

BOARD OF BARBERING AND COSMETOLOGY

Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Monday, November 25, 2019

Time: 12:00 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Lynnette F. McKay, Cosmetology Member, Chairperson
Chad Nelson, Public Member
Amanda Severson, Cosmetology Member
Margaret Williams, Barber Member
Valerie Kato, Deputy Attorney General (“DAG”)
Kedin C. Kleinhans, Executive Officer
Leanne Abe, Secretary

Excused: None.

Guest: Shaylee Hershman, Salon on the Go
Meghan Akim, Salon on the Go
Malia Sanchez, Makana Esthetics Wellness Academy
Shayna Sirling, Esthetician
Joannie Rossiter, Paul Mitchell School Honolulu

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

Call to Order: There being a quorum present, the meeting was called to order at 12:05 p.m. by Chairperson McKay.

Minutes of the October 28, 2019 Board Meeting: Ms. Williams requested for amendments on page 4, item B. Further Discussion on Eyelash Extensions:
“Chairperson McKay [~~and Ms. Williams~~] brought up an issue regarding unlicensed beauty schools, shops or instructors teaching eyelash extensions to unlicensed individuals. Ms. Williams inquired

with Executive Officer Kleinhans regarding ~~[this particular issue]~~ **laser services** and if it should be reported to DCCA (Department of Commerce and Consumer Affairs).”

It was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the minutes of the October 28, 2019 meeting, with the aforementioned amendments (with new material underscored in bold and repealed material bracketed and stricken through).

Applications:

At 12:13 p.m., it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried for the Board to enter into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS section 92-5(a)(1), and to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

EXECUTIVE SESSION

At 12:28 p.m., it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried for the Board to move out of Executive Session.

A. Ratification of Issued Licenses

It was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Application for Exam & License – Beauty Operator

- (1) Alex P. Vo
- (2) Taylor C. Allen

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the aforementioned beauty operator applications for exam & license.

C. Application for Restoration

(1) Alison E. Barrera (BEO-16003)

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the beauty operator application of Alison E. Barrera.

D. Request to Accept Hours – Beauty Apprentice

(1) Aidalynn Y. Furness

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to grant 610.9 hours based on paystubs submitted by Ms. Furness.

Executive Officer's Report: A. Licensing Examination of the National-Interstate Council of State Boards of Cosmetology ("NIC")

Executive Officer Kleinhans stated that he has had numerous conversations with Prometric Directors, Sean Colton and Kimberly Farace. He provided a brief summary to the Board regarding their agreement with Prometric to implement the NIC examination in the following format:

- o Electronic, appointment-based examinations on Oahu and Hilo, Hawaii; other islands that do not have access to the electronic test centers will be provided paper examinations at its current test centers.
- o Prometric plans to open up more testing centers at the neighbor islands.
- o There will be support for continuous examination schedules for the electronic, appointment-based examinations.
- o Applicants required to submit an application to the Board, including their email address. Licensing staff will upload their information into the Prometric "SMT" system. Approved applicants will receive an email from registrations@isoqualitytesting.com, IQT (Iso-Quality Testing) manages the scheduling of examinations for Prometric (NIC exam).
- o Examination will be in English language until the Board amends its administrative rules.

- o Examination passing score will remain at 75%
- o Examination cost to take the examination will remain at \$90.00
- o State laws/rules will not be included into the NIC examination to further enhance license mobility and reciprocity.
- o To prepare for the administration of the examination, it was recommended to begin implementation 120 (one hundred twenty) days starting from Board approval for schools and shops to prepare for the new examination.

Executive Officer Kleinhans stated that 120 (one hundred twenty) days from now equates to Tuesday, March 24, 2020.

After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried for the Board to approve implementation to start the process of the NIC examination.

Examination Results:

A. Results of the State Cosmetology Examinations in October 2019

Executive Officer Kleinhans provided the following results:

OCTOBER 2019	passed	passing %	failed
Cosmetology	37	34%	90
Hairdresser	13	35%	24
Nail Technician	30	33%	60
Esthetician	65	40%	94
Instructor	2	100%	0

Scope of Practice:

A. Industry Bulletin regarding Invasive Procedures

Executive Officer Kleinhans stated that the Board has been discussing the draft industry bulletin in previous meetings to determine whether some procedures are invasive or non-invasive. He briefly reported testimonies from the last meeting, including testimonies sent to the Board's email that noted:

- o Hyaluronic Pen is not FDA approved and does result in piercing the skin
- o Dermaplaning may not be invasive
- o Microneedling and microrolling are similar in that they both utilize small needles to stimulate the skin
- o Tracey Coleman sent an email to the Board asking if non-invasive direct high frequency radio procedures such as “Lamprobe” and “Thermoclear” would fall under non-invasive procedures. She explains “Lamprobe” uses radio high frequency technology and “Thermoclear” is radio frequency with both low and high frequencies. Executive Officer Kleinhans stated that according to the draft bulletin on page 2 (two), radio frequency is under “The following services may be considered invasive:”
- o Vanessa Karsin sent an email to the Board in support of moving fibroblast to the non-invasive list of the draft bulletin. She states that there is heat involved but not enough to cauterize the skin, and in her opinion does not have as much risk for infection as microneedling. She provided scientific paperwork explaining that plasma only effects the top layer of skin, preserving the lower layers of the skin.

Executive Officer Kleinhans suggested the Board keep the same policy that procedures should not penetrate the epidermis. Based on past meeting testimonies, he asked if the Board would be interested in including dermaplaning to the list of non-invasive procedures.

Ms. Severson commented that the Board needs more information on these types of esthetic advanced practiced services/procedures. She suggested setting up an informal public meeting for Estheticians or anyone within the industry to educate and provide testimonies/demonstrations before any final decisions are made.

Executive Officer Kleinhans stated that there will need to be rule revisions and possibly statute changes should the Board decide to a new license type of “Master Esthetician.”

Ms. Sirling briefly discussed the use of acids. She explained that when using an acid or enzyme, they (estheticians) are looking for a chemical reaction and how the skin reacts.

Ms. Sanchez explained that there is a certain amount of acid that estheticians can use that is a professional grade. Estheticians are already limited to what they can use and what goes beyond their use falls into the medical side.

The Board unanimously agreed to defer decision-making for further research and public testimonies.

Hawaii
Administrative
Rules (“HAR”):

A. Revisions to HAR Chapter 73 – Barbers (Draft #1)

The Board discussed the following additional amendment:

- o HAR §16-73-4.5(3) “Any individual, if the practice is performed within the federal property;”

The Board recessed at 1:03 p.m. and reconvened the meeting at 1:06 p.m.

Discussion ensued regarding HAR §16-73-19(a)(1) and HAR §16-73-19(b) versus the wording on the current barber shop application. DAG Kato suggested the Board discuss any application changes in December’s meeting as an agenda item.

Ms. Rossiter proposed amending the following hours for barber, cosmetology and hairdresser:

- o Barber is currently 1,500 (one thousand five hundred) hours for both barber school and barber apprenticeship. Ms. Rossiter is proposing 1,200 (one thousand two hundred) barber school hours and 2,400 (two thousand four hundred) barber apprenticeship hours.
- o Cosmetology is currently 1,800 (one thousand eight hundred) hours for beauty school. Ms. Rossiter is proposing 1,600 (one thousand six hundred) hours for beauty school.
- o Hairdresser is currently 1,250 (one thousand two hundred and fifty) hours for beauty school. Ms. Rossiter is proposing 1,075 (one thousand seventy-five) hours for beauty school.

Executive Officer Kleinhans stated that in order to change the hours, it would require a statute change.

Executive Officer Kleinhans stated that packets of the rules were available at the Board meeting for public review. He reported following substantive rule changes initially proposed by the Barber Rule Committee at the Board's August 26, 2019 meeting.

§16-73-2 Definitions. [Definitions of terms found in section 438-1, HRS, shall be adopted by reference. In addition, as used in chapter 438, HRS, and this chapter:] For purposes of this chapter:

"Barber" is a person who is licensed to practice barbering.

"Barber apprentice" is a person who is engaged in learning or acquiring the practice of barbering within a barbering or beauty shop and while learning assists in any of the practices mentioned herein under the immediate direction and supervision of a barber or beauty operator with hairdresser qualifications.

"Barber shop" means any establishment or place of business wherein the practice of barbering is engaged or carried on and is the primary purpose of that establishment or business: provided that the practice of cosmetology is allowed in that establishment or place of business.

"Barber training" means barber apprenticeship in a licensed [barber] shop under supervision of a licensed barber or beauty operator in the appropriate category or as a student at a barber school [with licensed barbers and] licensed by the state department of education.

"Board" means the board of barbering and cosmetology as established pursuant to sections 438-3, 438-5, and 438-6, Hawaii Revised Statutes.

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

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

"Executive secretary" or other equivalent expression means any person employed and assigned by the department to provide administrative services to the board, and to act as a liaison between the board and the department.

["Operator-in-charge" means the barber responsible for the shop]

“Person” includes an individual, partnership, corporation, association, or public or private organization of any character other than governmental agencies.

“Practice of barbering” or “barbering” means any combination of the following practices for remuneration: shaving, cutting, trimming, singeing, shampooing, arranging, dressing, curling, waving, or coloring the hair or beard or applying tonics or other preparation there to; massaging, cleansing, or applying oils, creams, lotions, or other preparation to the face, scalp, or neck, either by hand or by mechanical appliances; provided that nothing in this chapter shall be construed as applicable to those persons licensed under chapter 439, Hawaii Revised Statutes, to practice the occupations named therein; provided that the practice of barbering is considered non-invasive or non-surgical in nature.

“Shop” means either a licensed barber shop or a licensed beauty shop.

“Student” is a person who is engaged in learning to be a barber in a barber school and while doing so assists in doing any act involved in the practice of barbering under the supervision of an instructor.

Executive Officer Kleinhans stated that the definition for Operator-in-Charge may be deleted as the statutes require a shop owner to indicate at least one barber to qualify the shop for licensure and not a barber to be in charge and responsible for the shop. He added that the Board will be further discussing this matter at the next meeting.

§16-73-4 Exceptions to place of practice. (a) The practice of barbering shall be performed only by a person duly licensed to practice in this State and only in a licensed shop, except as provided in this section. A duly licensed barber may practice barbering outside of a licensed [barber] shop:

- (1) To service the public who for valid reasons are unable to visit a shop upon patients or residents in a hospital or nursing home;
- (2) Barber schools and upon inmates or residents of institutions of mental health or correctional institutions;
- (3) [Beauty shops; or] Upon an invalid, medically ill, or handicapped person who is unable to visit a shop;

- (4) ~~[For]~~ Upon a person at a charitable event, provided that this exception shall apply only to the specific event on the specific day or days; and[-.]
- (5) Upon a person at an educational activity conducted with any monthly, annual, or other special program from which the general public is excluded, and provided that compensation is limited to the educational program and not for barbering services.
- (b) The conditions for practicing outside of a shop are as follows:
 - (1) Arrangements are made through a licensed shop;
 - (2) Records are kept of such arrangements; and
 - (3) The service shall comply with the sanitary practices and requirements of ~~[section 16-73-38]~~ this chapter.

Executive Officer Kleinhans noted that the above amendments will further align the barber rules with the beauty rules.

§16-73-4.5 Exemptions from licensure. The rules governing the practice of barbering shall not apply to the following persons when acting with the scope of their profession or occupation:

- (1) A person authorized by law of this State to practice medicine and surgery;
- (2) A person authorized by law of this State to practice cosmetology or hairdressing;
- (3) ~~[An officer or employee of the United States]~~ Any individual, if the practice is ~~[performed by the officer or employee]~~ within ~~[the]~~ federal property;
- (4) A manufacturer's representative or sales person in a retail outlet who sells barbering products or techniques for promotional purposes without compensation for the practice services;
- (5) A person who is employed by a firm or organization for the sole purpose of giving demonstrations on the use of the products on oneself or a model;
- (6) A person involved in an educational activity conducted in connection with any monthly, annual, or other special program from which the general public is excluded, who uses barbering products or techniques without compensation for the practice services;
- (7) A person employed by a theatrical group, modeling agency, wedding service, photography studio, mortuary, or funeral home without being directly

- compensated by the client or the client's designee for the barbering services; or
- (8) A person employed by a health care facility who is providing care to patients.

Executive Officer Kleinhans noted the above amendments will further align the barber rules with the beauty rules. Additionally, paragraph 3 was amended to exempt an individual from barber licensure if the practice is being performed within federal property.

§16-73-11 Forms and instructions. (a) An application filed with the board shall be prepared in accord with and contain the information called for in the application form provided by the board and any instructions which may be required by the board with respect to the filing. The application forms may be modified from time to time as required.

(b) The executive secretary, or such other person authorized by the department, shall determine the sufficiency of qualifications of applicants.

(c) The purpose of obtaining social security information from the applicant shall be as determined by the federal social security administration agency, and the purpose for obtaining citizenship information from the applicant shall be as determined by the United States bureau of citizenship and immigration services or similar agency.

Executive Officer Kleinhans noted that the above amendments are standard language shared across licensing areas. He added that subsection (c) is mandated by federal law.

§16-73-18 Qualification requirements for barber and barber apprentice. ~~[(e)]~~(d) A barber applicant who has not obtained licensure after four consecutive examinations offered by the board shall be required to apply as a barber apprentice and train for six months before qualifying for another series of examinations. The barber applicant shall provide verification of the six month barber training. [The six months of barber training shall be concentrated in the areas of the applicant's weaknesses.] The barber apprentice who has successfully completed the first fifteen hundred clock hour training period

may apply to take the barber examination following the six-month training period.

Executive Officer Kleinhans noted that the above amendments specify that the six-month remedial training period for barber apprenticeship no longer needs to be concentrated in the areas of the applicant's weaknesses as the Board no longer administers a practical examination.

§16-73-19 Qualification for barber shop. (a) An applicant for a barber shop license shall file a ~~notarized~~ completed application and provide the following:

- (1) Name and license number of the licensed barber to qualify shop for license; and
 - ~~[(2) Verification that the shop complies with the sanitation requirements of the department of health; and]~~
 - ~~[(3)]~~(2) If the applicant is a corporation, [or] partnership, or other recognized business entity, verification of proper registration with the business registration division (BREG) of the department.
- (b) The ~~licensed~~ barber shop licensee shall be responsible for all operations of the shop and shall be responsible to see that only currently ~~qualified~~ licensed persons are practicing in the shop.
- (c) ~~[The barber shop license is nontransferable. The following changes require filing of a barber shop application along with payment of required fees:]~~ A licensed beauty operator in the cosmetologist or hairdresser classification is qualified to supervise a barber apprentice in a licensed barber shop or licensed beauty shop.
- ~~[(1) A change in ownership shall meet the shop qualification requirements and be considered a new license.~~
 - ~~[(2) A change in shop name shall identify a licensed barber and shop owner without affecting the shop license number.~~
 - ~~[(3) A shop relocation shall require filing of a sanitation clearance and identification of a licensed barber without affecting the shop license number.]~~

Executive Officer Kleinhans noted that the above amendments specify that a notary is not required to submit a barber shop application.

§16-73-20 Temporary permit. (a) A temporary permit shall be issued upon request to a barber ~~[applicants that have]~~ applicant who has completed the required training period, has been approved ~~[for]~~ to take the barber licensing examination, and has not been previously issued a temporary permit. The temporary permit authorizes the permittee to ~~[work]~~ practice and train while waiting ~~[for]~~ to take the next licensing examination. The temporary permit covers a period of four examinations as consecutively scheduled by the board from the date of qualifying for the first examination. A temporary permit shall not be renewed or extended.

(b) The ~~[qualified]~~ barber applicant ~~[shall file]~~ who requests a temporary permit shall complete an application and pay ~~[a temporary permit fee as provided in chapter 16-53]~~ the appropriate fees.

(c) The temporary permit ~~[provides that]~~ allows a ~~[qualified]~~ barber applicant ~~[work]~~ to practice and train under the supervision of a ~~[licensed barber]~~ licensee in a ~~[qualified]~~ licensed shop.

Executive Officer Kleinhans noted that the above amendments specify that a barber temporary permit may only be issued to a barber applicant for examination only if he/she has not been previously issued a temporary permit.

16-73-24 Falsification of application. The board may deny an applicant admission to the examination, or issuance of license, void the applicant's examination score, or revoke a license on the grounds of falsification of any information supplied in the application for examination, application for license, application for registration, experience verification form, or supporting documents.

Executive Officer Kleinhans noted that the above amendments create further grounds for disciplinary action should an applicant falsify an application.

§16-73-25 Abandonment of application. An application shall be deemed to have been abandoned and shall be destroyed if the applicant fails to provide evidence of continued efforts to complete the licensing process for two consecutive years; provided that the failure to provide evidence of continued efforts includes but is not limited to:

- (1) Failure to submit the required documents and other information requested by the board within two consecutive years from the last date the documents or other information was requested; or
- (2) Failure to provide the board with any written communication during two consecutive years indicating that the applicant is attempting to complete the licensing process, including attempting to complete the examination requirement.

Executive Officer Kleinhans noted that the above amendments are standard language pursuant to HRS §436B-9(b) **Actions on applicants; abandoned applicants.**

§16-73-27 Barber examination. (a) ~~[Barber examinations]~~ The examination shall be designed to test the applicant's theoretical and practical knowledge in the practice of barbering ~~[and the applicant's knowledge of the board's laws and rules]~~, and shall be conducted in accordance with procedures formulated by the testing service ~~[and]~~ authorized by the board to develop and administer examinations. Failure to comply with these established procedures may result in the invalidation of the entire examination and disqualification from future examinations.

~~[(b) The examinations shall incorporate the board's law and rules, barber theory and practical barber demonstration.]~~
[(c)](b) The examination shall be conducted not less than four times a year, and is usually administered in March, June, September, and December.

(c) The examination shall be given only on established dates and at designated locations in the State. The board may grant exceptions to examination candidates who are not able to sit on scheduled dates or at designated locations. Conditions and procedures for exceptions shall be determined by the board and its testing service.

(d) The examination shall be given in the English language and no applicant shall be permitted the use of a

reader/interpreter. An applicant may elect to use a foreign language dictionary during the examination, provided that it is a direct word-for-word translating dictionary without definitions or examples of usage, and further provided that it is reviewed and approved for use by the testing service prior to the administration of the examination. The approval by the testing service shall be based on criteria established by the board.

(e) No license shall be issued to any person unless the person takes and passes the examination as prescribed by the board for the license applied for. Failure to obtain a passing score shall result in failure of the examination.

~~[§16-73-29 Reader/interpreter. An applicant shall be permitted to have a reader/interpreter for the written examination parts. The cost of a reader/interpreter shall be borne by the applicant. The applicant requesting a reader/interpreter shall be a person not having the ability to read and comprehend the English language because of education, first language difficulty, or a medical handicap. The reader/interpreter shall not be associated with the barber or cosmetology profession.]~~

Executive Officer Kleinhans noted that the above amendments to sections 16-73-27 and 16-73-29 to specify that the examination will no longer consist of the Board's laws and rules and that the use of a reader/interpreter to take the examination is prohibited; however, he added that should the Board intend to allow for other examination languages, subsection (d) would need to be further amended.

§16-73-30 Credits. [Credits] No show applicant. [The applicant shall earn credits for each examination part passed and the credit shall be maintained for the next three examinations as consecutively scheduled by the board from the date the applicant first qualifies for examination.] An applicant who has registered but fails to sit for the examination is considered to be a no show applicant, and shall forfeit the examination fee. The no show applicant shall register and pay the appropriate fees for any subsequent examination.

Executive Officer Kleinhans noted that the above amendments may need to have its own section, such as §16-73-33, and that

§16-73-30 may be repealed. He added that the above amendments require that a “no show” applicant must register for his/her next examination with a new fee.

~~§16-73-32 Place of examination. The examinations shall be regularly held in Honolulu. However, upon timely request by applicants residing on an island other than Oahu and a showing that their number exceeds eight, the board may, in its discretion, conduct examinations on that neighboring island.]~~

Executive Officer Kleinhans noted that the above amendments are no longer necessary as the examination is held on multiple neighbor islands.

~~§16-73-36 Public health. Before a license to operator a barber shop is issued, [Each] each barber shop applicant shall submit a [certificate from the state department of health] signed verification which indicates that the shop meets all sanitation and public health requirements [before a license to operate and conduct a barber shop shall be issued].~~

Executive Officer Kleinhans noted that the above amendments require a shop applicant to submit a signed verification that the shop meets all sanitation requirements as the State Department of Health no longer issues certificates.

~~§16-73-37 Shop conditions. [A person who operates a] A barbershop shall comply with the following conditions:~~

- ~~(1) [The walls, floors, ceilings, furniture, fixtures, and all other parts and surfaces in a shop shall be kept clean at all times.] Hair [dropping] cuttings shall be removed from the floor as soon as [practicable] is practical and placed in a securely covered container pending disposal]. Excessive accumulations shall not be allowed];~~
- ~~(2) Every shop shall be properly and adequately lighted and ventilated;~~
- ~~(3) Every shop shall [be provided with] have adequate sanitary facilities, [including toilets,] hot and cold running water, [sinks or wash basins. Toilets shall be~~

~~located in suitable and properly ventilated toilet rooms with self-closing doors] and access to nearby restrooms; and~~

- (4) A work station, including barber chair, shall be maintained in a safe, clean, and sanitary manner.

§16-73-38 Sanitary practices. (a) All persons who are engaged in barbering shall observe the following sanitary practices:

- (1) The use of any astringent in lump or styptic pencil form, ~~[sponge,]~~ lump alum, powder puff, neck duster, shaving brush, or shaving mug shall be prohibited in any shop. Possession of the same is prima facie evidence that same is being used ~~[there]~~ at the shop in the practice of barbering;
- (2) No barber shall stop the flow of blood by using alum or other material unless the same is used in liquid form or as a powder and applied with a clean towel;
- (3) Razors, shears, scissors, clippers, tweezers, finger bowls, or combs, or any like article shall not be used on any ~~[customer]~~ patron unless [they have] the article has been thoroughly cleaned and sanitized since last used. All such instruments shall be thoroughly cleaned and sanitized [by] using a method approved by the department of health, after having been used on a patron. After sanitization, [they shall be] all such instruments stored in a manner to prevent contamination, or must be sanitized again immediately before [reuse] use on a subsequent patron, provided that facial sponges and makeup applicators used shall be discarded after being used on a patron;
- (4) ~~[No]~~ A barber shall not remove or attempt to remove any wart, mole, pimple, or ingrown hair [or undertake any treatment properly performable by persons trained in medical science]. Cleaning of ears is prohibited;
- (5) A barber shall not perform or attempt to perform any treatment that is within the scope of practice of persons trained in medical science;
- (6) All persons engaged in barbering shall wash their hands thoroughly with soap and hot water immediately before attending to any ~~[person, and~~

- ~~shall wear at all times a clean uniform or outer coat or apron of washable material.] patron;~~
- (7) Towels or other fabrics that come in contact with the skin or hair of a person shall not be used on more than one patron without being laundered in an acceptable manner. ~~[Such towel or fabric after]~~ After use on a patron, such towel or fabric shall be placed in a hamper or suitable receptacle, from which it shall not be removed except for laundering or final disposal. Laundry shall be washed clean and then subjected to a sanitizing process before being used on a patron again. The [sanitation] sanitizing process shall [hold] subject such laundry [for at least twenty minutes at] to a temperature of at least 180 [F] degrees Fahrenheit for a minimum of twenty minutes;
- (8) Prior to serving any patron, the headrest of any chair shall be covered with a clean towel or a clean sheet of paper. If any towel or implement is to be wet, such towel or implement shall be wet in running water and shall not be dipped in any water container;
- (9) All towels and other ~~[linens]~~ fabrics used in any shop shall be kept in a closed cabinet at all times when not in use;
- (10) All creams, ~~[tonic]~~ tonics, cosmetics, and other applications used on patrons shall be kept in clean closed containers; ~~[and]~~
- (11) A clean [strip of cotton,] towel[;] or paper band shall be placed around the neck of each patron served so that at no time will the hair cuttings, cloth, or cape come in contact with the neck or skin of the patron[-]; and
- (12) Only products and equipment that are approved for the practice of barbering shall be used on patrons. All barbers shall comply with product label procedures and ensure that they have completed proper training before offering new techniques and services.
- (b) Failure to comply with the sanitary practices in section (a) may be construed to be professional misconduct, gross negligence, or manifest incapacity.

Executive Officer Kleinhans noted that the above amendments to sections 16-73-37 and 16-73-78 specify updated sanitary

requirements pursuant to HRS sections 438-7(c)(5) and 438-7(d)(1).

16-73-41.5 Relocation of shop; change in shop ownership. (a) For the relocation of a shop, the licensee shall complete a barber shop application, pay the applicable fees, and provide other supporting documents as required by this chapter for submittal to the board for approval. Relocation means that the shop will operate under the same name and ownership in a different location. A relocation will not affect the barber shop license number.

(b) A change in the ownership of a shop requires the new owner to complete a barber shop application, pay the applicable fees, and meet all requirements for a new barber shop license.

(c) Barber shop licenses are nontransferable.

Executive Officer Kleinhans noted that the above amendments was moved from section 16-73-19(c) to have its own expanded section.

§16-73-42 Failure to comply. Refusal or neglect on the part of any shop owner, manager, or employee to comply with this chapter shall be construed to be [unprofessional conduct] professional misconduct, gross negligence, or manifest incapacity, and may subject any violator to suspension or revocation of the license, permit, or registration.

Executive Officer Kleinhans noted that the above amendments further specify that non-compliance with the Board's rules shall be construed to be professional misconduct, gross negligence, or manifest incapacity.

Executive Officer Kleinhans stated that technical, non-substantive amendments will also be included to Draft #2 for grammar purposes.

After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to accept the proposed amendments of HAR Chapter 73 Draft #1.

B. Revisions to HAR Chapter 78 – Beauty Culture (Draft #1)

Due to time constraints, the Board agreed to defer the matter and to review the proposed rule package for further discussion at the next meeting.

Correspondence: A. Joannie Rossiter – Proposal to amend Apprenticeship Requirements

Chairperson McKay noted that this section was covered during the discussion of Revisions to HAR Chapter 73 – Barbers (Draft #1)

B. Salon On the Go – What are the requirements to operate a mobile salon business?

Ms. Hershman and Ms. Akim introduced themselves to the Board and briefly discussed their intention with the mobile salon business.

Executive Officer Kleinhans reported a past Board policy from June 18, 1993 that appears a mobile shop would be recognized by the Board if an applicant submits a complete application and satisfies all the beauty shop requirements. The shop floor plan would be recognized as the vehicle, and a mobile beauty shop would mean that the practice would occur within the vehicle.

It was moved by Chairperson McKay, seconded by Mr. Nelson, and unanimously carried for the Board to entertain a motion for the applicant to submit a complete beauty shop application.

Open Forum: None.

Next Board Meeting: Monday, December 16, 2019
12:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting
was adjourned at 2:10 p.m.

Taken and recorded by:

/s/ Leanne Abe

Leanne Abe, Secretary

Reviewed and accepted by:

/s/ Kedin C. Kleinhans

Kedin C. Kleinhans, Executive Officer

KCK:la

12/01/19

- Minutes approved as is.
- Minutes approved with changes