

MINA'BENTE OCHO NA LIHESLATURAN GUAHAN
2005 (FIRST) Regular Session

Bill No. 107 (LS)

Introduced by:

L. Leon Guerrero *LLG*

AN ACT TO REPEAL SECTION 18119(a)(2) AND (4) AND TO AMEND
(3) (ii) AND TO ADD A NEW SUB-SECTION (3)(iii) CHAPTER 18
TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE
ELIGIBILITY AND QUALIFICATIONS FOR ESTETICIAN LICENSE.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Intent.** The *Mina'Bente Ocho Na Liheslaturan Guahan*
3 finds that there are inconsistencies in the existing mandate related to the
4 requirement and eligibility for esthetician's examination under the Board of
5 Cosmetology. One such inconsistency is the current requirement pertaining to
6 eligibility and qualifications for licensure of individuals that have practiced
7 outside of Guam. Other concerns raised with the current law are the additional
8 requirements applied to those individuals who plan to take the esthetician
9 license exam which require that the individual must hold a valid Guam license to
10 practice cosmetology. This means that if an individual wishes to take an exam
11 for an esthetician's license, that individual must first have a cosmetology license.
12 There are no other exams within cosmetology that requires this.

13 Therefore, it is the intent of the *Mina'Bente Ocho Na Liheslaturan Guahan* to
14 make the necessary changes to the existing statutes that will allow individuals
15 who wish to apply for an esthetician license under the Cosmetology Board
16 consistent with their practice.

17 **Section 2. Chapter 18, Title 10, Guam Code Annotated, Section 18119(a)**
18 **(2) is hereby repealed in its entirety.**

1 **Section 3. Chapter 18, Title 10, Guam Code Annotated, Section 18119(4)**
2 **is hereby repealed in its entirety.**

3 **Section 4. Chapter 18, Title 10, Guam Code Annotated, Section 18119**
4 **(3)(ii) is hereby amended to read as follows:**

5 ~~“(3)(ii) completed not less than the equivalent of six hundred (600) hours~~
6 ~~of practice as a teacher assistant or teacher aide in a school approved by the~~
7 ~~Board~~ practiced as an esthetician as defined in this Chapter, outside of this
8 territory for a period of time equivalent to the study and training of a qualified
9 person who has completed a course in esthetics from a school curriculum of
10 which complied with requirements adopted by the Board; and”

11 **Section 5. Chapter 18, Title 10, Guam Code Annotated, Section 18119 (3)**
12 **(iii) is hereby added to read as follows:**

13 “(3)(iii) holds a valid esthetician’s license issued by a state whose license
14 requirements in the judgment of the Board are equal to or are greater than
15 Guam’s.”

16 **Section 6. Severability.** *If* any provision of this Act or its
17 application to any person or circumstance is held invalid, the
18 invalidity does *not* affect other provisions or applications of this Act
19 which can be given effect without the invalid provision or
20 application, and to this end the provisions of this Act are severable.

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Senator Mike Cruz, M.D.

Chairman, Committee on Health & Human Services
I Mina'Bente Ocho Na Liheslaturan Guåhan
155 Hesler Place, Suite 107, Hagåtña, Guam 96910
Tel: 671-477-5960/2/3 • Fax: 671-477-5984

March 3, 2006

The Honorable Mark Forbes
Speaker, *I Mina'Bente Ocho Na Liheslaturan Guåhan*
155 Hesler Place
Hagåtña, Guam 96910

The Committee on Health and Human Services, to which Bill No. 107 (LS), "AN ACT TO REPEAL SECTION 18119-(a)(2) AND (4) AND TO AMEND (3)(III) AND TO ADD A NEW SUB-SECTION (3)(iii) CHAPTER 18, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ELIGIBILITY AND QUALIFICATIONS FOR ESTHETICIAN LICENSE", was referred, wishes to report its findings and recommendations TO PASS Bill No. 107 (LS), as substituted by the Committee.

The voting record for Bill No. 107 (LS) is as follows:

TO PASS	<u>8</u>	ABSTAIN	<u>0</u>
NOT TO PASS	<u>0</u>	TO REPORT OUT	<u>1</u>
TO PLACE IN INACTIVE FILE	<u>0</u>		

Copies of the Committee Report and other pertinent documents are attached. Thank you for your time and attention in this matter. *Si Yu'os Ma'åse!*

MIKE CRUZ, M.D.
Chairman

Attachments



Senator Mike Cruz, M.D.

Chairman, Committee on Health & Human Services
I Mina'Bente Ocho Na Liheslaturan Guåhan
155 Hesler Place, Suite 107, Hagåtña, Guam 96910
Tel: 671-477-5960/2/3 • Fax: 671-477-5984

March 3, 2006

MEMORANDUM

TO: Committee Members

FROM: Chairman, Committee on Health and Human Services

SUBJECT: **Committee Report on Bill No. 107 (LS), "AN ACT TO REPEAL SECTION 18119-(a)(2) AND (4) AND TO AMEND (3)(II) AND TO ADD A NEW SUBSECTION (3)(iii) CHAPTER 18, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ELIGIBILITY AND QUALIFICATIONS FOR ESTHETICIAN LICENSE."**

Transmitted herewith for your information and action is the report on Bill No. 107 (LS) from the Committee on Health and Human Services.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 107 (LS)
4. Bill No. 107 (LS), as substituted by the committee.
5. Copy of §18119, Chapter 18, Title 10 of the GCA
6. Written Testimony
7. Public Hearing Sign-in Sheet
8. Fiscal Note / Fiscal Note Waiver
9. Notice of Public Hearing

Please take appropriate action on the attached voting sheet. If you need additional information about the report or accompanying documents, please do not hesitate to contact my office.

Thank you for your time and attention regarding this matter.


MIKE CRUZ, M.D.


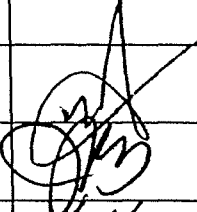
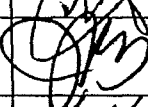
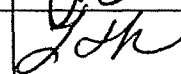
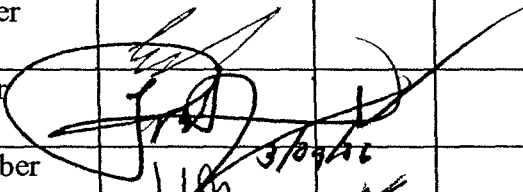
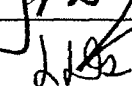
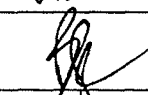

Attachments

COMMITTEE ON HEALTH AND HUMAN SERVICES

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

Senator Mike Cruz, M.D., Chairperson
 Senator Jesse A. Lujan, Vice-Chairperson
 155 Hesler Place • Hagåtña, Guam 96910

VOTING SHEET: Bill No. 107 (LS)

BILL NO.	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Mike Cruz, M.D., Chairman		✓				
Senator Jesse Lujan, Co-Chair						
Speaker Mark Forbes, Ex-Officio		✓				
Vice Speaker Joanne Brown, Member		✓				
Senator Larry Kasperbauer, Member		x				
Senator Ray Tenorio, Member						
Senator Antonio R. Unpingco, Member						
Senator Eddie Baza Calvo, Member				✓		
Senator Frank Aguon, Jr., Member						
Senator Lou Leon Guerrero, Member		✓				
Senator Benjamin J. Cruz, Member		✓				
Senator Rory J. Respicio, Member		✓				

COMMITTEE REPORT

BILL NO. 107 (LS)

AUTHOR: Senator Lou Leon Guerrero

TITLE:

An Act to Repeal Section 18119 (a)(2) and (4) and to Amend (3)(ii) and to Add a new Subsection (3)(iii), Chapter 18, Title 10 Guam Code Annotated, relative to the Eligibility and Qualifications for Esthetician License.

Members present: Chairman Mike Cruz
Senator Adolpho Palacios
Senator Frank Aguon, Jr.

Other senators present: Senator Robert Klitzkie

Chairman Mike Cruz called the public hearing to order. He welcomed the Senators present. Chairman Mike Cruz read the purpose of the bill and asked if anyone was present to testify on behalf of the bill.

Senator Aguon spoke on behalf of the bill's author, Senator Lou Leon Guerrero, and advised that she was absent because she was off-island on personal matters.

Chairman Cruz thanked the Senator for his comment.

Janet B. Cruz, Management Analyst with the Health Profession Licensing Office, and currently in charge of overseeing daily activities in support of all of the Board of Examiners of the Healing Arts, presented oral testimony to suggest that there should be an addition in Bill 107 to provide reciprocity to manicurists as well since they were inadvertently excluded from Public Law 25-188, and as such, does not recognize manicurists who are already licensed in the U.S.

Chairman Cruz questioned the role of an esthetician.

Janet B. Cruz answered that an esthetician is one that deals with the face and skin portion of the body.

Chairman Cruz asked if Ms. Cruz was speaking in favor of Bill 107 and then re-stated Ms. Cruz' recommendation that manicurists and estheticians be recognized both under Bill No. 107 to which she affirmed that she was in favor of the bill and that his statement is correct.

Senator Aguon requested that she submit written testimony or work with the Chairman's staff to make sure that it includes the appropriate language for reciprocity. He wants to make certain that the bill holds the sufficient wording when it is brought to the floor.

Chairman Cruz thanked Senator Aguon for his comment and invited Senator Palacios to comment.

Senator Palacios noticed that the bill does not state clearly what exactly is being repealed. He questioned Janet B. Cruz on her knowledge of what is being repealed.

Janet B. Cruz apologized for not answering the question due to the fact that she did not have the bill in front of her.

Senator Palacios stated that the bill would only be established if two whole sections of the current law were eliminated, and he questioned this because he didn't know what was being taken out (because it wasn't stated in the bill).

Chairman Cruz apologized for not knowing the subsections either; and brought up the point that according to Senator Lou Leon Guerrero's staff, the language in Bill 107 actually came from GCC. The Chairman apologized for not getting the information from them. He confirmed that his office will get the report out with all the needed information and thanked his colleagues for the comment and participation. Seeing no more testimonies on Bill 107, Chairman Cruz adjourned.

COMMITTEE FINDINGS:

The concerns addressed by committee member, Senator Palacios, warranted a review of the contents of Bill 107 and the current statute on Section 18119, Chapter 19, Title 10 GCA. To repeal Sections 2 and 3 each in its entirety without restating the affected language made it difficult to determine the necessity for such repeal. As such, the Committee has substituted the bill to clearly reflect such amendments.

Oral testimony provided by Janet Cruz, has been examined and does reflect her recommendations. Moreover, written testimony received on February 22, 2006 from Associate Professor Ron Abshire of the Cosmetology department, Guam Community College expresses his support of Bill 107 (LS).

COMMITTEE RECOMMENDATION:

The Committee on Health & Human Services recommends that **Bill 107 (LS): "An Act to Repeal Section 18119(a)(2) and (4) and to Amend (3)(ii) and to Add a new Subsection (3)(ii), Chapter 18, Title 10 Guam Code Annotated, relative to the Eligibility and Qualifications for Esthetician License,"** be submitted to *I Mina'Bente Ocho Na Liheslaturan Guåhan* with a recommendation **TO PASS** Bill No. 107 (LS), as substituted by the Committee.

MINA'BENTE OCHO NA LIHESLATURAN GUAHAN
2005 (FIRST) Regular Session

Introduced

MAR 29 2005

Bill No. 107(LS)

Introduced by:

L. Leon Guerrero *llg*

AN ACT TO REPEAL SECTION 18119(a)(2) AND (4) AND TO AMEND
(3) (ii) AND TO ADD A NEW SUB-SECTION (3)(iii) CHAPTER 18
TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE
ELIGIBILITY AND QUALIFICATIONS FOR ESTETICIAN LICENSE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Intent. The *Mina'Bente OchoNaLiheslaturan Guahan*
3 finds that there are inconsistencies in the existing mandate related to the
4 requirement and eligibility for esthetician's examination under the Board of
5 Cosmetology. One such inconsistency is the current requirement pertaining to
6 eligibility and qualifications for licensure of individuals that have practiced
7 outside of Guam. Other concerns raised with the current law are the additional
8 requirements applied to those individuals who plan to take the esthetician
9 license exam which require that the individual must hold a valid Guam license to
10 practice cosmetology. This means that if an individual wishes to take an exam
11 for an esthetician's license, that individual must first have a cosmetology license.
12 There are no other exams within cosmetology that requires this.

13 Therefore, it is the intent of the *Mina'Bente Ocho Na Liheslaturan Guahan* to
14 make the necessary changes to the existing statutes that will allow individuals
15 who wish to apply for an esthetician license under the Cosmetology Board
16 consistent with their practice.

17 Section 2. Chapter 18, Title 10, Guam Code Annotated, Section 18119(a)
18 (2) is hereby repealed in its entirety.

1 Section 3. Chapter 18, Title 10, Guam Code Annotated, Section 18119(4)
2 is hereby repealed in its entirety.

3 Section 4. Chapter 18, Title 10, Guam Code Annotated, Section 18119
4 (3)(ii) is hereby amended to read as follows:

5 “(3)(ii) completed not less than the equivalent of six hundred (600) hours
6 of practice as a teacher assistant or teacher aide in a school approved by the
7 Board practiced as an esthetician as defined in this Chapter, outside of this
8 territory for a period of time equivalent to the study and training of a qualified
9 person who has completed a course in esthetics from a school curriculum of
10 which complied with requirements adopted by the Board; and”

11 Section 5. Chapter 18, Title 10, Guam Code Annotated, Section 18119 (3)
12 (iii) is hereby added to read as follows:

13 “(3)(iii) holds a valid esthetician’s license issued by a state whose license
14 requirements in the judgment of the Board are equal to or are greater than
15 Guam’s.”

16 Section 6. Severability. *If* any provision of this Act or its
17 application to any person or circumstance is held invalid, the
18 invalidity does *not* affect other provisions or applications of this Act
19 which can be given effect without the invalid provision or
20 application, and to this end the provisions of this Act are severable.

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3/28/06

see B 289

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 107 (LS)
As substituted by the Committee
on Health and Human Services.

Introduced by:

L. Leon Guerrero

~~AN ACT TO REPEAL AMEND SECTION 18119, (a)(2) AND (4) AND TO
AMEND (3)(III) AND TO ADD A NEW SUB-SECTION (3)(iii)
DIVISION 1, CHAPTER 18, TITLE 10 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE ELIGIBILITY AND
QUALIFICATIONS FOR ESTHETICIAN LICENSE.~~

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Intent. *I Mina'Bente Ocho Na Liheslaturan*
3 *Guåhan* finds that there are inconsistencies in the existing mandate related
4 to the requirement and eligibility for esthetician's examination under the
5 Board of Cosmetology. One such inconsistency is the current requirement
6 pertaining to eligibility and qualifications for licensure of individuals that
7 have practiced outside of Guam. Other concerns raised with the current
8 law are the additional requirements applied to those individuals who plan
9 to take the esthetician license exam which require that the individual must
10 hold a valid Guam license to practice cosmetology. This means that if an
11 individual wishes to take an exam for an esthetician's license, that
12 individual must first have a cosmetology license. There are no other exams
13 within cosmetology that requires this.

1 Therefore, it is the intent of *I Mina Bente Ocho Na Liheslaturan Guåhan*
2 to make the necessary changes to the existing statutes that will allow
3 individuals who wish to apply for an esthetician license under the
4 Cosmetology Board consistent with their practice.

5 **Section 2. Section 18119, Division 1, Chapter 18, Title 10, Guam**
6 **Code Annotated is hereby *amended* to read as follows.**

7 **§18119. Eligibility and Qualifications for Esthetician License.**

8 (a) The Board shall administer examination for license as an
9 esthetician during a Board meeting duly held for the purpose of
10 administering examinations for applicants who have made the proper
11 applications for such license and who have qualified as follows:

- 12 (1) who is not less than 18 years of age;
- 13 (2) ~~holds a valid Guam license to practice cosmetology;~~
- 14 (3) has done one of the following:
 - 15 (i) completed a certified esthetician program of at least six
16 hundred (600) hours extending over a school year of not
17 less than four (4) months from a school of cosmetology
18 approved by the Board; or
 - 19 (ii) ~~completed not less than the equivalent of six hundred~~
20 ~~(600) hours of practice as a teacher assistant or teacher~~
21 ~~aide in a school approved by the Board~~ practiced as an
22 esthetician, as defined in this Chapter, outside of this
23 territory for a period of time equivalent to the study and

1 training of a qualified person who has completed a course
2 in esthetics from a school curriculum of which complied
3 with requirements adopted by the Board; or and

4 (iii) holds a current unrestricted valid esthetician's license
5 issued by a state or territory of the United States in good
6 standing, whose license requirements in the judgment of
7 the Board are equal to or greater than Guam's."

8 **Section 3. Severability.** *If* any provision of this Law or its
9 application to any person or circumstance is found to be invalid or contrary
10 to law, such invalidity shall *not* affect other provisions or applications of
11 this Law, which can be given effect without the invalid provisions or
12 application, and to this end the provisions of this Law are severable.

program of at least one thousand six hundred (1,600) hours extending over a school year of not less than nine (9) months from a barbering school approved by the Board;

(ii) practiced barbering, as defined in this Chapter, outside of Guam for a period of time equivalent to the study and training of a qualified school where the curriculum complies with requirements adopted by the Board; or

(iii) holds valid barber licenses issued by a state whose license requirements in the judgment of the Board equal or are greater than Guam's.

(b) Any person practicing on Guam as a barber prior to enactment of this Act shall be 'grandfathered' in, and shall be allowed to continue to practice as provided in the rules and regulations approved by the Board.

§18119. Eligibility and Qualifications for Esthetician

License.

(a) The Board shall administer examination for license as an esthetician during a Board meeting duly held for the purpose of administering examinations for applicants who have made the proper applications for such license and who have qualified as follows:

- (1) who is not less than 18 years of age;
- (2) holds a valid Guam license to practice cosmetology;

(3) has done one of the following:

(i) completed a certified esthetician program of at least six hundred (600) hours extending over a school year of not less than four (4) months from a school of cosmetology approved by the Board; or

(ii) completed not less than the equivalent of six hundred (600) hours of practice as a teacher assistant or teacher aide in a school approved by the Board; and

(4) who has actively engaged in at least three (3) years in the occupation of a cosmetologist, or any branch thereof, in the territory or in any jurisdiction having standards for registration substantially equivalent to those of Guam.

§18120. Eligibility and Qualifications for Cosmetological Instructors. The Board shall admit to examination for license as a cosmetology or barbering instructor any person who has made and application to the Board in the proper form, who has paid the fee required by this Chapter and who meets the following qualifications:

(a) who is not less than 18 years of age;

(b) has completed the 12th grade, or an accredited senior high school course of study in Guam public schools or its equivalent;

(c) holds a valid Guam license in good standing to practice cosmetology or barbering;

(d) has done one of the following:

February 21, 2006


Senator Michael Cruz, M.D.
28th Guam Legislature
155 Hessler Street
Hagåtña, Guam 96910

RE: 10 GCA -Health & Safety - Chapter 18 Barbering and Cosmetology Act of 2000
§ 18119 Eligibility and Qualifications for Esthetician License

Dear Senator Cruz,

I hereby am submitting testimony in favor of Bill 107. In order to receive a license in Esthetics one does not need a license in cosmetology. A license in cosmetology is the umbrella for the Nail Technician and Esthetician specialty licensing. This is standard through out the industry.

Sincerely,


Ron Abshire, LC
Associate Professor
Cosmetology Department
Guam Community College

RECEIVED

DATE: 02/22/06

Committee on Health & Human Services

Public Hearing

June 2, 2005

9:00 a.m.

I Liheslaturan Guåhan, Hagåtña

Bill No. 107 (LS): " An Act to Repeal Section 18119 (a)(2) and (4) and to Amend (3)(ii) and to Add a new Subsection (3)(iii), Chapter 18, Title 10 Guam Code Annotated, relative to the Eligibility and Qualifications for Esthetician License."

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
1. Janet B. Cruz	DPHS/Licensing	✓		✓		735-7406/12
2.						
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**Bureau of Budget & Management Research
Fiscal Note of Bill No. 107(LS)**

Bill Title (Preamble): AN ACT TO REPEAL SECTION 18119(a) (2) AND (4) AND TO AMEND (3) (ii) AND TO ADD A NEW SUB-SECTION (3) (iii) CHAPTER 18 TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE ELIGIBILITY AND QUALIFICATIONS FOR ESTHETICIAN LICENSE.

Departmental/Agency Appropriation Information

Dept./Agency Affected: DPHSS	Dept./Agency Head: Arthur U. San Agustin, Acting
Department's General Fund (GF) appropriation(s) to date: DPHSS=\$47,811,763	\$47,811,763
Department's Other Fund (specify):DPHSS: \$4,071,117 (HFF), \$322,000 (EHF) \$150,000 (Safe Homes)	\$4,543,117
Total Department/Agency Appropriation(s) to date:	\$52,354,880

Fund Source Information of Proposed Appropriation

	General Fund:	Other (specify):	Total:
FY 2005 Adopted Revenues	\$447,441,000	\$0	\$447,441,000
FY Appro. to P.L. 28-43	(\$448,014,817)	\$0	(\$448,014,817)
Sub-total:	(\$573,817)	\$0	(\$573,817)
Less appropriation in Bill	\$0	\$0	\$0
Total:	(\$573,817)	\$0	(\$573,817)

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: L

Date: 6/14/05

Director: Carlos P. Bordallo

Date: 6/14/05

Footnote: The Bill proposes to eliminate inconsistencies in the existing mandate related to the requirement and eligibility for an Esthetician License. Per current mandate and information received from the DPHSS Health Professional Licensing Office, the existing mandate does not allow for licensing specific to the practice of an Esthetician, instead, in order to practice, one must hold a valid Guam License of Cosmetology. Therefore, anyone holding a Esthetician License (issued from outside of the Territory of Guam) and wishes to practice on Guam, must obtain a License on Cosmetology. As such, this Bill proposes to allow a person already holding a valid Esthetician License to practice (as long as its state license requirements, in the judgement of the Board, are equal or are greater than Guam's). Likewise, anyone studying or receiving training in esthetics on Guam or outside of Guam could obtain an Esthetician License in accordance with the requirements and eligibility being proposed (without having to obtain a Guam Cosmetology license to practice).

Note that per DPHSS, the current Health Professional License processing fee is \$20.00. This fee would apply for an Esthetician License. As such, additional revenues, although minimal, could be realized from the collection of fees based on the number of Esthetician Licenses applied for (ie. in a given fiscal year). It is undetermined how many applicants would be applying for this specialty license at this time.

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After X Game Daily"

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- Public Blackout in 63 nos. or less.....\$5,000.00
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- (1) Indian Star (33 nos.) "New Game".....\$1,000.00
- (1) Lrg Picture Frame (38 nos.).....\$2,500.00

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LOCAL

GOVERNMENT MEETINGS

May 31

Civil Service Commission Board: 5:30 p.m. May 31, second floor of the Hakubotan Building, Tamuning. Hearing on A. Ramos vs. Guam Waterworks Authority; N. Prakash vs. Department of Education. Call 647-1855/7 or TDD 647-1872.

Professional Engineers, Architects and Land Surveyors Board: 4 p.m. May 31, board conference room, upper Tumon. Call 646-3115.

June 1

Chamorro Land Trust Commission: 4 p.m. June 1, Guam Ancestral Lands Commission conference room, Suite 101, Anigua Commercial Building. Call 475-4251.

Mayors Council of Guam: 10 a.m. June 1 (each first Wednesday), council's conference room, Ada's Commercial and Professional Center, Suite 111F, Hagåtña. Call 472-6940 or 477-8461.

June 2

Application Review Committee: 9:30 a.m. June 2, Department of Land Management conference room, first floor. Hearing on conditional use permit for John S. and Sun O. Euh; zone variance for Atkins Kroll. Call 475-5219/5255.

Civil Service Commission Board: 5:30 p.m. June 2, second floor, Hakubotan Building, Tamuning. Hearing on V. Winn vs. Department of Education. Call 647-1855/7 or TDD 647-1872.

Public hearing for Committee on Health and Human Services: 9 a.m. June 2, Legislature's public hearing room, Hagåtña. Bill 79, to re-establish the Commission on Licensure to practice the healing arts in Guam; Bill 107, relative to the eligibility and qualifications for esthetician license. The public is invited to present oral testimony or send written testimony by faxing 477-5984 or e-mail: senmike@ite.net.

GovGuam Retirement Fund Board Of Trustees: Noon June 2, Retirement Fund conference room, Route 8, Maite. Call 475-8900/1.

Guam Interagency Coordinating Council: 6 p.m. June 2, Guam Memorial Hospital Authority classroom, fourth floor, Tamuning. For special accommodations, call Cathy Tydingco or Leilani Taitague, 735-2417.

Guam Memorial Hospital A...

5 Pacific Daily News, Monday, May 30, 2005 guampdn.com

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File
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Anastasio
4/18/06

Rec 3289

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 107 (LS)
As substituted by the committee
and further substituted on the floor.

Introduced by: L. Leon Guerrero

**AN ACT TO REPEAL AMEND SECTION 18119, ~~(a)(2) AND (4) AND TO~~
~~AMEND (3)(ii) AND TO ADD A NEW SUB-SECTION (3)(iii)~~ DIVISION
1, CHAPTER 18, TITLE 10 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE ELIGIBILITY AND QUALIFICATIONS FOR
ESTHETICIAN LICENSE.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Intent.** *I Mina'Bente Ocho Na Liheslaturan*
3 *Guåhan* finds that there are inconsistencies in the existing mandate related
4 to the requirement and eligibility for esthetician's examination under the
5 Board of Cosmetology. One such inconsistency is the current requirement
6 pertaining to eligibility and qualifications for licensure of individuals that
7 have practiced outside of Guam. Other concerns raised with the current
8 law are the additional requirements applied to those individuals who plan
9 to take the esthetician license exam which require that the individual must
10 hold a valid Guam license to practice cosmetology. This means that if an
11 individual wishes to take an exam for an esthetician's license, that
12 individual must first have a cosmetology license. There are no other exams
13 within cosmetology that requires this.

1 Therefore, it is the intent of *I Mina Bente Ocho Na Liheslaturan Guåhan*
2 to make the necessary changes to the existing statutes that will allow
3 individuals who wish to apply for an esthetician license under the
4 Cosmetology Board consistent with their practice.

5 **Section 2. Section 18119, Division 1, Chapter 18, Title 10, Guam**
6 **Code Annotated is hereby *amended* to read as follows.**

7 **§18119. Eligibility and Qualifications for Esthetician License.**

8 (a) The Board shall administer examination for license as an
9 esthetician during a Board meeting duly held for the purpose of
10 administering examinations for applicants who have made the proper
11 applications for such license and who have qualified as follows:

12 (1) who is not less than 18 years of age;

13 ~~(2) holds a valid Guam license to practice cosmetology;~~

14 ~~(3)~~(2) has done one of the following:

15 (i) completed a certified esthetician program of at least six
16 hundred (600) hours extending over a school year of not
17 less than four (4) months from a school of cosmetology
18 approved by the Board; or

19 ~~(ii) completed not less than the equivalent of six hundred~~
20 ~~(600) hours of practice as a teacher assistant or teacher~~
21 ~~aide in a school approved by the Board; and~~

22 (ii) holds a current unrestricted valid esthetician's license
23 issued by a state or territory of the United States in good

1 standing, whose license requirements in the judgment of
2 the Board are equal to or greater than Guam's.

3 ~~(4) who has actively engaged in at least three (3) years in the~~
4 ~~occupation of a cosmetologist, or any branch thereof, in the~~
5 ~~territory or in any jurisdiction having standards for registration~~
6 ~~substantially equivalent to those of Guam."~~

7 **Section 3. Severability.** *If any provision of this Law or its*
8 application to any person or circumstance is found to be invalid or contrary
9 to law, such invalidity shall *not* affect other provisions or applications of
10 this Law, which can be given effect without the invalid provisions or
11 application, and to this end the provisions of this Law are severable.




GUAM BOARD OF COSMETOLOGY

Public Health & Social Services • P. O. Box 2816 • Hagåtña, Guam 96932

FACSIMILE TRANSMITTAL

April 4, 2006

TO: The Honorable Dr. Michael Cruz
TWENTY-EIGHTH GUAM LEGISLATURE
Facsimile No.: 477-5984

FROM: Daniel M. Benjamin 
Chair, Board of Cosmetology

NUMBER OF PAGES INCLUDING THIS ONE: 3

RE: Bill No. 107(LS)

DOCUMENTS TRANSMITTED HEREWITH:

1. Letter dated April 4, 2006.

MESSAGE

Copy to: Elaine, Sen.
& Carlotta
File - Bill 107

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GUAM BOARD OF COSMETOLOGY

Public Health & Social Services • P. O. Box 2816 • Hagåtña, Guam 96932

April 4, 2006

VIA FACSIMILE NO. 477-5984

The Honorable Dr. Michael Cruz, Senator
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place
Hagåtña, Guam 96910

RE: Bill No. 107(LS)

Dear Senator Cruz:

I write to you on behalf of the Board of Cosmetology in regard to the current draft of Bill No. 107(LS), as substituted by the Committee on Health and Human Services, which was recently provided to us by Elaine Dell'Isola of your offices. The Board has reviewed this law and would like to provide you and the Committee with our comments.

The Board strongly supports Bill No. 107(LS), but believes one important change needs to be made. As you know, Bill 107(LS) seeks to modify the current qualifications for an esthetician's license. Importantly, the Bill recognizes that estheticians are not necessarily cosmetologists, or vice versa, and therefore makes important changes to the current law. The Board was unanimous at its last session in agreeing that this change in the law was correct.

However, Section 2 of the Bill proposes that subsection (3) of section 18119 of Title 10 of the G.C.A. be modified to provide that an applicant can qualify to take the test for an esthetician license if: (i) they have completed 600 hours approved course work; (ii) *they have engaged in 600 hours of equivalent work experience*; or (iii) they presently hold an esthetician license in another U.S. jurisdiction. The Board believes that both subparts (i) and (iii) are valid and proper means of establishing qualification for a license. But, the Board also is of the opinion that subpart (ii) is not.

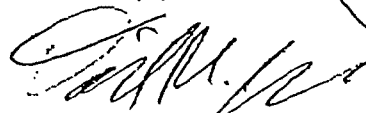
It is the unanimous view of the Board that work experience is not a valid means of establishing qualification to take the license exam. Work experience will not necessarily indicate that someone has received adequate training. Some applicants may have received their work experience in an environment that does not conform to expectations for the proper esthetician practice here in Guam. But, it will be very difficult, if not impossible, to judge whether such experience was adequate. And, if an applicant has work experience in another U.S. jurisdiction,

The Honorable Dr. Michael Cruz, Senator
April 4, 2006
Page 2

jurisdiction (which means they should already qualify under (iii), and that if they do not there is cause for concern).

For all of these reasons, the Board respectfully recommends that the Committee consider modifying the Bill to delete the proposed language for 10 G.C.A. § 18119(a)(3)(ii). Please feel free to contact me or the Board should you have any questions.

Very truly yours,



Daniel M. Benjamin
Chair, Board of Cosmetology