



Office of the Governor of Guahan

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Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

MAY 26 2010

2010 MAY 27 AM 10:25  
WVW

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
Mina 'Trenta Na Liheslaturan Guahan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 358-30 (COR) "AN ACT TO REPEAL AND REENACT CHAPTER 18 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE 'BARBERING AND COSMETOLOGY ACT OF 2010'", which I signed into law on May 25, 2010 as Public Law 30-152.

Sins eru yan Magåhet,

MICHAEL W. CRUZ, M.D.  
I Maga 'låhen Guahan para pa 'go  
Acting Governor of Guahan

Attachment: copy of Bill

38-10-0481  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date: 5/26/10  
Time: 11:00  
Received by: S. R.


**I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

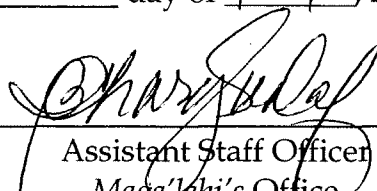
This is to certify that **Substitute Bill No. 358-30 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 18 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE "BARBERING AND COSMETOLOGY ACT OF 2010"**, was on the 3<sup>rd</sup> day of May, 2010, duly and regularly passed.

  
\_\_\_\_\_  
**Tina Rose Muña Barnes  
Acting Speaker**

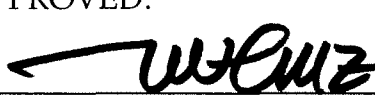
Attested:

  
\_\_\_\_\_  
**Rory J. Respicio  
Acting Legislative Secretary**

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This Act was received by *I Maga'lahaen Guåhan* this 13<sup>th</sup> day of May, 2010, at 10:20 o'clock P.M.

  
\_\_\_\_\_  
**Assistant Staff Officer  
Maga'laha's Office**

APPROVED:

  
\_\_\_\_\_  
**MIKE W. CRUZ, MD  
GOVERNOR OF GUAM ACTING**

**MAY 25 2010**

Date: \_\_\_\_\_

Public Law No. P.L. 30-152

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2010 (SECOND) Regular Session**

**Bill No. 358-30 (COR)**

As substituted by the Author, and amended on the Floor.

Introduced by:

T. R. Muña Barnes  
Judith T. Won Pat, Ed. D.  
E. J.B. Calvo  
T. C. Ada  
V. Anthony Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
B. J.F. Cruz  
J. V. Espaldon  
Judith P. Guthertz, DPA  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Telo Taitague  
Ray Tenorio

**AN ACT TO REPEAL AND REENACT CHAPTER 18 OF  
TITLE 10 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO THE “BARBERING AND  
COSMETOLOGY ACT OF 2010”.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the practices of cosmetology, barbering, barber-styling, esthetics, electrology  
4 and nail technology by qualified individuals is necessary to protect the public  
5 health, safety, and welfare of the citizens of Guam. *I Liheslaturan Guåhan* further  
6 finds it to be a matter of public interest and concern that only qualified persons are



- 1           **§18105. Powers.**
- 2           **§18105.1. Promulgation of Rules.**
- 3           **§18106. Examination.**
- 4           **§18107. Compensation of Board Members.**
- 5           **§18108. Revolving Fund.**
- 6           **§18109. Records.**
- 7           **§18110. Practices Included in This Chapter.**
- 8           **§18111. Practice Outside of Establishment.**
- 9           **§18112. Persons Exempted.**
- 10          **§18113. Application for Examination and Registration.**
- 11          **§18114. Eligibility and Qualifications for Reciprocity.**
- 12          **§18115. Eligibility and Qualifications for Cosmetologist**
- 13                   **License.**
- 14          **§18115.1. Eligibility and Qualifications for Japanese Licensed**
- 15                   **Cosmetologist.**
- 16          **§18116. Eligibility and Qualifications for Electrologist**
- 17                   **License.**
- 18          **§18117. Eligibility and Qualifications for Manicurist License.**
- 19          **§18118. Eligibility and Qualifications for Barber License.**
- 20          **§18119. Eligibility and Qualifications for Esthetician License.**
- 21          **§18120. Eligibility and Qualifications for Cosmetological**
- 22                   **Instructors.**
- 23          **§18121. Eligibility and Qualifications for an Apprentice.**
- 24          **§18122. Expiration and Renewal for Licenses.**
- 25          **§18123. Universal Precautions.**
- 26          **§18124. Fees.**
- 27          **§18124.1. Use by Barbering and Cosmetology Board.**

- 1           **§18125.     Cosmetological Establishment: Licensing.**
- 2           **§18126.     Cosmetological Multiple Location Business.**
- 3           **§18127.     Prohibition Against Employment of Unlicensed**  
4                   **Personnel.**
- 5           **§18128.     Schools; License.**
- 6           **§18128.1.   Student Instructor Qualifications.**
- 7           **§18128.2.   Student Instructor Enrollment.**
- 8           **§18128.3.   Instructor’s Continuing Education. Practice by**  
9                   **Instructor – Instructor May Become Licensed as a**  
10                   **Cosmetologist – Inactive Status.**
- 11           **§18128.4.   Continuing Education.**
- 12           **§18128.5.   Right of Entry.**
- 13           **§18128.6.   Prohibited Instruments.**
- 14           **§18128.7.   Booth Renters.**
- 15           **§18128.8.   When Eligibility is Unclear.**
- 16           **§18128.9.   Field Trips, Seminars, Workshops, Shows, and**  
17                   **Community Service.**
- 18           **§18129.     Revocation and Suspension.**
- 19           **§18130.     Licenses.**
- 20           **§18131.     Apprentice Licenses.**
- 21           **§18131.1.   Assistants, Inspectors, Salaries.**
- 22           **§18132.     Hearings.**
- 23           **§18133.     Penalty.**
- 24           **§18134.     Good Faith Immunity.**
- 25           **§18135.     Effective Date.**
- 26           **§18136.     Severability.**
- 27           **§18101.     Definitions.**

1 As used in this Chapter:

2 (a) *Apprentice* means any person who is engaged in learning or  
3 acquiring knowledge of the occupation of cosmetology, nail care, skin care  
4 or electrology in a licensed cosmetological establishment under the  
5 supervision of the appropriate licensee specialist approved by the Board.

6 (b) *Barber* means a person licensed under this Chapter to engage in  
7 the practice of barbering.

8 (c) *Board* means the Board of Barbering and Cosmetology.

9 (d) *Cosmetological Establishment* means any premise or building,  
10 or part of a building, wherein cosmetology, or any branch of cosmetology, is  
11 practiced.

12 (e) *Cosmetological Multiple Location Establishment* means a  
13 business engaged in the practice of cosmetology at more than one (1)  
14 location using the same business name at such locations, wherein  
15 cosmetology, or any branch of cosmetology, is practiced.

16 (f) *Cosmetologist* means any person who engages and is licensed  
17 to perform services for others for the improvement and beautification of the  
18 hair, skin and nails of the human body for cosmetic purpose by means of any  
19 one (1) or combination of the following practices, but *not* limited to:

20 (1) Cutting, clipping or trimming hair;

21 (2) Massaging, cleansing, stimulating, manipulating,  
22 exercising, beautifying or applying oils, lotions, or other preparations,  
23 styling, arranging, dressing, braiding, curling, waving, permanent  
24 waving, straightening, singeing, bleaching, tinting, coloring or similar  
25 work, upon the scalp, hair, wig, or hairpiece of any person, by and any  
26 means, with hands or by mechanical or electrical apparatus or  
27 appliances;

1                   (3) Applying hair extensions by means of bonding or sewing  
2 or braiding or any other means to a person's hair;

3                   (4) Practice of Nail Technology; and

4                   (5) Practice of Esthetics.

5           (g) *Electrologist* means any person who removes superfluous hair  
6 from the body of any person by the use of an electric needle.

7           (h) *Esthetician* means a person licensed under this Chapter who,  
8 with hands or non-medically prescribed mechanical or electrical apparatus or  
9 devices, or by use of cosmetic preparations, antiseptics, tonics, lotions, or  
10 creams, engages for compensation in any one (1) or any combination of the  
11 following practices:

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

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

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

20                   (4) Procedures that *do not* penetrate below the outer most  
21 layer of the skin, called the epidermis, into the dermis layer that  
22 contains the connective tissue of the skin. This is considered invasive  
23 and is prohibited.

24                   (5) Using the term or title of "Medical Esthetician" is *not*  
25 allowed under this Chapter. This term is misleading and could be  
26 deemed deceptive and fraudulent.



1                   (6) Any machine or appliance which penetrates the dermis  
2 layer of the skin, is considered invasive and is, therefore, prohibited.

3           (i) *Healing Art* means the art of detecting or attempting to detect  
4 the presence of any disease; of determining or attempting to determine the  
5 nature and state of any disease, if present; or preventing, relieving,  
6 correcting or curing of or attempting to prevent, relieve, correct, or cure any  
7 disease. The healing arts include, but are *not* limited to, optometry, nursing,  
8 chiropractic, dentistry, medicine, surgery, physician assistants, podiatry,  
9 psychology, osteopathic, pharmacy, physical therapy, acupuncture, speech  
10 language pathology and audiology, and veterinary medicine.

11           (j) *Instructor* means any person who is licensed to teach in a  
12 licensed school of cosmetology, barbering, skin care (esthetics), electrology,  
13 nail care or any combination thereof; provided that the term *shall not* be  
14 taken to include a cosmetologist, barber, esthetician, electrologist, or nail  
15 technician who teaches apprentices in a beauty shop, barber shop, nail shop,  
16 or spa.

17           (k) *Manicurist or Nail Technician* means any person who engages  
18 and who is licensed to perform services for others for the improvement and  
19 beautification of the hands and arms to the elbow, and foot and ankle to the  
20 knee, for cosmetic purposes by means of any one (1) or a combination of the  
21 following practices, but *not* limited to:

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

24                   (2) Applying artificial fingernails and toenails;

25                   (3) Massaging and cleansing, stimulating, manipulating,  
26 exercising, beautifying or applying oils, lotions, or other preparations,  
27 to a person's hands and arms to the elbows, feet and ankles to the

1           knees, by any means, with hands or by mechanical or electrical  
2           apparatus or appliances.

3           (4) Superfluous hair removal by means other than  
4           electrolysis, only on back of hand or top of foot including fingers and  
5           toes.

6           (l) *Reciprocity* means any person who has been licensed to practice  
7           cosmetic art, or has been licensed to instruct cosmetic arts in another State or  
8           territory of the United States, either as a licensed cosmetologist, barber,  
9           barber-stylist, manicurist, esthetician, electrologist, or licensed cosmetology  
10          instructor, by the examining board of such State or Territory, *shall* be  
11          admitted to practice on Guam. Said person must be in good standing with  
12          the previous issuing licensing Board in which a current license is obtained  
13          and whose license requirements are equal to or greater than Guam's  
14          approved school curriculums and contact hours earned.

15          (m) *School* means an establishment approved by the Board of  
16          Barbering and Cosmetology operated for the purpose of teaching,  
17          cosmetology, barbering, skin care (esthetics), electrology and nail care, or  
18          any combination thereof.

19          (n) *Apprentice permit* means a permit issued by the Board, upon  
20          registration and payment of an application and registration fees, to an  
21          apprentice who is under the supervision of a licensed cosmetologist, licensed  
22          barber, barber-stylist, licensed esthetician, licensed electrologist, or licensed  
23          nail technician.

24          (o) *Beauty Shop* means any establishment or place of business  
25          wherein the practice of cosmetology is engaged or carried on and is the  
26          primary purpose of that establishment or business; *provided*, that the practice  
27          of barbering is allowed in that establishment or business.

1 (p) *Student* means a person who is engaged in a school in learning  
2 to be a cosmetologist, barber, barber-stylist, esthetician, electrologist, nail  
3 technician, or Instructor while so doing, or assists in doing, any act involved  
4 in the practice of cosmetology.

5 (q) *Cosmetology*, also known as beauty culture, means the art and  
6 science of beauty care of the skin, hair, scalp, and nails, and includes any  
7 one (1) or a combination of the licensure categories if they are performed on  
8 a person's head, face, neck, shoulders, arms, hands, bust, upper part of the  
9 body, legs, or feet for cosmetic purposes.

10 (r) *Department* means the Department of Public Health and Social  
11 Services.

12 (s) *Patron* means a paying customer in a cosmetology salon or  
13 school.

14 (t) *Online training* means programs or courses taken through the  
15 internet intended to help individuals in the furtherance of their vocational  
16 training and are *not* intended as a substitute for licensing or certification of  
17 contact training hours at an accredited school as required in the Act.

18 **§18102. Barbering and Cosmetology Board; Appointment;**  
19 **Qualifications; Terms.**

20 (a) Appointment. There *shall* be a Board of Cosmetology  
21 consisting of five (5) members, who *shall* be appointed by *I Maga'lahañ*  
22 *Guåhan* (the Governor).

23 (b) Qualifications of Members. Members of the Board *shall*:

24 (1) be a citizen of the United States of America or a  
25 permanent resident of Guam for *at least* one (1) year immediately  
26 preceding the appointment;

27 (2) resident of Guam, as defined in 3 GCA, Chapter 9;

1           (3) not be connected directly or indirectly, in the wholesale  
2 business of the manufacture, rental, sale, or distribution of barber,  
3 cosmetology or electrolysis appliances or supplies;

4           (4) at least two (2) members *shall* be a currently licensed  
5 cosmetologist in good standing, and *shall* be currently engaged in, and  
6 have at least five (5) years practical experience;

7           (5) at least two (2) members *shall* be licensed in good  
8 standing, and *shall* be currently engaged in, and have at least five (5)  
9 years of practical experience in the specialty as identified in this  
10 Chapter;

11           (6) one (1) member *shall not* be, nor ever have been licensed  
12 by the Board of Cosmetology; and

13           (7) *no* member of the Board *shall* be affiliated with any  
14 school teaching cosmetology, skin care (esthetics), electrology or nail  
15 care (manicurist).

16 (c) Terms and Vacancies.

17           (1) Members of the Board *shall* be appointed for a term of  
18 four (4) years. The term of the first members appointed hereunder  
19 *shall* expire as follows: two (2) members *shall* be designated to serve  
20 for a term of three (3) years; two (2) members *shall* be designated to  
21 serve for a term of two (2) years, and one (1) member *shall* be  
22 designated to serve for one (1) year.

23           (2) *No* person *shall* serve as a member of the Board for *more*  
24 *than* two (2) consecutive terms.

25           (3) Any Board member who misses three (3) consecutive  
26 meetings in a row, *shall* be considered to have vacated their position

1 and may be replaced by *I Maga'laha*n *Guåhan* (the Governor).

2 Members temporarily off island or ill *shall* be considered excused.

3 (4) Vacancies for any cause *shall* be filled by *I Maga'laha*n  
4 *Guåhan* (the Governor) for the unexpired term.

5 **§18103. Officers of the Board.**

6 The Board of Barbering and Cosmetology *shall* elect a chairperson,  
7 vice-chairperson, and secretary during the first official Board meeting  
8 beginning each calendar year. The chairperson and the vice-chairperson  
9 *shall* be currently licensed cosmetologists, or be in a specialty as identified  
10 in this Chapter. The vice-chairperson *shall* assume the functions and duties  
11 of the chairperson in the event the chairperson is unable to perform those  
12 functions and duties.

13 **§18104. Meetings.**

14 The Board of Barbering and Cosmetology *shall* hold meetings *at least*  
15 six (6) times a year, and at such times as it deems necessary. All meetings  
16 *shall* be open to the public, *except* that the Board may hold executive  
17 sessions to prepare, approve, grade or administer examinations; to conduct  
18 investigations and other license conditions. A majority of the Board *shall*  
19 constitute a quorum and the concurrence of a majority of the members  
20 present *shall* be necessary to make any action on the Board valid.

21 **§18105. Powers.**

22 (a) The Board *shall* have the powers necessary to carry out and  
23 perform the purposes and provisions of this Chapter, including the  
24 following, in addition to other powers and duties granted in this Chapter, and  
25 may:

26 (1) adopt rules and regulations necessary to implement this  
27 Chapter;

1           (2) issue licenses and renew licenses of duly qualified  
2 applicants;

3           (3) deny a license to unqualified applicants;

4           (4) establish fees for issuance of licenses, examinations,  
5 inspections, and others as necessary, through the Administrative  
6 Adjudication Law process;

7           (5) adopt and use a common seal for the authentication of its  
8 records and modify it;

9           (6) investigate alleged violations of this Chapter and  
10 consumer complaints involving the practice of cosmetology,  
11 barbering, esthetics, or manicuring, schools offering training in these  
12 areas, and salons/shops and booth renters offering these services;

13           (7) employ any person(s) for the purpose of investigating  
14 any violation or suspected violation of this Chapter;

15           (8) issue subpoenas, statements of charges, statements of  
16 intent, final orders, stipulated agreements and any other legal  
17 remedies necessary to enforce this Chapter;

18           (9) issue cease and desist letters, and letters of warning for  
19 infractions of this Chapter;

20           (10) conduct all disciplinary proceedings, impose sanctions,  
21 and assess fines for violations of this Chapter, or any rules adopted  
22 under it;

23           (11) prepare and administer, or approve, the preparation and  
24 administration of licensing examinations;

25           (12) establish minimum safety and sanitation standards for  
26 schools, cosmetologists, barbers, manicurists, estheticians and  
27 salons/shops;

1           (13) establish requirements for the training of students,  
2 schools and establishments;

3           (14) establish by rule the procedures for re-examination;

4           (15) accept in payment of any fee required by this Chapter,  
5 cash or any customary or generally accepted equivalent medium of  
6 exchange, including check, cashier's check, certified check or money  
7 order; *provided*, that *no* fee shall be deemed paid, unless cash has  
8 been received or the other medium of exchange converted to cash; and

9           (16) administer exams for licensure for the following:

10           (A) barber;

11           (B) cosmetologist instructor;

12           (C) cosmetologist;

13           (D) electrologist;

14           (E) esthetician; and

15           (F) manicurist.

16       **§18105.1. Promulgation of Rules.**

17           (a) The Board *shall* prescribe Rules to implement this  
18 Chapter in accordance with the Administrative Adjudication Act.

19           (b) The Board *shall* prescribe Sanitation Rules necessary to  
20 prevent the spread of infectious and contagious diseases. All  
21 Sanitation Rules *shall* be subject to approval of the Department.

22           (c) Notwithstanding any other provision of this Act, the  
23 Board may adopt Rules which prescribe reduced qualifications and  
24 examination requirements for persons seeking to engage solely in  
25 services for the improvement and beautification of the hair, skin, or  
26 nails. The license issued *shall* state the limited nature of services  
27 which may be performed by the licensee.

1 (d) In adopting Rules defining the professions licensed under  
2 this Chapter, the Board may clarify definitions provided in statute and  
3 address new practices, but *shall not* otherwise expand those activities  
4 which constitute the practice of a profession licensed under this  
5 Chapter.

6 (e) The Board may require attendance of witnesses and the  
7 production of books, records, or papers it determines necessary for  
8 any investigation of any violation of this Chapter or Rule of the  
9 Board. Any member of the Board may administer oaths to witnesses  
10 appearing to testify before the Board or before any Board member.

11 (f) Upon receipt from the Department of a certified copy of  
12 an order from a court to withhold, suspend or otherwise restrict a  
13 license issued by the Board, the Board *shall* notify those named in the  
14 court order of the withholding, suspension or restriction of the license  
15 in accordance with the terms of the court order. *No* appeal under the  
16 Administrative Adjudication Act *shall* be allowed for a license  
17 withheld, suspended, or restricted under this Subsection.

18 **§18106. Examination.**

19 The Board *shall* administer the national examination that consists of a  
20 written and a practical component. Announcement of examinations must be  
21 made thirty (30) days prior to the date of the examination through letters,  
22 print, and the electronic media. Examinations *shall* be administered twice a  
23 year. The passing score in the examination *shall* be as recommended by the  
24 national examination, and approved by the Board.

25 **§18107. Compensation of Board Members.**

26 Members of the Board *shall* be paid Fifty Dollars (\$50.00) per  
27 meeting, for each day on which services are rendered by them in connection



1 with authorized activities of the Board *not to exceed* One Hundred Dollars  
2 (\$100.00) per month.

3 **§18108. Revolving Fund.**

4 There is hereby created, separate and apart from other funds of the  
5 government of Guam, a fund known as the ‘Barbering and Cosmetology  
6 Revolving Fund.’ The Fund *shall not* be commingled with any other fund  
7 and shall be deposited into a separate account. All proceeds from fees and  
8 fines collected pursuant to this Chapter *shall* be deposited to the Fund and it  
9 *shall* be expended upon legislative appropriation solely in support of the  
10 functions of the Health Professional Licensing Office of the Department of  
11 Public Health and Social Services. This Fund *shall* receive all interest  
12 earned on the deposit of such revenues. Such funds should be continuously  
13 appropriated and should be used by the Board for the administration and  
14 enforcement of this Chapter, as provided in §12229 of Article 2, Chapter 12  
15 of Title 10 of the Guam Code Annotated.

16 **§18109. Records.**

17 The Board *shall* keep a record of its proceedings relating to its public  
18 and executive meetings, meetings of committees, and records relating to the  
19 issuance, refusal, renewal, suspension and revocation of licenses and any  
20 other applicable documents. The Board *shall* keep a registration of record of  
21 such licenses containing the name, address, license number, and date issued.  
22 This record *shall* also contain any facts as the applicants may have stated in  
23 their application for examination for licensure.

24 **§18110. Practices Included in This Chapter.**

25 (a) The practice of cosmetology includes all and any combination  
26 of the following:

1 (1) arranging, dressing, curling, waving, machineless  
2 permanent waving, permanent waving, cleansing, cutting,  
3 shampooing, relaxing, singeing, bleaching, tinting, coloring,  
4 straightening, dyeing, brushing, applying hair tonics, beautifying or  
5 otherwise treatment by any means of the hair of any persons. Nothing  
6 in this Act *shall* be construed to prohibit the shampooing of hair by  
7 persons employed for that purpose and who perform that task under  
8 the direct supervision of a licensed cosmetologist or licensed  
9 cosmetology teacher, and such persons must obtain a health permit  
10 prior to employment, which must be renewed annually;

11 (2) massaging, cleaning or stimulating the scalp, face, neck  
12 or arms by means of the hands, devices, apparatus, or appliances, with  
13 or without the use of cosmetic preparations, antiseptics, tonics, lotions  
14 or creams;

15 (3) beautifying the face, neck, or arms by use of cosmetic  
16 preparations, antiseptics, tonics, lotions, or creams;

17 (4) removing superfluous hair from the body of any person  
18 by the use of depilatories or by the use of tweezers, chemicals and  
19 preparations, or by the use of devices or appliances of any kind or  
20 description, except by the use of light waves, commonly known as  
21 rays;

22 (5) cutting, trimming, polishing, coloring, cleansing or  
23 manicuring the nails of any person; and

24 (6) massaging, cleansing, treating or beautifying the hands or  
25 feet of any person.

26 (b) Within the practice of cosmetology, there exists the specialty  
27 branches of skin care and nail care.

1 (1) *Skin care* is any one (1) of the following:

2 (A) giving facials, applying makeup, giving skin care,  
3 removing superfluous hair from the body of any person  
4 by the use of depilatories, tweezers or waxing, or  
5 applying eyelashes to any person;

6 (B) beautifying the face, neck or arms by use of  
7 cosmetic preparations, antiseptics, tonics, lotions or  
8 creams; or

9 (C) massaging, cleaning or stimulating the face, neck,  
10 or arms by means of the hands, devices, apparatus, or  
11 appliances with the use of cosmetic preparations,  
12 antiseptics, tonics, lotions, or creams.

13 (2) *Nail care* is the practice of cutting, trimming, polishing,  
14 coloring, tinting, cleansing or manicuring the nails of any person, or  
15 massaging, cleansing, or beautifying the hands or feet of any person.

16 (3) *Electrolysis* is the practice of removing hair from, or  
17 destroying hair on, the human body by use of an electric needle only.  
18 *Electrolysis* as used in this Chapter includes electrolysis or  
19 thermolysis.

20 (4) *Barbering* is the practice of all or any combination of the  
21 following practices:

22 (A) shaving or trimming the beard, or cutting the hair;

23 (B) giving facial and scalp massages or treatments  
24 with oils, creams, lotions or other preparations either by hand or  
25 mechanical appliances;

26 (C) singeing, shampooing, arranging, dressing, curling,

1                   waving, chemical waving, hair relaxing or dyeing the  
2 hair or applying hair tonics;

3                   (D) applying cosmetic preparations, antiseptics,  
4 powders, oils, clays or lotions to the scalp, face or neck; and

5                   (E) hair styling of all textures of hair by standard  
6 methods which are current at the time of the hair styling.

7       **§18111. Practice Outside of Establishment.**

8                   This Chapter *does not* prohibit the administration of a currently  
9 licensed practitioner of the cosmetic art to practice outside of a licensed  
10 establishment who holds a current business license; *provided*, that a licensed  
11 practitioner of the cosmetic art may practice at any place for educational  
12 purposes, or upon persons at a health care, nursing, mental, or correctional  
13 facility, or at a charitable event.

14       **§18112. Persons Exempted.**

15                   (a) The following persons are exempt from this Chapter:

16                   (1) all persons authorized by the laws of Guam to practice  
17 the Healing Arts;

18                   (2) commissioned officers of the Medical Corps of the  
19 United States or Public Health Service, and attendants attached to  
20 those services when engaged in the actual performance of their  
21 official duties;

22                   (3) persons engaged in any practice within its scope when  
23 done outside of a licensed establishment, without compensation; and

24                   (4) persons engaged in the administration of hair, skin, or  
25 nail products for the exclusive purpose of recommending,  
26 demonstrating, or selling those products without compensation for the  
27 barbering or cosmetological services.

1           **§18113.     Application for Examination and Registration.**

2           (a)   Each person, who desires to practice or instruct the art of  
3 cosmetology or any branch thereof, *shall* file with the Board a written  
4 application under oath on a form approved by the Board. Each applicant  
5 *shall* be required to provide to the Board, in addition to the required  
6 completed application:

7                   (1)   that the applicant is not less than eighteen (18) years of  
8                   age;

9                   (2)   educational requirements;

10                  (3)   proof of good moral character, which may include, but is  
11 *not* limited to, at least three (3) letters of reference and a police  
12 clearance; and

13                  (4)   *shall* pay the required fees.

14           Examinations *shall* be given at least two (2) times a year as necessary,  
15 as designated by the Board. The Board *shall* establish rules for  
16 reexamination to include completion of a refresher program after two (2)  
17 unsuccessful examinations.

18           The Board *shall* contract with a professional testing service to have  
19 the testing service prepare and provide examinations for applicants as may  
20 be required for the purposes of this Chapter.

21           **§18114.     Eligibility and Qualifications for Reciprocity.**

22           The Guam Board of Barbering and Cosmetology *shall* issue a license to any  
23 person who is properly licensed for a period of *at least* two (2) years in any  
24 State or Territory of the United States *if* the applicant submits:

25                   (a)   Application;

26                   (b)   Fee;

1           (c) Proof that he or she is currently licensed in good standing as a  
2 cosmetologist, barber, barber-stylist, esthetician, electrologist, manicurist or  
3 nail technician, nail technician instructor, or the equivalent in that  
4 jurisdiction;

5           (d) Provides proof that he or she has passed the Nationally  
6 Standardized Theory and Practical Exam from their State or Territory of the  
7 United States with the minimum passing score approved by their State or  
8 Territory of the United States;

9           (e) An applicant from another State that does *not* require a board  
10 administered practical exam and has passed the same Nationally  
11 Standardized Theory Exam as required in Guam, *shall* be required to take  
12 the practical phase of the exam only;

13           (f) If the Board is unable to ascertain from documents submitted  
14 by the applicant that the applicant is eligible for reciprocity, the Board may  
15 require the applicant to provide additional documentation or information  
16 deemed by the Board as necessary to make that decision. Oral interviews  
17 may be requested;

18           (g) If the applicant is denied on the basis of initial application  
19 materials, the reasons for this rejection *shall* be communicated in writing.  
20 The applicant *shall* have the right of reconsideration based on submission of  
21 new information and/or appearance before the Board with the opportunity to  
22 demonstrate to the Board that they meet the licensure requirements;

23           (h) Applicant must have a current cosmetology, barber, barber-  
24 stylist, esthetician, electrologist or nail technician license from another State  
25 of Territory of the United States where similar reciprocity is extended to  
26 Guam, and licensure requirements and training hours are substantially equal  
27 to or greater than those licenses applied for in the Chapter; or

1 (i) *If* an applicant receives a cosmetology license under the  
2 reciprocity conditions of this Section, such licensee *shall* be employed by a  
3 Guam licensed cosmetology business and practice the art of cosmetology on  
4 Guam for a period of *not less than* two (2) years before such licensee may  
5 obtain a business license to establish a new cosmetology business on Guam.

6 **§18115. Eligibility and Qualifications for Cosmetologist License.**

7 (a) Examination. The Board *shall* administer examinations for a  
8 license for cosmetologists during a Board meeting duly held for the purpose  
9 of administering examinations to applicants who have made the proper  
10 applications for such license and who has qualified as follows:

11 (1) who is *not less than* eighteen (18) years of age;

12 (2) who has had any one (1) of the following:

13 (A) completed a certified cosmetology program of *at*  
14 *least* one thousand six hundred (1,600) hours extending over a  
15 school year of *not less than* nine (9) months from a school of  
16 cosmetology approved by the Board;

17 (B) practiced cosmetology, as defined in this Chapter,  
18 outside of Guam for a period of time equivalent to the study  
19 and training of a qualified person who has completed a course  
20 in cosmetology from a school curriculum which complied with  
21 requirements adopted by the Board; *or*

22 (C) holds a current unrestricted valid cosmetologist  
23 license issued by a State or Territory of the United States in  
24 good standing, whose license requirements in the judgment of  
25 the Board are equal to or greater than Guam's.

1       **§18115.1. Eligibility and Qualifications for Japanese Licensed**  
2       **Cosmetologist.**

3           An applicant who holds a current and unrestricted license issued by  
4       the government of Japan, and who is in good standing with the appropriate  
5       Japanese licensing body, *shall* be issued, upon passing the Guam  
6       Cosmetology practical exam, a one and one-half (1½) year license to  
7       practice the art of cosmetology for wedding and bridal boutiques and spas on  
8       Guam. Such eligibility is conditioned upon the following:

9           (a)    the licensee must meet the following standard requirements  
10       applicable to all other applicants:

11                   (1)    have official transcript(s) of all training and certification  
12                   programs attended by the licensee addressed and sent directly to  
13                   the Guam Board of Cosmetology;

14                   (2)    provision of three (3) letters of recommendation  
15                   complete with return address, phone number, and name of current  
16                   employer;

17                   (3)    submission of a police clearance obtained within the last  
18                   three (3) months;

19                   (4)    provision of two (2) photos taken within the last three (3)  
20                   months sized for a cosmetologist license (2½" x 2½"); and

21                   (5)    provision of a notarized photocopy of the licensee's  
22                   current license; and submit a copy of a current health certificate and  
23                   sanitary permit for the establishment;

24           (b)    any such further requirements as may be adopted for all other  
25           applicants by the Board;

26           (c)    the licensee must pass the Board-administered practical  
27       examination;



1 (d) the licensee must practice at an establishment that has *at least*  
2 one (1) licensed local cosmetologist on site, which local cosmetologist must  
3 have been licensed for *at least* one (1) year prior to the licensee beginning  
4 his *or* her practice at the establishment;

5 (e) licenses issued pursuant to this Section *shall* state that the  
6 licensee is granted a special license and is restricted from performing  
7 manicures, pedicures, waxing, chemical hair treatments (other than ordinary  
8 cleansing and conditioning), *or* chemical based facials *or* skin treatment for  
9 which an esthetician license is required under this Chapter;

10 (f) the licensee *or* the business employing the licensee must be  
11 available to provide *not less than* seventy-two (72) hours of training per year  
12 at recognized Guam cosmetology schools, such as the Guam Community  
13 College *or* on its business premises, *or* in sponsored seminars;

14 (g) provide annual seminars for local cosmetologists to learn about  
15 specialized Japanese hair techniques. Cost of the seminar will be at the  
16 expense of the business; and

17 (h) in addition to the standard cosmetology license fees, and the  
18 initial Two Hundred Dollars (\$200.00) application fee, any such licensee  
19 *shall* pay an additional annual non-transferable and non-refundable license  
20 fee of Eight Hundred Dollars (\$800.00).

21 **§18116. Eligibility and Qualifications for Electrologist License.**

22 (a) The Board *shall* administer examinations for a license as an  
23 electrologist during a Board meeting duly held for the purpose of  
24 administering examinations for applicants who have made the proper  
25 applications for such license, and who have qualified as follows:

- 26 (1) who is *not less than* eighteen (18) years of age; and  
27 (2) who has had one (1) of the following:

1 (A) completed a certified electrology program of *at*  
2 *least* five hundred (500) hours extending over a school year of  
3 *not less than* four (4) months in electrolysis from a school  
4 approved by the Board;

5 (B) practiced electrolysis, as defined in this Chapter,  
6 for a period of eighteen (18) months outside of this Territory  
7 within the time equivalent to the study and training of a  
8 qualified person who has completed a course in electrolysis  
9 from a school curriculum of which complied with requirements  
10 adopted by the Board; *or*

11 (C) holds a valid electrology license issued by a State  
12 or territory of the United States whose license requirements in  
13 the judgment of the Board are equal to or greater than Guam's.

14 **§18117. Eligibility and Qualifications for Manicurist License.**

15 (a) The Board *shall* administer examinations for a license as a  
16 manicurist during a Board meeting duly held for the purpose of  
17 administering examinations for applicants who have made the proper  
18 applications for such license and who have qualified as follows:

19 (1) who is *not less than* eighteen (18) years of age; and

20 (2) who has had one (1) of the following:

21 (A) completed a certified manicure program of *at least*  
22 three hundred fifty (350) hours extending over a school year of  
23 *not less than* three (3) months in nail care from a school  
24 approved by the Board;

25 (B) practiced nail care, as defined in this Chapter,  
26 outside of this Territory for period of the time equivalent to the  
27 study and training of a qualified person who has completed a

1 course in nail care from a school curriculum of which complied  
2 with requirements adopted by the Board; *or*

3 (C) holds a valid manicurist license issued by a State  
4 or territory of the United States whose license requirements in  
5 the judgment of the Board are equal to or greater than Guam's.

6 **§18118. Eligibility and Qualifications for Barber License.**

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

11 (1) who is *not less than* eighteen (18) years of age; and

12 (2) who has had one (1) of the following:

13 (A) completed a certified barber program of *at least*  
14 one thousand six hundred (1,600) hours extending over a school  
15 year of *not less than* nine (9) months from a barbering school  
16 approved by the Board;

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

21 (C) holds a valid barber license issued by a State or  
22 Territory of the United States whose license requirements in the  
23 judgment of the Board are equal to or greater than Guam's.

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

1           **§18119.     Eligibility and Qualifications for Esthetician License.**

2           (a)   The Board *shall* administer examinations for a license as an  
3    esthetician during a Board meeting duly held for the purpose of  
4    administering examinations to applicants who have made the proper  
5    application for such a license and who:

6                   (1)   is *not less than* eighteen (18) years of age;

7                   (2)   has done one (1) of the following:

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

12                           (B)   hold, in good standing, a current unrestricted valid  
13    esthetician’s license issued by a State or Territory of the United  
14    States whose license requirements are, in the Board’s opinion,  
15    equal to or greater than Guam’s.

16           **§18120.     Eligibility and Qualifications for Cosmetological**  
17    **Instructors.**

18           The Board *shall* admit to examination for license as a cosmetology or  
19    barbering instructor any person who has made an application to the Board  
20    in the proper form, who has paid the fee required by this Chapter, and who  
21    meets the following qualifications:

22                   (a)   is *not less than* eighteen (18) years of age;

23                   (b)   has completed the twelfth (12<sup>th</sup>) grade, or an accredited senior  
24    high school course of study in Guam public schools or its equivalent;

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

27                   (d)   has done one (1) of the following:

1 (1) completed a cosmetology or barbering instructor-training  
2 course in an approved school on Guam, or equivalent training in a  
3 school outside Guam approved by the Board;

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

7 (3) completed six (6) semester hours in vocational teaching  
8 methods or vocational curriculum; and

9 (e) who has actively engaged in at least three (3) years in the  
10 occupation as a cosmetologist, or any branch thereof, on Guam or in  
11 any jurisdiction having standards for registration substantially  
12 equivalent to those of Guam.

13 **§18121. Eligibility and Qualifications for an Apprentice.**

14 (a) The Board may issue a certificate as a barber, barber-stylist,  
15 esthetician, electrologist, or nail technician apprentice in barbering or  
16 cosmetology to any person who has made application to the Board, has paid  
17 the appropriate fee required by this Chapter, and who is qualified as follows:

18 (1) is over sixteen (16) years of age;

19 (2) is of good moral character;

20 (3) has completed the tenth (10<sup>th</sup>) grade in school or its  
21 equivalent; and

22 (4) has submitted evidence acceptable to the Board that any  
23 training the apprentice is required by law to obtain *shall* be conducted  
24 in a licensed cosmetological establishment and under the supervision  
25 of a licensee approved by the Board.

26 (b) Apprentices may *only* perform services for the general public  
27 for which they have received technical training.

1 (c) An apprentice may do any or all of the acts for which the  
2 apprentice is licensed *only* in the licensed cosmetological establishment and  
3 under the supervision and employment of a licensee approved by the Board.

4 **§18122. Expiration and Renewal for Licenses.**

5 (a) All licenses issued by the Board *shall* expire on the individual's  
6 birth date next following the date of appropriate application and issuance,  
7 and renewed every two (2) years by payment of fees approved by the Board.

8 (b) *No* person holding a license as an apprentice shall work more  
9 than three (3) months after completing the required training without  
10 applying for and taking the examination for licensure.

11 **§18123. Universal Precautions.**

12 (a) The Board *shall* promulgate rules and regulations in accordance  
13 with the Administrative Adjudication Law within one hundred eighty (180)  
14 days upon the enactment of this Act to address universal precautions  
15 guidelines, which *shall* include, but *not* be limited to:

16 (1) cleanliness and sanitation of towels and/or linens;

17 (2) disinfecting requirements and standards of any articles,  
18 tools (electrical and non-electrical), implements and equipment in  
19 contact with a client;

20 (3) prevention of contamination of any materials and/or  
21 solutions in contact with a client;

22 (4) proper storage of tools and implements;

23 (5) cleanliness of floor surfaces, walls and ceilings; and

24 (6) general proper hygiene (i.e. properly washing hands,  
25 proper use of gloves).

26 **§18124. Fees.**

1           The Board *shall* promulgate rules and regulations to charge fees for  
2 examination, licensure, and renewal of licensure and penalties, as  
3 appropriate, in accordance with the Administrative Adjudication Law. The  
4 Board *shall* review and amend the rules and regulations for adjustment to  
5 fees, subject to the Administrative Adjudication Law.

6           The Board *shall* establish a fee schedule for inspection *not to exceed*  
7 the sum of One Hundred Dollars (\$100.00).

8       **§18124.1. Use by Barbering and Cosmetology Board.**

9           The fees generated by the implementation of § 18115.1 (h) *shall* be  
10 deposited into the Health Professional Licensure Fund for use by the  
11 Barbering and Cosmetology Board to defray the cost of obtaining  
12 standardized examination materials and services for barbering and  
13 cosmetology licensure, and the cost of proctoring examination at a testing  
14 site.

15       **§18125. Cosmetological Establishment: Licensing.**

16           (a) The Board *shall* issue a license for a cosmetological  
17 establishment during a Board meeting duly held for the purpose of issuing  
18 licenses for cosmetological establishments for applicants who have made the  
19 proper applications for such license and who have qualified as follows:

20                   (1) comply with standards of sanitation by the Department of  
21 Public Health and Social Services; and

22                   (2) comply with universal precaution rules and regulations  
23 by the Board;

24           (b) A licensed cosmetologist, who has practiced as such on Guam  
25 for at least one (1) year, *shall* at all times be in charge of the establishment,  
26 ensure that it is adequately equipped for the practice in which it engages, and  
27 pay an annual Twenty Dollars (\$20.00) single location licensing fee;

1           (c) The Board *shall* issue a license for a specialty salon  
2 establishment during a Board meeting duly held for the purpose of issuing  
3 licenses for specialty salon establishments for applicants who have made the  
4 proper applications for such license and who have qualified as follows:

5                   (1) comply with standards of sanitation requirements by the  
6 Department of Public Health and Social Services; and

7                   (2) comply with universal precaution rules and regulations  
8 by the Board;

9           (d) In the case of an establishment limited to practice of specialty  
10 salon, as defined in this Chapter, a licensee of the Board, which may include,  
11 but *not* be limited to, electrologist, manicurist, barber or esthetician, who has  
12 practiced as such on Guam for at least one (1) year, *shall* at all times be in  
13 charge of the establishment, ensure that it is adequately equipped for the  
14 practice in which it engages, and pay an annual Twenty Dollars (\$20.00)  
15 specialty salon licensing fee.

16           (e) *No* person having charge of an establishment, whether as an  
17 owner or an employee, shall permit any room or part thereof in which any  
18 occupation regulated under this Chapter is conducted or practiced to be used  
19 for residential purposes, or for any other purpose that would tend to make  
20 the room unsanitary, unhealthy or unsafe, or endanger the health and safety  
21 of the consuming public. An establishment *shall* have a direct entrance  
22 separate and distinct from any entrance in connection with private quarters.  
23 A violation of this Section is a misdemeanor.

24           (f) Every establishment *shall* provide at least one (1) public toilet  
25 room located on or near the premises for its patrons. The entrance of the  
26 room *shall* be effectively screened so that *no* toilet compartment is visible  
27 from any workroom. The room *shall* be kept in a clean condition and in



1 good repair, well lighted and ventilated to the outside air, and effectively  
2 screened against insects and free from rodents. The floor *shall* be of  
3 concrete; tile laid in cement, vitrified brick, or other nonabsorbent material.  
4 All sewer drains *shall* be connected to an approved disposal system, and  
5 *shall* be properly trapped. *No* restroom *shall* be used for storage.

6 (g) Every establishment *shall* provide adequate and convenient  
7 hand washing facilities, including running hot water, soap and approved  
8 sanitary towels.

9 (h) Within ninety (90) days after issuance of the establishment  
10 license, the Division of Environmental Health of the Department of Public  
11 Health and Social Services *shall* inspect the establishment for compliance  
12 with the applicable requirements of this Chapter and the applicable rules and  
13 regulations of the Board adopted pursuant to this Chapter. Each  
14 establishment *shall* be inspected at least annually for compliance with  
15 applicable laws relating to the public's health and safety, and the conduct  
16 and operation of establishments.

17 **§18126. Cosmetological Multiple Location Business.**

18 (a) A *cosmetological multiple location business* is a business  
19 engaged in the practice of cosmetology at *more than* one (1) location, using  
20 the same business name at such locations, wherein cosmetology or any  
21 branch of cosmetology is practiced. A licensed cosmetologist must be on  
22 duty at each location of the cosmetological multiple location business while  
23 such location is open for business.

24 (b) A certificate of registration and license for each location of a  
25 cosmetological multiple location business *shall* be secured by filing an  
26 application thereof and paying an annual multiple location licensing fee of  
27 Twenty Dollars (\$20.00) per location, and showing to the satisfaction of the

1 Board of Barbering and Cosmetology that the establishment meets the  
2 standards of sanitation required by the rules and regulations of the  
3 Department of Public Health and Social Services. A cosmetological  
4 multiple location business must have a licensed cosmetologist at each  
5 location while such location is providing cosmetological services. Nothing  
6 herein *shall* prevent a licensed cosmetologist employed at one (1) business  
7 who has multiple locations to work at any location owned by the same  
8 business.

9 **§18127. Prohibition Against Employment of Unlicensed Personnel.**

10 It is unlawful for any person, firm, or corporation to hire, employ, or  
11 allow to be employed, or permit to work, in or about an establishment, any  
12 person who performs, or practices any occupation regulated under this  
13 Chapter and is *not* duly licensed by the Board. Any person(s) violating the  
14 provision of this Section *shall* be guilty of a misdemeanor.

15 **§18128. Schools; License.**

16 (a) The Board *shall* issue a license for a school during a Board  
17 meeting duly held for the purpose of issuing licenses for schools for  
18 applicants who have made the proper applications for such license and who  
19 have qualified as follows:

20 (1) pay the required fee as approved by the Board;

21 (2) public and private post secondary schools are accredited  
22 by the Western Association of Schools and Colleges, or National  
23 Accrediting Commission of Cosmetology, Arts, and Sciences; the  
24 school license *shall* be renewed annually after inspection.

25 (b) *No* school of cosmetology shall be granted a certificate of  
26 license, unless the school provides for health-related instructions or injuries,  
27 and employs and maintains a:

1           (1) sufficient number of licensed instructors and requires  
2 courses of instruction in cosmetology of *not less than* one thousand  
3 six hundred (1,600) hours extending over a period of *not less than*  
4 nine (9) months, and maintains such courses in both practical and  
5 technical instruction, including instruction in sanitary sterilization and  
6 the use of antiseptics, necessary to meet the requirements for  
7 examination for certificate, registration and license as a cosmetologist;  
8 and

9           (2) procedure to consult with a Guam licensed physician.

10          (c) *No* school of electrology shall be granted a certificate of  
11 registration and license, unless it provides for health-related instructions or  
12 injuries, and employs and maintains a:

13           (1) sufficient number of licensed instructors and requires  
14 courses of instruction in electrology of *not less than* five hundred  
15 (500) hours extending over a period of *not less than* four (4) months  
16 and maintains such courses in both practical and technical instruction,  
17 including instruction in sanitary sterilization and the use of antiseptics,  
18 necessary to meet the requirements for examination for certificate,  
19 registration and license as an electrologist. Any school of cosmetology  
20 providing a course in electrology *shall* meet the requirements of this  
21 Subsection; and

22           (2) procedure to consult with a Guam licensed physician.

23          (d) Persons receiving instructor training in a cosmetology,  
24 esthetician, electrology, barbering or nail technology school *shall* spend all  
25 of their training time under the direct supervision of a licensed instructor and  
26 *shall not* be left in charge of students or school at any time during their six  
27 hundred (600) hours of training without the direct supervision of a licensed

1 instructor in the classroom or in the clinic area where patrons are serviced.  
2 Instructor trainees may instruct only in the presence of a licensed instructor.

3 (e) Persons receiving instructor training are *not* permitted to  
4 perform clinical services on a patron for compensation, either by  
5 appointment or otherwise.

6 (f) Persons receiving instructor training *shall* be furnished an  
7 instructor training manual.

8 (g) Students seeking an instructor certificate of completion from an  
9 accredited school of cosmetology, nail technology, esthetics, electrology or  
10 barbering must complete Vocational Education I and Vocational Education  
11 II (classes typical of the program often includes some variation of Instructor  
12 Concepts, Instructor Practicum, Laboratory and Clinical Supervision,  
13 Classroom Management, Testing and Evaluation and Teaching Methods and  
14 Lesson Planning) courses from an accredited college or university designed  
15 to prepare them for a career in cosmetology instruction. Students must also  
16 acquire the skills in lesson planning, grading, student counseling,  
17 communication, record-keeping and student supervision and safety  
18 procedures.

19 (h) *No* school shall employ, hire or in any manner allow any  
20 individual to teach cosmetology, barbering, manicuring or nail technology,  
21 esthetics, electrology or hair styling unless that individual has a current  
22 license to teach the applicable specific practice of cosmetology, barbering,  
23 manicuring or nail technology, esthetics, electrology or hair styling.

24 (i) Any person who practices or teaches cosmetology, barbering,  
25 manicuring or nail technology, esthetics, electrology or hair styling for  
26 compensation, or who carries on any business, practice or operation  
27 governed by this Chapter, without the applicable license when a license is

1 required, is guilty of a misdemeanor punishable, upon conviction, by a fine  
2 of *not more than* Seven Hundred Fifty Dollars (\$750.00).

3 (j) At least one (1) licensed instructor must be present on the  
4 school premises at all times students are present.

5 (k) If a school offers, in addition to the full cosmetology course,  
6 separate manicuring/nail technology and/or esthetics or electrology courses,  
7 one (1) additional instructor *shall* be required for each separate course  
8 offered.

9 (l) There shall be *no more than* twenty (20) students present for  
10 each instructor. Of the twenty (20) students permitted per instructor, *no more*  
11 *than* three (3) shall be student instructors.

12 (m) All students and student instructors *shall* be under the  
13 supervision of a licensed instructor throughout the entire course of  
14 instruction.

15 (n) *If* an instructor who is necessary to maintain minimum school  
16 requirements transfers or is terminated, the school must replace that  
17 instructor within thirty (30) days of the date such transfer or termination  
18 occurs. A properly licensed instructor must be present at all times a school is  
19 operating.

20 (o) Students having training interrupted by service in the United  
21 States military may re-enroll within one (1) year after completion of their  
22 tour of duty and get credit for previous hours earned.

23 (p) *No* student may be enrolled in more than one (1) school at the  
24 same time.

25 **§18128.1. Student Instructor Qualifications.**

26 Prior to enrollment in a school's instructor training course, students  
27 must have:

1 (a) graduated from high school or have received an equivalency  
2 certificate;

3 (b) must have obtained a Guam cosmetology, or related field  
4 license; and

5 (c) must have practiced cosmetology, or related field, in a salon for  
6 *at least* fifty (50) weeks with *no less than* thirty-six (36) hours practice per  
7 week.

8 **§18128.2. Student Instructor Enrollment.**

9 Within ten (10) days of the enrollment date of a student instructor, the  
10 school *shall* provide the Board with an enrollment report, which *shall*  
11 include the following information:

12 (a) the name and address of the school;

13 (b) the name and address of the student instructor;

14 (c) the date student will commence training;

15 (d) student's date of birth;

16 (e) proof of high school graduation or equivalency  
17 certificate;

18 (f) proof of having completed Vocational Education I and  
19 Vocational Education II (classes typical of the program often include  
20 some variation of Instructor Concepts, Instructor Practicum,  
21 Laboratory and Clinical Supervision, Classroom Management,  
22 Testing, and Evaluation and Teaching Methods and Lesson Planning)  
23 courses from an accredited college, the Guam Community College or  
24 the University of Guam designed to prepare them for a career in  
25 classroom instruction;

26 (g) signatures of student and registrar; and

1 (h) proof of work experience as required in this Chapter.

2 Proof *shall* be notarized statement by employer(s).

3 **§18128.3. Instructor’s Continuing Education. Practice by Instructor –**  
4 **Instructor May Become Licensed as a Cosmetologist – Inactive Status.**

5 (a) To maintain an active instructor license in cosmetology,  
6 esthetics, electrology, barbering or manicuring, an instructor *shall* every two  
7 (2) years submit to the Board satisfactory proof that the instructor has  
8 attended a Board-approved instructor training program in cosmetology for a  
9 minimum of six (6) hours. Persons obtaining an initial instructor’s license  
10 *shall* attend a Board-approved instructor training program in cosmetology  
11 for a minimum of six (6) hours after receiving such licenses.

12 (b) The Board may, in its discretion, grant up to one (1) year for  
13 submission of such proof upon a showing of good cause, including, but *not*  
14 limited to, illness or emergency. However, *no* such extension of time shall  
15 relieve an instructor from meeting any future deadline for compliance with  
16 this Section.

17 (c) The active license of any instructor who fails to comply with  
18 this Section *shall* become invalid and non-renewable.

19 (1) Before an instructor’s license expires, an instructor may  
20 notify the Board of the instructor’s intention to place the license on  
21 inactive status. Such notice of intention *shall* be accompanied by the  
22 regular license fee, but the instructor *shall* be relieved of the  
23 obligation to attend the otherwise required Board approved training  
24 program. An instructor may stay on inactive status as long as the  
25 appropriate fees are paid on a regular basis. To change a license from  
26 inactive status to active status, the instructor *shall* attend a Board

1 approved instructor training program specific to their specialty for a  
2 minimum of twenty-four (24) hours.

3 (2) Any person who holds a valid active license as a  
4 cosmetology instructor may engage in the practice of cosmetology  
5 under such license. However, *no* instructor may render cosmetology  
6 services in a school, except such services as are directly incidental to  
7 the instruction of students.

8 (3) Any person whose instructor's license expires or  
9 becomes invalid may, within sixty (60) days after the date of  
10 expiration or invalidity, obtain a cosmetologist's license from the  
11 Board upon payment of a fee set by the Board.

12 (4) *If* a licensee wishes to place their instructor license on  
13 inactive status, the licensee must submit a written request to the  
14 Board. The licensee will need to attend his or her first seminar during  
15 the two (2) years following his or her first renewal and every other  
16 year after that.

17 **§18128.4. Continuing Education.**

18 (a) To renew a cosmetology license, a licensee must complete a  
19 total of six (6) hours of Board approved continuing education.

20 (b) To renew a manicurist license, a licensee must complete a total  
21 of six (6) hours of Board approved continuing education.

22 (c) To renew an esthetician license, a licensee must complete a  
23 total of six (6) hours of Board approved continuing education.

24 (d) To renew an electrologist license, a licensee must complete a  
25 total of six (6) hours of Board approved continuing education.

26 (e) To renew a barber or barber-stylist license, a licensee must  
27 complete a total of six (6) hours of Board approved continuing education.



1 (f) Cosmetology licensees or instructor licensees who are *at least*  
2 sixty-five (65) years of age, and have held a cosmetology or instructor  
3 license for *at least* fifteen (15) years will *only* be required to complete two  
4 (2) hours of continuing education in health and safety.

5 (g) Licensees may *not* receive continuing education credit for  
6 attending the same course *more than* once for one (1) renewal period.  
7 Further, licensees must retain a copy of the certificate of completion for a  
8 course of two (2) years after the date of completion. In conducting any  
9 inspection or investigation of the licensee, the Board may examine the  
10 licensee's records to determine compliance.

11 (h) To receive Board approval, applications to sponsor continuing  
12 education seminars must be submitted to the Board *at least* ninety (90) days  
13 before the date seminars are to be held.

14 (i) The Board may grant exceptions to the ninety (90) days  
15 requirement if seminars would have otherwise met all adopted guidelines.  
16 Requests for exceptions must be made in writing to the Board.

17 (j) Continuing education seminars must meet Board standards for  
18 presentation and content, and must contribute directly to professional  
19 competence of attendees.

20 (k) Physical attendance at seminars is required to receive credit for  
21 continuing education.

22 (l) Continuing education accepted by the proper licensing authority  
23 in other States may be accepted or credited subject to proper documentation  
24 and approval by the Board.

25 (m) Instructors for continuing education seminars must make  
26 presentations in person.

1 (n) *No* continuing education instructor or presenter may instruct for  
2 more than eight (8) hours in one (1) day.

3 (o) A proper record of registration and attendance for continuing  
4 education seminars must be kept by sponsors for *at least* three (3) years.

5 (p) *No* member of the Board may conduct or be a provider of  
6 continuing education courses.

7 (q) Changes to continuing education proposals will be subject to an  
8 administrative fee.

9 **§18128.5. Right of Entry.**

10 (a) Any employee of the Department or member of the Board, its  
11 agents or assistants, may enter into and inspect any school, salon, spa,  
12 esthetic salon or barber shop at any time during business hours.

13 (b) Information. Any information gained by an inspector of the  
14 Department or the Board during an inspection *shall* remain confidential,  
15 *unless* the information is to be offered as evidence in an administrative  
16 hearing or court proceeding concerning a license issued by the Board.

17 **§18128.6. Prohibited Instruments.**

18 (a) *No* establishment or school shall have on the premises any  
19 razor-edged, also known as a *credo blade*, or other sharp-edged device or  
20 tool, which is designed to remove calluses.

21 (b) *No* establishment or school shall have on the premises any  
22 needle-like instrument, which is used for the purpose of extracting skin  
23 blemishes and other similar procedures.

24 **§18128.7. Booth Renters.**

25 (a) Agreement. A copy of the executed agreement between the  
26 salon owner and the cosmetologist *shall* be submitted to the Board at the  
27 time of application for a booth rental permit.

1 (b) Form. The Board will furnish a contractual agreement form for  
2 a nominal fee. In the event an agreement is *not* on the form supplied by the  
3 Board, the agreement *shall* contain the following information:

4 (1) a statement indicating that both parties agree that the  
5 cosmetologist is *not* an employee of the salon;

6 (2) a statement indicating the salon owner has *no* right to  
7 control the methodology used by the cosmetologist to produce a given  
8 result; and

9 (3) a statement indicating the basis of the cosmetologist's  
10 compensation.

11 **§18128.8. When Eligibility is Unclear.**

12 *If* the Board is unable to ascertain from documents submitted by the  
13 applicant that the applicant is eligible for examination or licensure, the  
14 Board may require the applicant to provide additional documentation or  
15 information deemed by the Board as necessary to make that decision.

16 Oral interviews may be requested. *If* the applicant is denied on the  
17 basis of initial application materials, the reasons for this rejection *shall* be  
18 communicated in writing. The applicant *shall* have the right of  
19 reconsideration based on submission of new information and/or appearance  
20 before the Board with the opportunity to demonstrate to the Board that they  
21 meet the licensure requirements.

22 **§18128.9. Field Trips, Seminars, Workshops, Shows, and Community**  
23 **Service.**

24 Schools are permitted, but *not* required, to offer to their students an  
25 opportunity to earn credit hours for cosmetology-related field trips,  
26 seminars, workshops, shows, and community service, as follows:

27 (a) up to forty (40) hours for cosmetology students;

- (b) up to fifteen (15) hours for manicuring students;
- (c) up to twenty (20) hours for esthetics students; and
- (d) up to twenty (20) hours for instructor students.

**§18129. Revocation and Suspension.**

The Board may revoke, suspend or deny at any time any license required by this Chapter on any of the grounds for disciplinary action provided in this Section. The grounds for disciplinary action are as follows:

(a) failure of a person, firm or corporation operating an establishment, or engaged in any practice regulated by this Chapter, to comply with the requirements of this Chapter;

(b) failure to comply with the rules governing health and safety adopted by the Board for the regulation of establishments or any practice licensed and regulated under this Chapter;

(c) failure to comply with the rules adopted by the Board for the regulation of establishments, or any practice licensed and regulated under this Chapter;

(d) gross negligence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, manicurist or electrology, or disregard for the health and safety of patrons;

(e) repeated similar negligent acts;

(f) incompetence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, manicurist, or electrology;

(g) continued practice by a person knowingly having an infectious or contagious disease;

1           (h)    habitual drunkenness, habitual use of, or addiction to the  
2 use of any controlled substance;

3           (i)    advertising by means of knowingly false or deceptive  
4 statements;

5           (j)  obtaining or attempting to obtain practice in any occupation  
6 licensed and regulated under this Chapter, or money or compensation  
7 in any form, by fraudulent misrepresentations;

8           (k)   failure to display the license or health and safety rules  
9 and regulations in a conspicuous place;

10          (l)   engaging, outside of a licensed establishment and for  
11 compensation in any form whatsoever, in any practice for which a  
12 license is required for under this Chapter, *except* that when such  
13 service is provided because of illness or other physical or mental  
14 incapacitation of the recipient of the service, and when performed by a  
15 licensee obtained for the purpose from a licensed establishment;

16          (m)  conviction of any crime substantially related to the  
17 qualifications, functions or duties of the license holder, in which case  
18 the record of conviction or a certified copy, *shall* be conclusive  
19 evidence thereof;

20          (n)   permitting a license to be used where the holder is *not*  
21 personally, actively and continuously engaged in business;

22          (o)   the making of any false statement as to a material matter  
23 in any oath or affidavit, which is required by the provisions of this  
24 Chapter;

25          (p)   refusal to permit, or interference with, an inspection  
26 authorized under this Chapter; or

1 (q) any action or conduct which would have warranted the  
2 denial of a license;

3 (r) permitting an unlicensed person to perform activities  
4 which require a license under this Chapter;

5 (s) making a false statement on any document submitted or  
6 required;

7 (t) any person who violates this Chapter, or the Rules and  
8 Regulations adopted pursuant thereto *shall* be fined not less than One  
9 Hundred Dollars (\$100.00), and *no more than* One Thousand  
10 Dollars(\$1,000.00) for each violation;

11 (u) any person who practices cosmetology, or maintains a  
12 school or a beauty shop, barber shop, esthetic skin care shop,  
13 electrology shop, nail care shop, or acts in any capacity, wherein a  
14 license is required, without a license as provided in this Chapter, *shall*  
15 be fined *not more than* One Hundred Dollars (\$100.00), or imprisoned  
16 *not more than* ninety (90) days, or both. Each and every day of  
17 violation *shall* be a separate offense;

18 (v) the Board *shall* aid prosecuting officers in the  
19 prosecution of persons charged with violations of this Chapter;

20 (w) the Department, in addition to any other remedies  
21 available, may apply to a court having competent jurisdiction for an  
22 injunction to restrain any violation of this Chapter.

23 **§18130. Licenses.**

24 (a) The license *shall* prominently state that the holder is  
25 licensed as a barber, cosmetologist, esthetician, manicurist,  
26 electrologist, or cosmetology instructor, and *shall* contain a  
27 photograph of the licensee. The Board *shall* establish the method(s)

1 as it deems appropriate for utilizing a photograph of the licensee to  
2 verify licensure status.

3 (b) Every licensee *shall* display the license in a conspicuous  
4 place in the licensee's place of business or place of employment.

5 (c) A duplicate license *shall* be issued upon the filing of a  
6 statement explaining the loss, verified by the oath of the applicant and  
7 accompanied by the fee required by this Chapter;

8 (d) Every licensee of the Board, except establishments, *shall*  
9 within thirty (30) days after a change of address, notify the Board of  
10 the new address, and upon receipt of the notification, the Board *shall*  
11 make the necessary changes in the register.

12 **§18131. Apprentice Licenses.** Upon submitting the required  
13 documents for application for examination, an applicant *shall* be entitled to  
14 take the examination and receive an apprentice license.

15 (a) An applicant who fails an examination *shall* be required  
16 to retake the entire phase of the examination failed.

17 (b) Failing applicants *shall* reapply for an apprentice license  
18 and pay the appropriate fee before being permitted to retake the  
19 examination.

20 (c) Any applicant who does not retake and pass each phase  
21 within one (1) year of failing the exam *shall* forfeit their apprentice  
22 license and be required to retake the entire exam.

23 (d) Any applicant having failed the test a second time *shall*  
24 be required to enroll in refresher courses relative to the practice of  
25 cosmetology, or barber, or barber-stylist, or manicurist, esthetician,  
26 electrologist or cosmetology instructor, and *no* apprentice license shall

1 be reissued. The required hours of refresher courses *shall be no less*  
2 *than* thirty (30) days of actual training days of instructions.

3 **§18131.1. Assistants, Inspectors, Salaries.**

4 (a) The Department *shall* employ and fix the duties and  
5 remuneration of inspectors, clerical or administrative assistants as  
6 deemed necessary to implement this Chapter or the Rules of the  
7 Board.

8 (b) Board members *shall* receive per diem and mileage  
9 allowance, as allowed to government of Guam employees, when  
10 actually engaged in official Board duties.

11 **§18132. Hearings.** All persons *shall*, prior to the revocation or  
12 suspension of a license for any of the causes outlined in this Chapter, be  
13 given notice of an opportunity for hearing in conformity with the provisions  
14 of the Administrative Adjudication Law.

15 **§18133. Penalty.** Any person who practices cosmetology, electrology,  
16 esthetician or skin care, barbering or manicuring, or maintains a school or  
17 cosmetological establishment without a license as provided by this Chapter  
18 *shall* be guilty of a misdemeanor and *shall* be fined as outlined in the rules  
19 and regulations promulgated by the Board, in accordance with the  
20 Administrative Adjudication Law.

21 **§18134. Good Faith Immunity.** *No* member of the Board of  
22 Cosmetology shall be liable in any civil action for damages for any act or  
23 omission in good faith in performing the functions of that person's office.

24 **§18135. Effective Date.** All provisions of this Chapter *shall* become  
25 effective upon enactment of this Act.

26 **§18136. Severability.** *If* any provision of this Law or its application to  
27 any person or circumstance is found to be invalid or contrary to law, such



1           invalidity shall *not* affect other provisions or applications of this Law which  
2           can be given effect without the invalid provisions or application, and to this  
3           end the provisions of this Law are severable.”

4           **Section 3.** Any Rules and Regulations or fee schedule of the Barbering  
5           and Cosmetology Board in effect, prior to the repeal and reenactment of 10 GCA,  
6           Chapter 18 §§ 18123 and 18124 by this Act, *shall* remain in effect until amended,  
7           repealed, or reenacted pursuant to the reenacted 10 GCA, Chapter 18 §§ 18123 and  
8           18124.