

**Testimony of the Board of Barbering and Cosmetology**

**Before the  
House Committee on Judiciary & Hawaiian Affairs  
Monday, March 21, 2022  
2:00 p.m.  
Via Videoconference**

**On the following measure:  
S.B. 3077, S.D. 1, H.D.1, RELATING TO THE BARBERING AND COSMETOLOGY  
LICENSING ACT**

Chair Nakashima and Members of the Committee:

My name is Jenny Yam, and I am the Executive Officer of the Board of Barbering and Cosmetology (Board). The Board supports this administration bill and recommends amendments.

The purposes of this bill are to: (1) add and update definitions to satisfy current industry needs; (2) align and remedy inconsistencies between chapter 438 and 439, Hawaii Revised Statutes (HRS); (3) remove the five-year license requirement for barber and beauty operator Board member seats currently required by HRS section 438-3; (4) raise fees for penalties and disciplinary actions; and (5) remove the medical clearance requirements currently required by HRS sections 439-12.5 and 438-8.5.

The Board finds inconsistent provisions in HRS chapters 438 and 439, which add undue complexity to the regulation of barbering and cosmetology. This bill will repeal HRS chapters 438 and 439 and create a new chapter to align the regulatory structure, correct inconsistencies between HRS chapters 438 and 439, and address evolving industry concerns and needs.

In addition, this bill increases the barber apprenticeship training hours from 1,500 to 3,000 hours, which will align the apprenticeship training structure for barbers and beauty operators, and protect consumers by allowing barber apprentices an extended period in which they may gain experience and learn the practice of barbering. The Board noted that barber schools and beauty schools offer their students a structured training curriculum while under the supervision of instructors. Whereas, apprenticeships provide a varied learning experience that is dependent on the training given by each individual licensed barber or beauty operator. The increase of barber apprenticeship

training hours is delayed until July 1, 2023, so the Board has adequate time to amend its rules, give notice to its applicants, and facilitate the transition of licensure requirements.

For the Committee's information, barber schools are licensed by the State Department of Education. Section -3(b) also allows the practice of barbering and practice of cosmetology to be carried outside of a barber shop or beauty shop under specified conditions. For these reasons, the Board respectfully requests the Committee amend this measure as follow:

- Page 2, lines 8 to 9:  
"Barber school" means a licensed school engaged in teaching the practice of barbering.
- Page 17, lines 18 to 21, and page 18, lines 1 to 2:  
**§ -12 Display of licenses or permits.** The license of a barber, beauty operator, beauty instructor, barber shop, beauty shop, or beauty school, and the permit of a barber apprentice, beauty apprentice, or temporary permittee, shall be conspicuously displayed in the place of business or employment [~~a conspicuous place in the barber shop, beauty shop, or beauty school~~].
- Page 19, lines 13 to 19:  
(1) Failure of a barber, beauty operator, beauty instructor, barber shop, beauty shop, beauty school, barber apprentice, beauty apprentice, or temporary permittee engaged in the practice of barbering or practice of cosmetology to display a license or permit in a conspicuous place in the [~~barber shop, beauty shop, or beauty school~~] office, place of business, or employment, or school, during all hours of operation;

Lastly, the Board respectfully requests that the effective date of this measure be amended from January 1, 2050 to July 1, 2022.

Thank you for the opportunity to testify, and we respectfully ask the Committee to pass this administration bill with the suggested amendments.