



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U.S.A.



RICARDO J. BORDALLO
GOVERNOR

JUN 6 1986

Handwritten initials

Honorable Carl T.C. Gutierrez
Speaker, Eighteenth Guam Legislature
P.O. Box CB- 1
Agana, Guam 96910

Dear Mr. Speaker:

For your information and files, enclosed is a copy of Public Law No. 18-38.

Sincerely yours,

EDWARD D. REYES
Acting

180444

*Rec'd Legat
6-11-86 7:20 p.m.
Disc*

182191

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 328 (LS)
As Substituted by the
Committee on Health, Welfare and
Ecology

Introduced by:

H. D. Dierking
D. Parkinson

AN ACT TO ADD NEW SECTIONS 16434, 16435 AND
16400.1 TO CHAPTER V OF TITLE XVII OF THE
GOVERNMENT CODE OF GUAM AND REPEAL THE
SUBSECTION (c)s IN SECTIONS 16414, 16415, 16416,
16417 AND 16420 OF THE GOVERNMENT CODE,
RELATIVE TO THE PROFESSION OF COSMETOLOGY.

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

2 "Section 1. A new Section 16434 is added to the Government
3 Code to read:

4 'Section 16434. Exemptions. (a) Any person who on or
5 before July 13, 1985 was engaged in activities requiring licensing
6 under the provisions of this Chapter shall be permanently
7 exempted from the examination and educational requirements of
8 this Chapter if, prior to September 30, 1986, he provides the
9 Board of Cosmetology with adequate proof of training or
10 instruction in the art of cosmetology that is satisfactory to the
11 Board.

12 (b) Any person who is engaged in activities requiring
13 licensing under the provisions of this Chapter who was not so
14 engaged on or before July 13, 1985 shall be temporarily exempted
15 from the examination and educational requirements of this Chapter
16 for a period not to exceed July 13, 1988 if, prior to September
17 30, 1986, he provides the Board of Cosmetology with satisfactory
18 proof of training or instruction in the art of cosmetology.
19 Subsequent to July 13, 1988, any such person may engage in

1 activities requiring licensing under the provisions of this Chapter
2 only if he has satisfied the examination and training requirements
3 of this Chapter.

4 (c) For purposes of Subsections (a) and (b) of this
5 Section, any of the following shall be deemed as satisfactory proof
6 of training or instruction in the art of cosmetology:

7 (i) a diploma or certificate of completion from a
8 recognized school of cosmetology, or

9 (ii) an affidavit establishing that the applicant has
10 been trained as an apprentice by a trained cosmetologist, or

11 (iii) a current cosmetology license from another
12 territory, state or country.

13 (d) Nothing in this Section shall be interpreted to affect
14 the exemption established pursuant to Section 16433 of the
15 Government Code, as amended.

16 (e) All persons engaged in activities requiring licenses
17 pursuant to this Chapter shall be temporarily exempted from the
18 examination requirements of this Chapter for a period not to
19 exceed September 30, 1986 in order to give such persons
20 sufficient time to produce the proof required pursuant to
21 Subsections (a) and (b) of this Section, and permanently
22 exempted from the educational requirements of this Chapter."

23 Section 2. A new Section 16435 is added to Chapter V of Title XVII of
24 the Government Code to read:

25 "Section 16435. Translation of Examinations. In prescribing the
26 rules and regulations governing the examination and licensure of
27 cosmetology professionals pursuant to Section 16422 of this Chapter,
28 the Board of Cosmetology shall prescribe the manner in which a
29 non-English speaking applicant may employ the use of an interpreter
30 during the examination process or obtain a translated version of the
31 exam; and shall further provide that any and all additional costs
32 incurred by the Board for the translation of the examination or the
33 employment of an interpreter to be passed on to the applicant
34 requesting the translation services."

1 Section 3. A new Section 16400.1 is added to Chapter V of Title XVII
2 of the Government Code to read:

3 "Section 16400.1. Effective October 1, 1986, the Department of
4 Public Health and Social Services shall be responsible for the implementation
5 and administration of the provisions of Chapter V of Title XVII of the
6 Government Code of Guam."

7 Section 4. Subsection (c) of Section 16414 of the Government Code is
8 repealed.

9 Section 5. Subsection (c) of Section 16415 of the Government Code is
10 repealed.

11 Section 6. Subsection (c) of Section 16416 of the Government Code is
12 repealed.

13 Section 7. Subsection (c) of Section 16417 of the Government Code is
14 repealed.

15 Section 8. Subsection (c) of Section 16420 of the Government Code is
16 repealed.

EIGHTEENTH GUAM LEGISLATURE

(P. 1. 18-35)

ROLL CALL SHEET

Bill No.: 326

DATE: 3/20/86

Resolution No.: _____

QUESTION: _____

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada	✓			
J. P. Aguon	✓			
E. P. Arriola		✓		
J. G. M. Bamba †		✓		
F. F. Blas	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
C. T. C. Gutierrez	✓			
F. J. Gutierrez	✓			
A. C. Lamorena III †	✓			
P. C. Lujan	✓			
M. D. A. Manibusan	✓			
Senator	✓	✓	✓	✓
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. Quitugua †	✓			
J. M. Rivera †		✓		
J. T. San Agustin	✓			
F. R. Santos		✓		
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

16 4



EIGHTEENTH GUAM LEGISLATURE

CHAIRPERSON, COMMITTEE ON HEALTH, WELFARE & ECOLOGY

P.O. Box CB-1 Agana, Guam 96910

Tel.: 472-3438/9 - 477-3442

MEMBER:

Committee on Energy, Utilities
and Consumer Protection

Committee on Education

Committee on Ways and Means

Committee on Rules

Senator Herminia D. Dierking
Vice Chairman

Committee on Tourism, Transportation
and Communication

September 23, 1985

The Honorable Carl T.C. Gutierrez
Speaker
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910



Dear Mr. Speaker:

The Committee on Health, Welfare and Ecology to which Bill No. 328 was referred, has had such under consideration; and hereby transmits to the full Legislature Bill-No. 328 as substituted by the Committee on Health, Welfare and Ecology with a recommendation for passage of the Act in its entirety.

The Committee voting record for the passage of Bill No. 328, is as follows:

TO DO PASS	<u>-3-</u>
NOT TO PASS	<u>-0-</u>
TO REPORT OUT ONLY	<u>-4-</u>
TO PLACE IN INACTIVE FILE	<u>-0-</u>

A copy of the Committee Report and all pertinent documents are attached for your information.

Sincerely yours,

HERMINIA D. DIERKING

AN ACT TO REPEAL AND REENACT SECTION 16433 AND TO ADD NEW SECTIONS 16434, 16435 AND 16400.1 TO CHAPTER V, OF TITLE 17 OF THE GOVERNMENT CODE OF GUAM RELATIVE TO THE PROFESSION OF COSMETOLOGY.

Introduced by: H.D. DIERKING
D. PARKINSON

<u>MEMBERS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
<u><i>H. Dierking</i></u> HERMINIA D. DIERKING, V. CHAIRPERSON	✓			
<u><i>E. Arriola</i></u> ELIZABETH P. ARRIOLA, V. CHAIRPERSON			✓	
<u><i>D. Parkinson</i></u> DON PARKINSON	✓			
<u><i>Joe T. San Agustin</i></u> JOE T. SAN AGUSTIN			✓	
<u><i>F. Quitugua</i></u> FRANKLIN J. QUITUGUA	✓			
<u><i>Marilyn D.A. Manibusan</i></u> MARILYN D.A. MANIBUSAN			✓	
<u><i>George Bamba</i></u> GEORGE BAMBA			✓	

COMMITTEE ON HEALTH, WELFARE AND ECOLOGY

COMMITTEE REPORT

BILL NO. 328

SUBSTITUTED BY THE COMMITTEE ON
HEALTH, WELFARE AND ECOLOGY

A Public Hearing on Bill no. 328 was held on Thursday, June 27, 1985 at 7:00 p.m. in the Legislative Session Hall.

Committee members present during the hearing were Senator Herminia D. Dierking, Senator Joe T. San Agustin, Senator Elizabeth P. Arriola, Senator Franklin Quitugua, Senator Don Parkinson and Senator Marilyn Manibusan.

BACKGROUND

Bill No. 328 is an Act to repeal and reenact Section 16433 of the Government Code of Guam relative to the exemption of prior licenses with regards to the profession of cosmetology and for other related purposes. As introduced, Bill No. 328 amended one section and added two new sections to the existing cosmetology law.

Bill No. 328 was heard at a public hearing on June 27, 1985 at which the Bill in its original form was found to be somewhat unclear in its intent. As a result of this hearing, the Committee on Health, Welfare and Ecology decided to alter the provisions of the Bill in order to clarify the intent of the provisions and to include additional concerns raised in the public hearing. Thus a substitute version of Bill No. 328 is presented for consideration and enactment into law.

The substitute version of Bill No. 328 contains four sections.

Section 1 of substitute Bill No. 328 is virtually identical to that of the original bill. Changes incorporated in this section involve the addition of terms in order to clarify the intent of the provision. This section of substitute Bill No. 328 provides for a change in the existing law which

currently allows for persons practicing the profession of cosmetology to be exempted from the educational and testing requirements for licensure if they had been engaged in the profession for 12 months prior to May 13, 1977. The amendment proposed by this section of substitute Bill No. 328 seeks to change the established exemption date from May 13, 1977 to a date established in conjunction with the date of official adoption of the rules and regulations governing the licensure process, which are promulgated by the Board of Cosmetology. The provision intends for all bonafide individual income tax payers who are currently and have been continuously engaged in the professional practice of cosmetology for 2 years prior to the date of official adoption of the Licensure rules and regulations, filled by the Board of Cosmetology, to be exempted from the educational and testing requirements for licensure in the profession.

The amendment is based on the intent of the Legislature to minimize the impact of establishing governmental regulation of the industry on those persons employed in the profession of cosmetology. Establishing the date of exemption in conjunction with the date of official adoption of the rules and regulations for licensure is intended to provide for the elimination of any additional burden on those in the profession at the time that the government is prepared to implement the provisions of the Act regulating the industry. Thus there will be a fair treatment of individuals at the time that the act is actually implemented and inequities due to governmental inaction or failure to implement and carry out the intents of the act in a timely fashion will be eliminated.

As it is not the intent of the Legislature to neglect concerns for the health and welfare of the citizens of Guam, a provision stating that the individuals applying for the exemption above must provide acceptable evidence of professional instruction or apprenticeship training in the profession has been included.

The provision has been included to eliminate the concerns raised by members of the profession that shampoo girls or receptionists of various cosmetology

establishments would qualify and apply for the licensure exemption thereby deceiving the general public and discrediting the integrity of the profession. Thus, those to be granted exemptions must (a) provide proof of training or instructions; (b) provide evidence of tax payers status for 2 years; or (c) provide proof that they were in business 24 months prior to July 12, 1985. Section 2 of substitute Bill No. 328 provides for extensive experience in the field to be used as a mechanism for waiving the secondary education requirements in order to become a junior operator or qualify for the examination to become a licensed cosmetologist. This provision would enable individuals who were unable to complete the 10th grade or 12th grade of secondary education to substitute 6 years of experience in the profession to meet this requirement for the cosmetology licensure examination. In developing this provision it is the intent of the Committee to establish equal opportunity for trained individuals to be examined for licensure as professionals while at the same time alleviating the need to convert foreign secondary education to United States education standards. Given Guam's multicultural and multiethnic population mix this section provides for greater access to the licensure examination for all persons residing in Guam.

Section 3 of substitute Bill No. 328 provides for the Board of Cosmetology to prescribe the manner in which a non-English speaking applicant for the cosmetology licensure examination may at their own expense employ the use of an interpreter or may obtain a translated version of the licensure examination. The Committee decided to incorporate this new provision as a result of concerns expressed regarding the English competency level of the examination and the relationship between one's English speaking ability and one's ability to be trained and knowledgeable in the profession of cosmetology.

Section 4 of substitute Bill No. 328 provides for the transfer of the Administrative Authority and scope of the Board of Cosmetology from within

the Department of Revenue and Taxation to the Department of Public Health and Social Services. This amendment is proposed to be effective as of FY 1987 in to allow for the Departments to plan and budget for the transition. The transfer is designed to remove the authority from the taxation and banking regulation authority to the Department of Public Health and Social Services which is more directly concerned with the protection of the health and public safety of residents. As cosmetologists represent a profession which can directly impact on the health and well-being of its customers, the Committee agrees with the Department of Revenue and Taxation's recommendations that the Board's functions are more related to the concerns of health and welfare which is beyond the scope of the Department's responsibilities and is more appropriately within those of the Department of Public Health and Social Services.

TESTIMONY

A Public Hearing on Bill No. 328 was held on Thursday, June 27, 1985 at 7:00 p.m. in the Legislative Session Hall.

Eight persons submitted oral testimony 6 of which presented written testimony as well. (See attachments B through K).

As the Testimonies are rather lengthy a summarized version of presenter's statements are provided below. For more precise details of the testimony one should refer to the appended written submission.

David Santos, Director of the Department of Revenue & Taxation submitted written testimony against bill no. 328. The major components of Mr. Santos' testimony included the following:

- a) Bill No. 328 jeopardized the credibility of the profession on Guam relative to reciprocity issues and others. Examination is required for stateside reciprocity.
- b) Grandfather clauses are absent from stateside statutes.

- c) Examination will enhance the professionalism of the industry.
- d) Requests a move of the Board and functions to Department of Public Health and Social Services.

Carmen Pearson, Deputy Director, Department of Public Health and Social Services also submitted testimony against the provisions of Bill No. 328. Ms. Pearson's comments are highlighted as follows:

- a) Examination and educational requirements should not be exempted only on the basis of having been an employed taxpaying cosmetologist for 2 years.
- b) It is important that cosmetologist have received adequate education and training in practice so that the health and safety of patrons are protected.
- c) Examinations provide for previously and newly employed cosmetologists to show they have adequate training and knowledge.
- d) Evaluations must be applied equally and fairly to all persons.
- e) Proof by license from other jurisdictions with similar or more stringent requirements or by demonstration in practical exams is necessary.
- f) Methodology and materials of the profession change so it is important for the cosmetologist to be familiar with and know how to properly apply these materials and methodologies.

Junie Terlaje, a member of the Board of Cosmetology, testified against Bill No. 328. Ms. Terlaje's statements included the following:

- a) Paying tax does not warrant an exemption from the examination and educational requirements in the field.
- b) Customers deserve better and professionals warrant more respect.
- c) Two years in a shop is not enough time to grasp skills.
- d) Members of the profession want to be recognized as professionals.

Karel Kamminga, President of the Board of Cosmetology also provided testimony

against the provisions of the Bill. Salient points raised during Ms. Kamminga's testimony included the following:

- a) The diligent efforts of the Board are disrupted by the provisions of the Bill.
- b) The intent of Section I is not justified and beyond comprehension.
- c) Passage of the Bill contradicts the purpose of the Committee as no thought is given to consumer protection.
- d) Section II provides for the blind to lead the blind if an operator is automatically licensed (by experience) and then supervises as apprentice.
- e) Section III conflicts with Section I regarding experience.
- f) Knowledge of English does not justify knowledge of the field.

Mr. Hui Man Chon was the sole person to testify in favor of the Bill. Mr. Chon's testimony included the following:

- a) Many persons have become beauticians, developed their own skills and have paid tax for job performance.
- b) The statute (11-120) provides for 1600 hours of training which calculates to 9 months; anyone in practice since 1983 has more than enough training hours to qualify for a certified beautician.
- c) No beautician will apply a chemical directly to the skin or eyes or let someone drink it.
- d) Cosmetologists unfamiliar with a product won't use it.
- e) Test requirements could put some foreigners out of work.
- f) Testing only in English is discriminatory.

Selita Limtiaco, a California licensed cosmetologist, provided testimony against Bill No. 328. Ms. Limtiaco's testimony indicated the following:

- a) As more immigrants migrate to Guam, they find it convenient to request Government officials to amend laws to fit their own purpose or qualifications, if any.

- b) Committee should analyze the purpose of the law.
- c) The inability of the Board to function has flooded the market with untrained hairdressers subjecting the public to potential harm.
- d) Amending the law in favor of a special interest groups deprives the public of protection from potential harm due to misuse of chemicals.
- e) It is not unfair to require non-english speakers to take an English exam.
- f) It is only fair that the Board give the individual the qualifications to go out and practice.

Mr. Paek Cha Ki, submitted only written testimony on Bill 328. Mr. Ki suggested the printing of a booklet which provides a briefing on the proposed exam. This would provide for a greater opportunity for people to understand the law and the nature of the exam.

Ms. Sally Geisinger, President of the Guam Hairdressers and Cosmetology Association provided testimony against Bill no. 328. Ms. Geisinger's testimony included the following:

- a) Bill no. 328 is not written for the benefit of the hairdressers or protections of consumers.
- b) The Association deserves a higher level of guidelines for the profession.
- c) Testing is for the protection of customers and hairdressers alike.
- d) Examinations are necessary for reciprocal acceptance of professionals outside of Guam.
- e) Reading is an important part of the profession.

Additionally the Guam Hairdressers and Cosmetology Association presented copies of a petition which stated that the Bill served to degrade the profession by oversimplifyfying the complexities of the trade.

Oral testimonies were provided by Ms. Jenny Hrub, Ms. Freddy Van Dox, and Mr. Ken Shiroke. The summary of these testimonies are provided below and

a transcription of these tape recorded statements are appended as exhibits to this report.

Ms. Van Dox testified that she currently operates a cosmetology school available to everyone. Education is an important part of the profession. She also stated that she believed in fairness to all by having everyone take the exam.

Mr. Shiroke indicated that he used to market cosmetology supplies and the Hawaii laws are stringent regarding diagnosis of scalp problems. He suggested that persons passing the practical but not the written exam should be allowed to continue to practice until they pass the written exam. Regarding the use of products, Mr. Shiroke indicated that shops buy the products they know how to use. Those that know the products teach other people. Finally he suggested the inclusion of a "responsible management employee" clause where there was a requirement of a licensed operator in order for a shop to operate, and establishing a limit of liability for the profession.

Ms. Hrub a hairdresser, testified that she wanted fairness for everyone. She indicated there was a valid concern for the need for education, but cosmetologists aren't physicians.

Following these testimonies and questioning by the Committee the public hearing was adjourned.

COMMITTEE FINDINGS

The Committee on Health, Welfare and Ecology hereby finds the following with regards to Bill 328:

1. The current grandfather clause as established by law has no relation to either the date of enactment of the law or the date of implementation of the regulations to license the professionals of the industry.
2. The grandfather date as it exists provides for a retroactive rather than

a prospective means by which professionals in the industry are to be granted exemptions to licensing requirements as established business professionals prior to the government's desire to regulate the profession. The effective date of this grandfather clause was intended to coincide with the promulgation of rules and regulations of the working 1977 Cosmetology Board. No regulations were ever promulgated by the Board due to inaction on behalf of the government until the recent 1985 Board rules were promulgated in May of this year. Thus the retroactive grandfather date provides for an inequitable consideration of established business professionals in granting exemptions at the time in which the government is fully prepared and able to implement regulation of the industry.

3. The grandfather date as it exists provides for the implementation of industry regulation with exemptions to a few but the exclusion of others who were established business professionals for some time prior to the implementation of the regulations. This is viewed as keeping people from the right to free enterprise and competition within the industry.

4. The Committee favors the alteration of the grandfather date of the statute which takes a prospective rather than retroactive approach to providing for exemptions for established business professionals at the time of industry regulation. The Committee also favors a limited provision of this benefit whereby members of the industry would have a time limitation by which they must apply and obtain an exemption license. The Committee proposed the date of July 12, 1986, as this time limitation coincides with a one year time frame for the benefit. After this date any exempted professional who fails to keep their license current, and all unlicensed persons seeking to become a licensed professional must comply with all the necessary examination and educational requirements for licensure.

5. The approximate number of individuals who would be affected by the industry regulation process would be 160. The number of individuals affected by the proposed amendment would be approximately 40 to 60 persons, 30 of which are already included in the grandfather clause as it exists by statute today. The amendment would thus affect only 20 to 30 new individuals.

6. While the Committee recognizes the need for formal education and training in the field of cosmetology in order to qualify as a member of the profession, all persons should be allowed access to Guam's examination and testing process. The current law requires that individual seeking to be examined for licensure must provide proof of completion of the 10th or 12th grades of secondary education. This presents problems to the residents of Guam who have not been formally educated by United States education standards and thus establishes the need for these persons to obtain education in an American educational system or for the exam administrators to establish American education equivalency levels for the education received in any non-American education system, thereby limiting entrance to the profession, especially for persons who have received adequate training in the profession. As such the committee finds that persons who can substantiate professional training in the field of cosmetology by no less than six years of experience, and who can demonstrate the ability to read and speak english should be afforded the opportunity to take the necessary examinations to qualify as a licensed professional.

7. The ability to speak english is unrelated to one's ability to competently perform the skills of a cosmetological professional. Further, the provision of an english only examination without the benefit of an interpreter or examination translation establishes barriers to entrance into the profession. As many of the great professionals of the world

are non-english speakers, it is the committee's finding that opportunities should be made for non-english speaking individuals to obtain a translated version of the examination or employ the use of an interpreter to translate the questions of the examination as is done in other states. The costs of such translation or the use of the interpreter however is to be borne by the individual requesting for such services.

8. The regulation of the Cosmetology professions is more appropriately placed with in the Department of Public Health and Social Services as the profession impacts upon the health and well-being of the customers served by the professionals. As the responsibility and authority to administer the functions of the Board of Cosmetology are undefined by statute, although they have been carried out by the Department of Revenue and Taxation, the Committee recommends the formal definition of this responsibility and its placement within the scope and authority of the Department of Public Health and Social Services.
9. The Committee finds that these concerns are addressed by Bill no. 328 as substituted by the Committee.

COMMITTEE RECOMMENDATIONS

The Committee on Health, Welfare and Ecology recommends the passage of Bill No. 328 as substituted.

LIST OF EXHIBITS

- A. Substitute Bill 328.
- B. Original Bill 328 as introduced.
- C. Testimony of Dave Santos.
- D. Testimony of Carmen Pearson.
- E. Testimony of Junie Terlaje.
- F. Testimony of Board of Cosmetology.
- G. Testimony of Selita Limtiaco.
- H. Testimony of Hui Man Chon.
- I. Testimony of Sally Geisinger.
- J. Letter of Paek Choi Ki.
- K. Petition of Guam Hairdressers Association.
- L. Transcribed oral testimony of Freddy Van Dox.
- M. Transcribed oral testimony of Ken Shiroke.

MAR 27 '85

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) REGULAR SESSION

BILL NO. 328(LS)

INTRODUCED BY:

H.D. Dierking
H.D. DIERKING
D. PARKINSON

Don R

AN ACT TO REPEAL AND REEACT SECTION 16433 OF
THE GOVERNMENT CODE OF GUAM RELATIVE TO THE
EXEMPTION OF PRIOR LICENSES WITH REGARDS TO
THE PROFESSION OF COSMETOLOGY.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

1 Section 1. Section 16433 of the Government Code of Guam is repeal-
2 ed and reenacted to read:

3 "Section 16433. Exemption for prior licenses. Persons engag-
4 ed in activities requiring licensing under the provisions of this
5 Chapter that were so engaged in Guam, and bonafide individual Guam
6 income tax payers for two (2) years prior to the official date of
7 adoption of licensing rules and regulations promulgated in accord-
8 ance with the provisions of this chapter, shall be exempted from
9 the examination and educational requirements hereof."

10 Section 2. A new 16434 is added to the Government Code of Guam, to
11 read:

12 Section 16434. Apprenticeship allowed if no cosmetology
13 schools. At anytime there is no licensed and approved school of
14 cosmetology on Guam, the rules promulgated by the Board shall
15 provide for a two year full time apprenticeship training program

16 for cosmetologists involving on the job training in licensed cos-
17 metology businesses and under the supervision of a licensed cos-
18 metologist who has at least 5 years experience. Any person who
19 enters such an apprenticeship program shall be licensed upon grad-
20 uation from such program and passage of an examination to be given
21 by the board, notwithstanding subsequent establishment of a new
22 school of cosmetology after the beginning of the individual's
23 apprenticeship training program."

24 Section 3. A new Section 16435 is added to the Government Code of
25 Guam to read as follows:

26 "Section 16435. Credit for Experience. The rules and regula-
27 tions promulgated by the board shall provide criteria for waiving
28 the educational and testing requirements of this chapter for per-
29 sons not otherwise grandfathered in under the previous provisions
30 of this chapter who have extensive experience practicing cosmetol-
31 ogy. The rules and regulations shall provide for waiving the educ-
32 ational requirements of this chapter for any person who has four
33 (4) or more years of experience engaged in activities which would
34 require licensing under this chapter if performed in Guam; and for
35 waiving the educational and testing requirements of this chapter
36 for persons with six (6) or more years of experience engaged in
37 activities which would require licensing under this chapter if
38 performed in Guam. Any person so licensed without examination by
39 the board shall be tested in English, and must understand written
40 and spoken English well enough to read and understand labels and
41 instructions on cosmetological and hair care products."