
11 addition to any other remedies available, apply to a court
12 having competent jurisdiction for an injunction to restrain any
13 violation of this chapter.

14 § -20 **Cumulative remedies.** Unless otherwise expressly
15 provided, the remedies or penalties provided by this chapter are
16 cumulative to each other and to the remedies or penalties
17 available under all other laws of this State."

18 SECTION 2. Section 26-14.6, Hawaii Revised Statutes, is
19 amended by amending subsection (f) to read as follows:

20 "(f) Effective July 1, 1990, the functions, authority, and
21 obligations, together with the limitations imposed thereon and



1 the privileges and immunities conferred thereby, exercised by a
2 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
3 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
4 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
5 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
6 353-11, 356D-54, 356D-94, 383-71, [~~438-5,~~] 445-37, 482E-4, 485A-
7 202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33,
8 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,
9 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,
10 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,
11 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to
12 the same extent by the department of public safety."

13 SECTION 3. Section 92-28, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§92-28 State service fees; increase or decrease of.** Any
16 law to the contrary notwithstanding, the fees or other nontax
17 revenues assessed or charged by any board, commission, or other
18 governmental agency may be increased or decreased by the body in
19 an amount not to exceed fifty per cent of the statutorily
20 assessed fee or nontax revenue, to maintain a reasonable
21 relation between the revenues derived from such fee or nontax



1 revenue and the cost or value of services rendered,
2 comparability among fees imposed by the State, or any other
3 purpose which it may deem necessary and reasonable; provided
4 that:

5 (1) The authority to increase or decrease fees or nontax
6 revenues shall be subject to the approval of the
7 governor and extend only to the following: chapters
8 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189,
9 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A,
10 417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431,
11 436E, 436H, 437, 437B, [~~438, 439~~] 440, 440E, 441,
12 442, 443B, 444, 447, 448, 448E, 448F, 448H, 451A,
13 451J, 452, 453, 453D, 455, 456, 457, 457A, 457B, 457G,
14 458, 459, 460J, 461, 461J, 462A, 463, 463E, 464, 465,
15 465D, 466, 466D, 466K, 467, 467E, 468E, 468L, 468M,
16 469, 471, 472, 482, 482E, 484, 485A, 501, 502, 505,
17 514B, 514E, 572, 574, and 846 (part II) and any board,
18 commission, program, or entity created pursuant to
19 title 25 and assigned to the department of commerce
20 and consumer affairs or placed within the department
21 for administrative purposes;



1 (2) The authority to increase or decrease fees or nontax
2 revenues under the chapters listed in paragraph (1)
3 that are established by the department of commerce and
4 consumer affairs shall apply to fees or nontax
5 revenues established by statute or rule;

6 (3) The authority to increase or decrease fees or nontax
7 revenues established by the University of Hawaii under
8 chapter 304A shall be subject to the approval of the
9 board of regents; provided that the board's approval
10 of any increase or decrease in tuition for regular
11 credit courses shall be preceded by an open public
12 meeting held during or prior to the semester preceding
13 the semester to which the tuition applies;

14 (4) This section shall not apply to judicial fees as may
15 be set by any chapter cited in this section;

16 (5) The authority to increase or decrease fees or nontax
17 revenues pursuant to this section shall be exempt from
18 the public notice and public hearing requirements of
19 chapter 91; and

20 (6) Fees for copies of proposed and final rules and public
21 notices of proposed rulemaking actions under chapter



91 shall not exceed 10 cents a page, as required by
section 91-2.5."

SECTION 4. Chapters 438 and 439, Hawaii Revised Statutes,
are repealed.

SECTION 5. The jurisdiction, functions, powers, duties,
and authority heretofore exercised by the board of barbering and
cosmetology pursuant to chapters 438 and 439, Hawaii Revised
Statutes, shall be transferred to and conferred upon the board
of barbering and cosmetology established by section -4 in
section 1 of this Act and shall be performed and enforced in the
same manner as previously authorized, entitled, or obligated
except as otherwise authorized, directed, or instructed by this
Act.

The board of barbering and cosmetology established by
section -4 in section 1 of this Act, shall succeed to all of
the rights and powers previously exercised, and all of the
duties and obligations incurred by the board of barbering and
cosmetology in the exercise of the functions, powers, duties,
and authority transferred, whether such functions, powers,
duties, and authority are mentioned in or granted by any law,
contract, or other document.



1 All rules, policies, procedures, guidelines and other
2 material adopted or developed by the board of barbering and
3 cosmetology to implement provisions of the Hawaii Revised
4 Statutes that are reenacted or made applicable to the board of
5 barbering and cosmetology created by section -4 in section 1
6 of this Act, shall remain in full force and effect until amended
7 or repealed, pursuant to chapter 91, Hawaii Revised Statutes, by
8 the board of barbering and cosmetology established by
9 section -4 in section 1 of this Act. Every reference to the
10 board of barbering and cosmetology in those rules, policies,
11 procedures, guidelines, and other material is deemed to refer to
12 the board of barbering and cosmetology established by
13 section -4 in section 1 of this Act, as appropriate. All
14 fees established by title 16, chapter 53, Hawaii Administrative
15 Rules, that are made applicable to the board of barbering and
16 cosmetology created by section -4 in section 1 of this Act,
17 shall remain in full force and effect until amended or repealed
18 by the director, pursuant to chapter 91, Hawaii Revised
19 Statutes. Every reference to the board of barbering and
20 cosmetology in title 16, chapter 53, Hawaii Administrative
21 Rules, is deemed to refer to the board of barbering and



1 cosmetology established by section -4 in section 1 of this
2 Act, as appropriate.

3 All contracts, agreements, licenses, permits, and other
4 documents executed or entered into by or on behalf of the board
5 of barbering and cosmetology pursuant to those provisions of the
6 Hawaii Revised Statutes that are reenacted or made applicable to
7 the board of barbering and cosmetology created by section -4
8 in section 1 of this Act, shall remain in full force and effect.

9 Every reference to the board of barbering and cosmetology
10 therein shall be construed as a reference to the board of
11 barbering and cosmetology established by section -4 in
12 section 1 of this Act.

13 SECTION 6. Each member of the board of barbering and
14 cosmetology shall be constituted a member of the board of
15 barbering and cosmetology established by section -4 in
16 section 1 of this Act.

17 SECTION 7. This Act shall be liberally construed in order
18 to accomplish the purposes set forth herein. If any provision
19 of this Act, or the application thereof to any person or
20 circumstances is held invalid, the invalidity does not affect
21 other provisions or applications of the Act that can be given



1 effect without the invalid provision or application, and to this
2 end the provisions of this Act are severable.

3 SECTION 8. Any holder of a barber apprentice permit in
4 effect prior to July 1, 2023, who files an application for a
5 barber's license before July 1, 2024, may satisfy the training
6 requirement by having one thousand five hundred hours of barber
7 training in a barber shop or beauty shop. Any barber student
8 who began training prior to the effective date of this Act, may
9 satisfy the training requirement by having one thousand five
10 hundred hours of barber training in a barber school.

11 SECTION 9. Statutory material to be repealed is bracketed
12 and stricken.

13 SECTION 10. This Act shall take effect on July 1, 2022.



Report Title:

Barbering and Cosmetology Licensing Act

Description:

Adds and updates definitions to satisfy current industry practice needs. Aligns and remedies inconsistencies between chapters 438 and 439, Hawaii Revised Statutes. Removes the five-year license requirement for barber and beauty operator Board of Barbering and Cosmetology member seats. Raises fees for penalties and disciplinary actions and removes medical clearance requirements. (SD1)

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

