

Notice of Public Hearing

Pursuant to Hawaii Revised Statutes (“HRS”) section 438-5 and Chapter 91 notice is hereby given that the Board of Barbering and Cosmetology (“Board”) will hold a virtual public hearing on Tuesday, November 30, 2021 at 12:00 p.m. via Zoom (<https://dcca-hawaii-gov.zoom.us/j/95324483407>), to hear all persons interested in the proposed amendments to the Hawaii Administrative Rules (“HAR”) chapter 16-73 pertaining to barbers, and chapter 16-78 pertaining to cosmetology.

The purpose of the proposed amendments is to repeal sections 16-73-56 and 16-78-76, which require all instructor-trainees, students, apprentices, applicants for examination and licensure, and all licensed individuals under the Board of Barbering and Cosmetology (approximately 11,769 individual licensees which includes barbers, beauty operators, and beauty instructors) to obtain and provide a medical clearance certificate from a physician attesting that the individual is free from disease upon the department of health declaring an emergency or epidemic concerning one or more contagious or infectious disease or diseases.

HAR sections 16-73-56 and 16-78-76 were suspended since the Eighth Supplementary Proclamation Related to the Covid-19 Emergency issued on May 18, 2020, until the Twenty-First Proclamation Related to the Covid-19 Emergency expired on August 6, 2021, due to its anticipated administrative impact on the medical profession, industry licensees, and Board staff. The Governor adopted emergency rules on August 6, 2021, to repeal HAR sections 16-73-56 and 16-78-76 for 120 days to ensure that medical professionals may focus on providing critical care to patients during the COVID-19 pandemic and be alleviated from the significant administrative burden of providing medical clearance certificate. Hawaii Revised Statutes sections 438-8.5 and 439-12.5 continues to provide the Board authority, at its discretion, to request or require medical clearance tests from its licensees.

All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing, at the time of hearing. All persons wishing to submit written testimony are requested to submit 12 copies of their written testimony by Tuesday, November 16, 2021, to the Professional and Vocational Licensing Division at the address printed below.

A copy of the proposed rules will be mailed to any person who requests a copy upon receipt of \$8.71 for the copy and postage. Please submit your request to the Professional and

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Vocational Licensing Division at the address noted below or contact the Board's office at (808) 586-2692.

Copies may be picked up at the following address between 7:45 a.m. and 4:30 p.m., Monday through Friday, excluding holidays: Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, 335 Merchant Street, Room 301, Honolulu, Hawaii 96813. The cost of a copy, \$8.71, is due and payable at the time of pick up.

Further, the proposed rules may be reviewed in person free of charge at the Professional and Vocational Licensing Division at the address and hours of operation printed above. In addition, the full text of the proposed rules is available and can be downloaded free of charge from the web site of the Department of Commerce and Consumer Affairs:

<http://cca.hawaii.gov/proposed-rulemaking/>

Individuals who require special needs accommodations are invited to call Jenny Yam at (808) 586-2692 at least four (4) days prior to the hearing.

Amanda Severson, Chair
Board of Barbering and Cosmetology
State of Hawaii