



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JAN 11 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>3:47 P.M.</u>
Date	<u>11 Jan 2001</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 459 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 18 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO LICENSING OF COSMETOLOGY AND COSMETOLOGICAL ESTABLISHMENTS AND BARBERS AND BARBER ESTABLISHMENTS," which I have signed into law as **Public Law No. 25-188**.

This legislation provides an updating of the licensing of cosmetology and cosmetological establishments, however, the Guam Board of Cosmetology feels that further amendments need to be made. The listing of the recommendations for changes recommended by the Guam Board of Cosmetology are as follows:

1. Delete §18102(b)(3) – The Guam Board of Cosmetology (GBOC) currently has four (4) members, comprised of a licensed cosmetologist, a licensed cosmetologist/instructor and two (2) public members. With the passage of Bill No. 459, the GBOC would lose both of its licensed cosmetological members who have contributed significantly to the Board. The licensed cosmetologist/instructor member presently is the only National-Interstate Council of State Boards of Cosmetology, Inc. (NIC) National Certified Examiner on island.
2. Delete §18102(c)(2).
3. Revise §18108 to read:

"There is hereby created, separate and apart . . . All proceeds from fees and fines collected pursuant to this Subchapter shall be deposited to the fund and it shall be expended solely in support of the functions of the Board of Cosmetology, Health Professional Licensing Office of the Department of Public Health and Social Services . . ."

0045

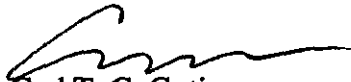
4. Revise §18122(a) to read:

“All licenses issued by the Board shall expire December 31 next following the date of issuance and renewed every Two (2) years by submission of appropriate application and payment of fees approved by the Board.”

5. Revise §18126(b) – Annual multiple location licensing fee of Twenty Dollars (\$20.00) per location be amended to Fifty Dollars (\$50.00) per location.

6. Incorporate the proposed fee schedule and other comments and recommendations submitted to the Committee on Health , Human Services and Chamorro Heritage, of I Mina'Bente Singko na Liheslaturan Guåhan, the 26th Guam Legislature, by the GBOC pertaining to Bill No. 459.

Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco
Speaker

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 459 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 18 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO LICENSING OF COSMETOLOGY AND COSMETOLOGICAL ESTABLISHMENTS AND BARBERS AND BARBER ESTABLISHMENTS," was on the 20th day of December 2000, duly and regularly passed.



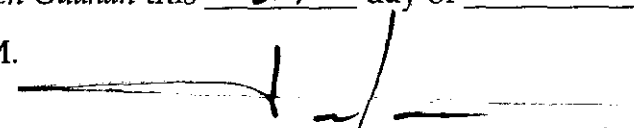
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 27 day of Dec, 2000,
at 6:16 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 1-11-01

Public Law No. 25-188

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 459 (COR)

As substituted by the Committee
on Health, Human Services and
Chamorro Heritage and amended.

Introduced by:

S. A. Sanchez, II
L. F. Kasperbauer
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
A. R. Unpingco

**AN ACT TO REPEAL AND REENACT CHAPTER 18 OF
TITLE 10 OF THE GUAM CODE ANNOTATED,
RELATIVE TO LICENSING OF COSMETOLOGY
AND COSMETOLOGICAL ESTABLISHMENTS AND
BARBERS AND BARBER ESTABLISHMENTS.**

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

2 **Section 1. Short Title.** This Article shall be known as the

3 *“Barbering and Cosmetology Act of 2000.”*

1 location using the same business name at such locations, wherein
2 cosmetology, or any branch of cosmetology is practiced.

3 (f) '*Cosmetologist*' means any person who engages in the
4 practice of cosmetology in a licensed cosmetological establishment.

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

7 (h) '*Esthetician*' means a person licensed under this Chapter to
8 engage in the practice of any of the following specialized practices as
9 generally recognized in the field of cosmetology: skin care, make-up
10 artistry, facials and body waxing.

11 (i) '*Healing Art*' means the art of detecting or attempting to
12 detect the presence of any disease; of determining or attempting to
13 determine the nature and state of any disease, *if* present; or preventing,
14 relieving, correcting or curing of or attempting to prevent, relieve,
15 correct or cure any disease. The healing arts include, but are *not* limited
16 to, optometry, nursing, chiropractic, dentistry, medicine and surgery,
17 physician assistants, podiatry, psychology, osteopathic, pharmacy,
18 physical therapy, acupuncture and speech language pathology and
19 audiology and veterinary medicine.

20 (j) '*Instructor*' means any person who is licensed to teach in a
21 licensed school of cosmetology, skin care (esthetics), electrology, nail
22 care or any combination thereof.

23 (k) '*Manicurist*' or '*Nail Technician*' means any person who cuts,
24 trims, polishes, colors, cleanses or manicures the nails of any person.

1 (1) 'Reciprocity' means any person who has been licensed to
2 practice cosmetic art, or has been licensed to instruct cosmetic arts in
3 another State or territory of the United States, either as an apprentice,
4 registered cosmetologist or licensed cosmetology instructor, by the
5 examining board of such State or territory, shall be admitted to practice
6 on Guam. Said person must be in good standing with the previous
7 issuing licensing Board in which a current license is obtained. Said
8 person is to have held appropriate license(s) for a period of *no less than*
9 two (2) years.

10 (m) 'School' means an establishment approved by the Board of
11 Barbering and Cosmetology operated for the purpose of teaching,
12 cosmetology, skin care (esthetics), electrology and nail care, or any
13 combination thereof.

14 **Section 18102 Barbering and Cosmetology Board;**
15 **Appointment; Qualifications; Terms.**

16 (a) **Appointment.** There shall be a Board of Cosmetology
17 consisting of five (5) members, who shall be appointed by *I Maga'laha*
18 *Guåhan*.

19 (b) **Qualifications of Members.** Members of the Board shall: (1)
20 be a citizen of the United States of America or a permanent resident of
21 Guam for *at least* one (1) year immediately preceding the appointment;
22 (2) resident of Guam as defined in Title III of the Government Code of
23 Guam; (3) *Not* be connected directly or indirectly, in the wholesale
24 business of the manufacture, rental, sale or distribution of barber,

1 cosmetology or electrolysis appliances of supplies; (4) *at least* two (2)
2 members shall be a currently licensed cosmetologist in good standing,
3 and shall be currently engaged in, and have *at least* five (5) years
4 practical experience; (5) *at least* two (2) members shall be in the specialty
5 as identified in this Chapter; (6) one (1) member shall *not* be, nor ever
6 have been licensed by the Board of Cosmetology; *and* (7) no member of
7 the Board shall be affiliated with any school teaching cosmetology, skin
8 care (esthetics), electrology or nail care (manicurist).

9 **(c) Terms and Vacancies.**

10 (1) Members of the Board shall be appointed for the term
11 of four (4) years. The term of the first members appointed
12 hereunder shall expire as follows: two (2) members shall be
13 designated to serve for a term of three (3) years; two (2) members
14 shall be designated to serve for a term of two (2) years, and one (1)
15 member shall be designated to serve for one (1) year.

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

18 (3) Any Board member, who misses three (3) consecutive
19 meetings in a row, shall be considered to have vacated their
20 position and may be replaced by *I Maga'lahaen Guåhan*. Members
21 off-Guam or ill shall be considered excused.

22 (4) Vacancies for any cause shall be filled by *I Maga'lahaen*
23 *Guåhan* for the unexpired term.

1 **Section 18103. Officers of the Board.** The Board of Barbering
2 and Cosmetology shall elect a chairperson, vice-chairperson and
3 secretary during the first official Board meeting beginning each calendar
4 year. The vice-chairperson shall assume the functions and duties of the
5 chairperson in the event the chairperson is unable to perform those
6 functions and duties.

7 **Section 18104. Meetings.** The Board of Barbering and
8 Cosmetology shall hold meetings *at least six (6) times a year* and at such
9 times, as it deems necessary. All meetings shall be open to the public,
10 *except* that the Board may hold executive sessions to prepare, approve,
11 grade or administer examinations; to conduct investigations and other
12 license conditions. A majority of the Board shall constitute a quorum
13 and the concurrence of a majority of the members present shall be
14 necessary to make any action on the Board valid.

15 **Section 1805. Powers.**

16 (a) The Board shall have the powers necessary to carry
17 out and perform the purposes and provisions of this Article,
18 including the following, in addition to other powers and duties
19 granted in this Article, and may:

20 (1) adopt rules and regulations necessary to
21 implement this Chapter;

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

24 (3) deny a license to unqualified applicants;

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

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

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

11 (7) employ any person(s) for the purpose to
12 investigate any violation or suspected violation of this Act;

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

16 (9) issues cease and desist letters, and letters of
17 warning for infractions of this Chapter;

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

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

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

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

3 (14) establish by rule the procedures for
4 reexamination;

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

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

12 (i) barber;

13 (ii) cosmetologist instructor;

14 (iii) cosmetologist;

15 (iv) electrologist;

16 (v) esthetician; *and*

17 (vi) manicurist.

18 **Section 18106. Examination.** The Board shall administer the
19 national examination that consists of a written and a practical
20 component. Announcement of examinations must be made thirty (30)
21 days *prior to* date of examination through letters, print and the electronic
22 media. Examination shall be administered twice a year. The passing
23 score in the examination shall be as recommended by the national
24 examination, and approved by the Board.

1 This record shall also contain any facts as the applicants may have
2 stated in their application for examination for licensure.

3 **Section 18110. Practices Included in This Chapter.**

4 (a) The practice of cosmetology includes all and any
5 combination of the following:

6 (1) arranging, dressing, curling, waving,
7 machineless permanent waving, permanent waving,
8 cleansing, cutting, shampooing, relaxing, singeing,
9 bleaching, tinting, coloring, straightening, dyeing, brushing,
10 applying hair tonics, beautifying or otherwise treatment by
11 any means of the hair of any persons;

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

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

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

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

1 (6) massaging, cleansing, treating or beautifying the
2 hands or feet of any person;

3 (b) Within the practice of cosmetology, there exist the
4 specialty branches of skin care and nail care.

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

6 (i) giving facials, applying makeup, giving
7 skin care, removing superfluous hair from the body of
8 any person by the use of depilatories, tweezers or
9 waxing, or applying eyelashes to any person;

10 (ii) beautifying the face, neck or arms by use of
11 cosmetic preparations, antiseptics, tonics, lotions or
12 creams; *or*

13 (iii) massaging, cleaning or stimulating the
14 face, neck or arms by means of the hands, devices,
15 apparatus or appliances with the use of cosmetic
16 preparations, antiseptics, tonics, lotions or creams.

17 (2) '*Nail care*' is the practice of cutting, trimming,
18 polishing, coloring, tinting, cleansing or manicuring the
19 nails of any person, or massaging, cleansing, or beautifying
20 the hands or feet of any persons.

21 (3) '*Electrolysis*' is the practice of removing hair
22 from, or destroying hair on, the human body by use of an
23 electric needle only. '*Electrolysis*' as used in this Chapter
24 includes electrolysis or thermolysis.

1 (4) 'Barbering' is the practice of all or any
2 combination of the following practices:

3 (i) shaving or trimming the beard, or cutting
4 the hair;

5 (ii) giving facial and scalp massages or
6 treatments with oils, creams, lotions or other
7 preparations either by hand or mechanical appliances;

8 (iii) singeing, shampooing, arranging, dressing,
9 curling, waving, chemical waving, hair relaxing or
10 dyeing the hair or applying hair tonics;

11 (iv) applying cosmetic preparations,
12 antiseptics, powders, oils, clays or lotions to the scalp,
13 face or neck; *and*

14 (v) hairs styling of all textures of hair by
15 standard methods which are current at the time of the
16 hair styling.

17 **Section 18111. Practice Outside of Establishment.** This
18 Chapter does *not* prohibit the administration of a currently licensed
19 practitioner of the cosmetic art to practice outside of licensed
20 establishment who holds a current business license.

21 **Section 18112. Persons Exempted.**

22 (a) The following persons are *exempt* from this Act:

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

1 (2) commissioned officers of the Medical Corp of the
2 United States or Public Health Service, and attendants
3 attached to those services when engaged in the actual
4 performance of their official duties;

5 (3) persons engaged in any practice within its scope
6 when done outside of a licensed establishment, without
7 compensation; *and*

8 (4) persons engaged in the administration of hair,
9 skin or nail products for the exclusive purpose of
10 recommending, demonstrating or selling those products
11 without compensation for the barbering or cosmetological
12 services.

13 **Section 18113. Application for Examination and Registration.**

14 (a) Each person, who desires to practice or instruct the art
15 of cosmetology or any branch thereof, shall file with the Board a
16 written application under oath on a form approved by the Board.
17 Each applicant shall be required to provide to the Board in
18 addition to the required completed application:

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

20 (2) educational requirements;

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

24 (4) shall pay the required fees.

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

5 **Section 18114. Eligibility and Qualification for Reciprocity.**

6 An applicant who holds a current and unrestricted license issued by a
7 state or territory of the United States and is in good standing with the
8 previous licensing body may be issued a license to practice the art of
9 cosmetology or barbering; provided, that such applicant meets or
10 exceeds the requirements as established by the Board.

11 **Section 18115. Eligibility and Qualifications for**
12 **Cosmetologist License.**

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

- 18 (1) who is *not less than* eighteen (18) years;
19 (2) who has had any one (1) of the following:
20 (i) completed a certified cosmetology
21 program of *at least* one thousand six hundred (1,600)
22 hours extending over a school year of *not less than* nine
23 (9) months from a school of cosmetology approved by
24 the Board;



1 (ii) practiced cosmetology, as defined in this
2 Chapter, outside of Guam for a period of time
3 equivalent to the study and training of a qualified
4 person who has completed a course in cosmetology
5 from a school curriculum which complied with
6 requirements adopted by the Board; *or*

7 (iii) holds a current unrestricted valid
8 cosmetologist's license issued by a state or territory of
9 the United States in good standing, whose license
10 requirements in the judgement of the Board are equal
11 to or greater than Guam's.

12 **Section 18116. Eligibility and Qualifications for Electrologist**
13 **License.**

14 (a) The Board shall administer examination for license as
15 an electrologist during a Board meeting duly held for the purpose
16 of administering examinations for applicants who have made the
17 proper applications for such license and who have qualified as
18 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 (i) completed a certified electrology program
22 of *at least* five hundred (500) hours extending over a
23 school year of *not less than* four (4) months in
24 electrolysis from a school approved by the Board;

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

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

11 **Section 18117. Eligibility and Qualification for Manicurist**
12 **License.**

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

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

19 (2) who has one (1) of the following:

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

1 (ii) practiced nail care, as defined in this
2 Chapter, outside of this territory for period of the time
3 equivalent to the study and training of a qualified
4 person who has completed a course in nail care from a
5 school curriculum of which complied with
6 requirements adopted by the Board; *or*

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

10 **Section 18118. Eligibility and Qualifications for Barber**
11 **License.**

12 (a) The Board shall administer examination for license as
13 a barber during a Board meeting duly held for the purpose of
14 administering examinations for applicants who have made the
15 proper applications for such license and who have qualified as
16 follows:

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

18 (2) who has one (1) of the following:

19 (i) completed a certified barber program of *at*
20 *least* one thousand six hundred (1,600) hours extending
21 over a school year of *not less than* nine (9) months from
22 a barbering school approved by the Board;

23 (ii) practiced barbering, as defined in this
24 Chapter, outside of Guam for a period of time

1 equivalent to the study and training of a qualified
2 school where the curriculum complies with
3 requirements adopted by the Board; *or*

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

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

11 **Section 18119. Eligibility and Qualifications for Esthetician**
12 **License.**

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

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

19 (2) holds a valid Guam license to practice
20 cosmetology;

21 (3) has done one (1) of the following:

22 (i) completed a certified esthetician program
23 of *at least* six hundred (600) hours extending over a

1 school year of *not less than* four (4) months from a
2 school of cosmetology approved by the Board; *or*

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

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

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

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

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

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

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

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

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

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

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

14 **Section 18121. Eligibility and Qualifications for an**
15 **Apprentice.**

16 (a) The Board may issue a certificate as an apprentice in
17 barbering or cosmetology to any person who has made
18 application to the Board, has paid the appropriate fee required by
19 this Chapter and who is qualified as follows:

- 20 (1) who is over sixteen (16) years of age;
- 21 (2) is of good moral character;
- 22 (3) has completed the 10th grade in the Guam public
23 schools or its equivalent;

1 (4) has submitted evidence acceptable to the Board
2 that any training the apprentice is required by law to obtain
3 shall be conducted in a licensed cosmetological
4 establishment and under the supervision of a licensee
5 approved by the Board; *and*

6 (5) has completed technical instruction, a minimum
7 of one thousand three hundred (1,300) hours in barbering; or
8 one thousand three hundred (1300) hours in cosmetology,
9 and minimum number of practical operations for each
10 subject as specified in Board regulations for courses taught
11 in schools approved by the Board.

12 (b) Every apprentice shall secure a license as a
13 cosmetologist within one (1) year after receiving a license as an
14 apprentice.

15 (c) All persons making application as an apprentice in
16 barbering, cosmetology, skin care, nail care or electrology shall
17 also complete minimum pre-apprentice training for the length of
18 time established by the Board in a facility approved by the Board
19 *prior to serving the general public.*

20 (d) Apprentices may *only* perform services on the general
21 public for which they have received technical training.

22 (e) An apprentice may do any or all of the acts for which
23 the apprentice is licensed only in the licensed cosmetological
24 establishment and under the supervision and employment of a
25 licensee approved by the Board.

1 **Section 18122. Expiration and Renewal for Licenses.**

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

6 (b) The license of an apprentice shall expire two (2) years
7 from the date the license was issued, or on the date the apprentice
8 is issued a license following the license examination, or *if* the
9 apprentice fails the license examination twice, on the date the
10 results of the second examination are issued, whichever occurs
11 first.

12 (c) No person holding a license as an apprentice shall
13 work more than three (3) months after completing the required
14 training without applying for and taking the examination for
15 licensure.

16 (d) The Board may extend the two (2) year or three-month
17 period described in Subsections (b) and (c) upon a showing of
18 good cause, which shall include, but *not* be limited to, delays in
19 applying for and taking the examination caused by the illness of,
20 or accident to, the apprentice, or service in the armed forces of the
21 United States.

22 **Section 18123. Universal Precautions.**

23 (a) The Board shall promulgate rules and regulations in
24 accordance with the Administrative Adjudication Law within one
25 hundred eighty (180) days upon enactment of this Act to address

1 universal precautions guidelines, which shall include; but *not* be
2 limited to:

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

5 (2) disinfecting requirements and standards of any
6 articles, tools (electrical and non-electrical), implements and
7 equipment in contact with a client;

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

10 (4) proper storage of tools and implements;

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

12 *and*

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

15 **Section 18124. Fees.** The Board shall promulgate rules
16 and regulations to charge for fees for examination, licensure and
17 renewal of licensure and penalties, as appropriate, in accordance with
18 the Administrative Adjudication Law. The Board shall review and
19 amend the rules and regulations for adjustment to fees, *subject to the*
20 *Administrative Adjudication Law.*

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

23 **Section 18125. Cosmetological Establishment: Licensing.**

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

6 (1) comply with standards of sanitation by the
7 Department of Public Health; *and*

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

10 (b) A licensed cosmetologist, who has practiced as such
11 on Guam for *at least* one (1) year shall at all times be in charge of
12 the establishment, and that it is adequately equipped for the
13 practice in which it engages and pay an annual Twenty Dollar
14 (\$20.00) single location licensing fee;

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

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

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

1 (d) In the case of an establishment limited to practice of
2 specialty salon, as defined in this Chapter, a licensee of the Board,
3 which may include, but *not* be limited to electrologist, manicurist,
4 barber or esthetician, who has practiced as such on Guam for *at*
5 *least* one (1) year shall at all times be in charge of the
6 establishment, and that it is adequately equipped for the practice
7 in which it engages, *and* pay an annual Twenty Dollar (\$20.00)
8 specialty salon licensing fee.

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

18 (f) Every establishment shall provide *at least* one (1)
19 public toilet room located on or near the premises for its patrons.
20 The entrance of the room shall be effectively screened so that no
21 toilet compartment is visible from any workroom. The room shall
22 be kept in a clean condition and in good repair, well lighted and
23 ventilated to the outside air, and effectively screened against
24 insects and free from rodents. The floor shall be of concrete; tile
25 laid in cement, vitrified brick or other nonabsorbent material. All

1 sewer drains shall be connected to an approved disposal system,
2 and shall be properly trapped. No restroom shall be used for
3 storage.

4 (g) Every establishment shall provide adequate and
5 convenient handwashing facilities, including running hot water,
6 soap and approved sanitary towels.

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

16 **Section 18126. Cosmetological Multiple Location Business.**

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

24 (b) A certificate of registration and license for each
25 location of a cosmetological multiple location business shall be

1 secured by filing an application thereof and paying an annual
2 multiple location licensing fee of Twenty Dollars (\$20.00) per
3 location, and showing to the satisfaction of the Board of Barbering
4 and Cosmetology that the establishment meets the standards of
5 sanitation required by the rules and regulations of the Department
6 of Public Health and Social Services. A cosmetological multiple
7 location business must have a licensed cosmetologist at each
8 location while such location is providing cosmetological services.
9 Nothing herein shall prevent a licensed cosmetologist employed at
10 one (1) business who has multiple locations to work at any
11 location owned by the same business.

12 **Section 18127. Prohibition Against Employment of**
13 **Unlicensed Personnel.** It is unlawful for any person, firm or
14 corporations to hire, employ, or allow to be employed, or permit to
15 work, in or about an establishment, any person who performs or
16 practices any occupation regulated under this Chapter and is *not* duly
17 licensed by the Board. Any person(s) violating the provision of this
18 Section shall be guilty of a misdemeanor.

19 **Section 18128. Schools; License.**

20 (a) The Board shall issue a license for a school during a
21 Board meeting duly held for the purpose of issuing licenses for
22 schools for applicants who have made the proper applications for
23 such license and who have qualified as follows:

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

1 (2) public and private post secondary schools
2 accredited by the Western Association of Schools and
3 Colleges, or National Accrediting Commission of
4 Cosmetology, Arts and Sciences;

5 The school license shall be renewed annually after inspection.

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

9 (1) sufficient number of licensed instructors and
10 requires courses of instruction in cosmetology of *not less than*
11 one thousand six hundred (1,600) hours extending over a
12 period of *not less than* nine (9) months, and maintains such
13 courses in both practical and technical instruction, including
14 instruction in sanitary sterilization and the use of antiseptics
15 necessary to meet the requirements for examination for
16 certificate, registration and license as a cosmetologist; *and*

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

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

22 (1) sufficient number of licensed instructors and
23 requires courses of instruction in electrology of *not less than*
24 five hundred (500) hours extending over a period of *not less*

1 *than* four (4) months and maintains such courses in both
2 practical and technical instruction, including instruction in
3 sanitary sterilization and the use of antiseptics, necessary to
4 meet the requirements for examination for certificate,
5 registration and license as an electrologist. Any school of
6 cosmetology providing a course of electrology shall meet the
7 requirements of this Subsection; *and*

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

10 **Section 18129. Revocation and Suspension.** The Board
11 may revoke, suspend or deny at any time any license required by this
12 Chapter on any of the grounds for disciplinary action provided in this
13 Section. The grounds for disciplinary action are as follows:

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

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

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

23 (d) gross negligence, including failure to comply with
24 generally accepted standards for the practice of barbering,

1 cosmetology, manicurist or electrology, or disregard for the health
2 and safety of patrons;

3 (e) repeated similar negligent acts;

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

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

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

11 (i) advertising by means of knowingly false or deceptive
12 statements;

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

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

18 (l) engaging, outside of a licensed establishment and for
19 compensation in any form whatsoever, in any practice for which a
20 license is required for under this Chapter, *except* that when such
21 service is provided because of illness or other physical or mental
22 incapacitation of the recipient of the service, and when performed
23 by a licensee obtained for the purpose from a license
24 establishment;

1 (m) conviction of any crime substantially related to the
2 qualifications, functions or duties of the license holder, in which
3 case the record of conviction or a certified copy, shall be
4 conclusive evidence thereof;

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

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

10 (p) refusal to permit, or interference with an inspection
11 authorized under this Chapter; *or*

12 (q) any action or conduct which would have warranted
13 the denial of a license.

14 **Section 18130. Licenses.** (a) The license shall prominently
15 state that the holder is licensed as a barber, cosmetologist,
16 esthetician, manicurist, electrologist, or cosmetology instructor,
17 and shall contain a photograph of the licensee. The Board shall
18 establish the method(s) as it deems appropriate for utilizing a
19 photograph of the licensee to verify licensure status.

20 (b) Every licensee shall display the license in a
21 conspicuous place in the licensee's place of business or place of
22 employment.

23 (c) A duplicate license shall be issued upon the filing of a
24 statement explaining the loss, verified by the oath of the applicant
25 and accompanied by the fee required by this Chapter.

1 **Section 18134. Good Faith Immunity.** No member of the
2 Board of Cosmetology shall be liable in any civil action for damages for
3 any act or omission in good faith in performing the functions of that
4 person's office.

5 **Section 18135. Effective Date.** All provisions of this Act shall
6 become effective upon enactment of this Act.

7 **Section 18136. Severability.** *If* any provision of this Law or
8 its application to any person or circumstance is found to be invalid or
9 contrary to law, such invalidity shall *not* affect other provisions or
10 applications of this Law which can be given effect without the invalid
11 provisions or application, and to this end the provisions of this Law are
12 severable."

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 12/20/00

VOTING SHEET

S Bill No. 459 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.					✓
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL 14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

I MIMA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumiten Salut, Setbision Tinaotao yan Irensian Chamoru
Committee on Health, Human Services and Chamorro Heritage
Sinadot Simon A. Sanchez II, Ge'Hilo'

November 14, 2000

Speaker Antonio R. Unpingco
I Mina' Bente Singko Na Liheslaturan Guahan
155 Hesler Street
Hagåtña, GU 96910

Håfa Adai! Mr. Speaker:

I Kumiten Salut, Setbision Tinaotao yan Irensian Chamoru have completed its evaluation of Substitute Bill No. 459 (COR) and hereby issue the enclosed Committee Report.

A public hearing was held on the measure on August 2, 2000.

Committee Members voted as follows:

To pass	<input checked="" type="checkbox"/> <i>SAS</i>
Not to pass	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Inactive File	<input type="checkbox"/>

Consequently, the Committee submits its recommendation to 'DO PASS' Substitute Bill No. 459 (COR).

Your kind attention to this matter is immensely appreciated.

Senseramente,,


SIMON A. SANCHEZ, II



FILE

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

December 13, 2000

(DATE)

Memorandum

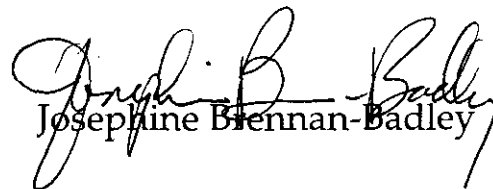
To: Senator Simon A. Sanchez, II

From: Clerk of the Legislature

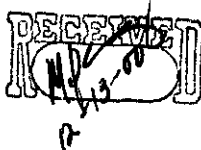
Subject: Report on Bill No. 459(COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 459(COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment



I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumiten Salut, Setbision Tinaotao yan Irensian Chamoru
Committee on Health, Human Services and Chamorro Heritage
Sinadot Simon A. Sanchez II, Ge'Hilo'

November 14, 2000

Speaker Antonio R. Unpingco
I Mina' Bente Singko Na Liheslaturan Guahan
155 Hesler Street
Hagåtña, GU 96910

Hâfa Adai! Mr. Speaker:

I Kumiten Salut, Setbision Tinaotao yan Irensian Chamoru have completed its evaluation of Substitute Bill No. 459 (COR) and hereby issue the enclosed Committee Report.

A public hearing was held on the measure on August 2, 2000.

Committee Members voted as follows:

To pass	<input checked="" type="checkbox"/> <i>SAS</i>
Not to pass	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Inactive File	<input type="checkbox"/>

Consequently, the Committee submits its recommendation to "DO PASS" Substitute Bill No. 459 (COR).

Your kind attention to this matter is immensely appreciated.

Senseramente,,

Simon A. Sanchez II
SIMON A. SANCHEZ, II

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

Kumiten Salut, Setbision Tinaotao yan Irensian Chamoru
Committee on Health, Human Services and Chamorro Heritage
Sinadot Simon A. Sanchez II, Ge'Hilo'

October 24, 2000

MEMORANDUM

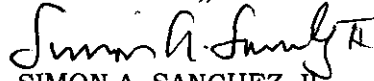
TO : **Committee Members**

From : **Chairperson**

Subject: **Committee Report for Bill No. 459** – “An Act to repeal and reenact Chapter 18, of Title 10 of the Guam Code Annotated, Licensing of the Profession of Cosmetology and Cosmetological Establishments and Barber and Barber Establishments.”

Attached is the Committee Report for Bill 459 for your review and consideration. Please call me regarding clarification or additional information, otherwise, please mark and sign the accompanying Voting Sheet.

Senseramente,,


SIMON A. SANCHEZ, II

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Committee on Health, Human Services and Chamorro Heritage
Kumiten Salut, Setbision Tinaotao yan Irensian Chamoru
Sinadot Simon A. Sanchez II, Ge'Hilo'

Bill No. 459 – An act to repeal and reenact Chapter 18 of Title 10 of the Guam Code Annotated, Licensing of the Profession of Cosmetology and Cosmetological Establishments and Barber and Barber Establishments.

To place in	To Pass	Not to Pass	Abstain	Inactive File
<u>SASA</u> Senator Simon A. Sanchez II Chairperson	✓			
_____ Senator Joanne M.S. Brown Vice Chairperson	✓			
<u>Frank B. Aguon, Jr.</u> Senator Frank B. Aguon, Jr. Member				
_____ Senator Eulogio C. Bermudes Member				
_____ Senator Anthony C. Blaz Member				
<u>Eduardo B. Calvo</u> Senator Eduardo B. Calvo Member	✓			
<u>Marcel G. Camacho</u> Senator Marcel G. Camacho Member	✓			
<u>Mark Forbes</u> Senator Mark Forbes Member	✓			
_____ Senator Lawrence F. Kasperbauer Member				
<u>Alberto C. Lamorena V</u> Senator Alberto C. Lamorena V Member				
<u>Carlotta Leon Guerrero</u> Senator Carlotta Leon Guerrero Member	✓			
<u>Kaleo S. Moylan</u> Senator Kaleo S. Moylan Member	✓			
_____ Senator Vicente C. Pangelinan Member				

*I Mina' Bente Singko Na Liheslaturan Guahån
Kumiten Salut, Setbishion Tinaotao Yan Irensian Chamoru*

**Committee Report
Bill No. 459**

“An Act to Repeal and Reenact Chapter 18 of Title 10,
Guam Code Annotated, Licensing of the
Profession of Cosmetology and Cosmetological
Establishments and Barber and Barber Establishments.”

Simon A. Sanchez II, Chairperson
Joanne M.S. Brown, Vice Chairperson

Members

Frank B. Aguon, Jr.
Eulogio C. Bermudes
Marcel G. Camacho
Lawrence F. Kasperbauer
Carlotta A. Leon Guerrero
Vicente C. Pangelinan
Antonio R. Unpingco, ex-officio

Anthony C. Blaz
Eduardo B. Calvo
Mark Forbes
Alberto C. Lamorena V
Kaleo S. Moylan

I Mina' Bente Singko Na Liheslaturan Guåhan
Committee of Health, Human Services and Chamorro Heritage
Kumiten Salut, Setbision Tinaotao Yan Ireñsian Chamoru
Sinadot Simon A. Sanchez, II

I. OVERVIEW

Bill 459, authored by Senator Simon A. Sanchez, II seeks to repeal and re-enact Chapter 18, Title 10 of the Guam Code Annotated relative to Licensing of Cosmetology, Hairdressing and Beauty Shops. This Act was promulgated in PL 11-120 and last updated in 1996 and did not establish regulations for barbers or barber establishments. Bill 459 will allow consumer protection of barbering, cosmetology, electrology, esthetics (skin care), manicuring (nail care) services and the salons in which these services are performed by establishing minimum qualifications and levels of competency.

The Committee on Rules, Government Reform, Reorganization and Federal Affairs referred Bill 459 to this committee on Monday, August 14, 2000, for disposition. Public Hearing held on Wednesday, August 2, 2000, 3:00 p.m. Legislative Hearing Room, *Hagåtña*, Guam. Public notice announced in the Pacific Daily News on July 28, 2000.

Senators present:

Senator Simon A. Sanchez, II – Chairman
Senator Joanne M. S. Brown, Vice Chairperson
Acting Speaker Lawrence F. Kasperbauer, Member
Senator ben pangelinan, Member

Appearing before the Committee:

Mr. Ron Abshire, Guam Community College Associate Professor, Cosmetology
Department Chairman
Ms. Selita Limtiaco, Proprietor, Hair Galleria
Ms. Marcy S. Tiong, Cosmetologist, Reflections
Mr. Daniel Basto-Garwell, Cosmetologist, Mandara Spa
Mr. Greg Hainline, Managing Director-Micronesia, Mandara Spa
Ms. Jane Diego, DPHSS Commission on Licensure

Written testimony provided:

Mr. H. delos Santos, Ed. D., President, Guam Community College
Mr. Ron Abshire, Associate Professor, Guam Community College Cosmetology
Department Chair
Ms. Selita Limtiaco, Proprietor, Hair Galleria

II. TESTIMONY SUMMARY

Ms. Limtiaco's comments on the provisions of Bill 459 include:

- ❖ the existing Cosmetology Act discourages employment and competition; is a hindrance for the government to obtain revenues
- ❖ recommended allowing for a ratio of three (3) junior operators (as referred to in current Act) to one (1) licensed cosmetologist
- ❖ recommended a licensed cosmetologist, who has three (3) junior operators under her guidance, must have a minimum of five (5) years experience in a licensed establishment
- ❖ specific conditions must be met pertaining to restricted period for training, passing examinations prior continuance of practice.

- ❖ recommended written and practical examinations be given on same day and test results must be available with a 30-day period
- ❖ recommended administration of examination is done by a certified testing facility (i.e. Sylvan Learning Center, etc.)
- ❖ noted that many “beauty operations are circumnavigating the existing Cosmetology Act by operating as a “barber” and practicing cosmetology

Mr. Abshire’s comments in his written testimony make reference and recommended revisions to:

- ❖ appointments, qualifications, terms and vacancies, and powers of Board members
- ❖ application for examination; eligibility and qualifications for Cosmetologist, Electrologist, Manicurist, Barber and Esthetician licenses. (see testimony)
- ❖ stressed the importance of formal education in view of the profession dealing with blood borne pathogens
- ❖ strongly recommended an apprenticeship program as contained in the Guam Community College On-The-Job Training and Cooperative Education Programs

Mr. delos Santos’ written testimony supports the repeal of the present Junior Operator’s License in the current Act; supports for a strong educational background for persons engaged in the cosmetology field; supports improved education and training for persons seeking licensing in the barbering, electrology, manicuring and cosmetology professions.

Ms. Tiong echoed Ms. Limtiaco’s recommendation on the ration of three (3) junior operators to one (1) licensed cosmetologist and noted:

- ❖ current Board does not administer examinations twice a year as required by current law
- ❖ recommended a more definite job description of a junior operator or changing term to apprentice
- ❖ requested allowing for reciprocity of licenses for off-island licensed cosmetologists who relocate to Guam

Mr. Basto-Garwell strongly recommended:

- ❖ designation of the Guam Community College as a School of Cosmetology
- ❖ creation of an advisory council
- ❖ creation a mentoring program at the Guam Community College
- ❖ raising the standards for the field of cosmetology
- ❖ protection of the public relative to the spread of diseases
- ❖ reciprocity will allow recognition of local cosmetologists who relocate off-island

Mr. Hainline recommended:

- ❖ redefining the designation of a junior operator to an apprentice concurrent with academic enrollment and training requirements
- ❖ changing “massage of the upper body” to “therapeutic massage in the area above the clavicle”

Ms. Diego advised examinations is proctored by a licensed instructor certified by the National Interstate Council (NIC), booklets for testing obtained from NIC and junior operators

Senator pangelinan encouraged providing an opportunity for current junior operators to secure necessary education and training to secure proper licensing.

IV. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee on Health, Human Services and Chamorro Heritage finds that Bill 467, as amended:

1. ensures the best practices in the professions for the safety and welfare of the public
2. possibility of outsourcing examinations will be explored by the Commission on Licensure
3. exploration by Commission on Licensure to conduct electronic examinations
4. inclusion of a provision for establishment of an apprenticeship program
5. designation of a School of Cosmetology
6. ensures the relevance of a practicum and its applicability to the National Interstate Council examinations
7. establishment of a Health Professional Licensing Office Barbering and Cosmetology Board Revolving Fund

The Committee on Health, Human Services and Chamorro Heritage, to which Bill 459 was referred does hereby submit its findings and recommendations to *I Mina' Bente Singko Na Liheslaturan Guåhan* **TO DO PASS Bill 459, as amended**, "An act to repeal and reenact Article 10 of Chapter 18, of Title 10 of the Guam Code Annotated, relative to licensing of the profession of cosmetology and cosmetological establishments and barber and barber establishments."

Introduced

JUL 11 2000

**MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session**

Bill No. 459 (COR)

Introduced by:

S. A. SANCHEZ, II



**AN ACT TO REPEAL AND REENACT 10 GCA
CHAPTER 18, LICENSING OF THE PROFESSION OF
COSMETOLOGY AND COSMETOLOGICAL
ESTABLISHMENTS AND BARBER AND BARBER
ESTABLISHMENTS.**

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

2 **Section 1.** 10 GCA, Chapter 18 is hereby repealed and reenacted as
3 follows:

4 **Chapter 18.**

5 **Article 1.**

6 **§18101. Definitions.** As used in this Chapter:

7 (a) "Apprentice" means any person who is engaged in learning
8 or acquiring knowledge of the occupation of a cosmetologist, manicurist,
9 esthetician, or electrologist in a licensed cosmetological establishment under
10 the supervision of the licensed appropriate specialists.

11 (b) "Board" means the Board of Cosmetology.

1 (c) *“Cosmetologist”* means any person who engages in the
2 practice of cosmetology in a licensed cosmetological establishment. [~~one~~
3 ~~skilled in the practice of cosmetology.~~]

4 (d) *“Electrologist”* means any person who removes superfluous
5 hair from the body of any person by the use of an electric needle. [~~one who~~
6 ~~removes hair and varied imperfection of means of electric current appliance to~~
7 ~~the body with a needle shaped electrode.~~]

8 (e) *“Manicurist”* means any person who cuts, trims, polishes,
9 colors, cleanses, or manicures the nails of any person. [~~one who professionally~~
10 ~~attends to the care of hands and nails.~~]

11 (f) *“Instructor”* means any person who is licensed to teach in a
12 licensed school of cosmetology, esthetics, electrolysis, manicurist or any
13 combination thereof.

14 (g) *“School”* means an establishment approved by the Board of
15 Cosmetology operated for the purpose of teaching, cosmetology, esthetics,
16 electrolysis and manicurist or any combination thereof.

17 (h) *“Barber”* means a person licensed under this Chapter to
18 engage in the practice of barbering.

19 (i) *“Esthetician”* means a person licensed under this Chapter to
20 engage in the practice of esthetics.

21 (j) *“Cosmetological Establishment”* means any premise or
22 building or part of a building wherein cosmetology or any branch of
23 cosmetology is practiced. [~~except the branch of manicuring as practiced in~~
24 ~~barbershops.~~]

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

9 **§18102. Cosmetology Board; appointment, qualifications; terms.**

10 (a) **Appointment.** There shall be a Board of Cosmetology consisting
11 of five (5) members, who shall be appointed by the Governor.

12 (b) **Qualifications of Members.** A Member of the Board shall: (1) one
13 (1) year immediately preceding the appointment. [~~residents of Guam as~~
14 ~~defined in Title III of the Government Code of Guam;~~ (2) ~~Not be connected~~
15 ~~directly or indirectly, in the wholesale business of the manufacture, rental,~~
16 ~~sale or distribution of barber, cosmetology or electrolysis appliances of~~
17 ~~supplies;]~~ At least two (2) members shall be a currently licensed cosmetologist
18 in good standing, and shall be currently engaged in, and have at least five (5)
19 years practical experience; (3) At least two (2) members shall be in the
20 specialist as identified in this Chapter; [~~(3) A member representing the~~
21 ~~professions shall be licensed by the Board and shall be currently, engaged in,~~
22 ~~and have at least five (5) years' practical experience in, the specified licensed~~
23 ~~activity;]~~ (4) One member shall not be nor ever have been licensed by the

1 Board of Cosmetology; (5) No member of the Board shall be affiliated with
2 any school teaching cosmetology, esthetician, electrolysis or manicurist.

3 (c) **Terms and Vacancies.** Members of the Board shall be appointed for
4 the term of four (4) years. The term of the first members appointed hereunder
5 shall expire as follows: Two (2) members shall be designated to serve for a
6 term of three (3) years; two (2) members shall be designated to serve for a
7 term of two (2) years and one (1) member shall be designated to serve for one
8 (1) year. Vacancies for any cause shall be filled by the Governor for the
9 unexpired term.

10 **§18103. Officers of the Board.** The Board of Cosmetology shall elect
11 a chairperson, vice-chairperson and secretary during the first official Board
12 meeting beginning each calendar year. The vice-chairperson shall assume the
13 functions and duties of the chairperson in the event the chairperson is unable
14 to perform those functions and duties.

15 **§18104. Meetings.** The Board of cosmetology shall hold meetings at
16 least four (4) times a year and at such times, as it deems necessary. All
17 meetings shall be open to the public, except that the Board may hold
18 executive sessions to prepare, approve, grade or administer examinations; to
19 conduct investigations and other license conditions. A majority of the Board
20 shall constitute a quorum and the concurrence of a majority of the members
21 present shall be necessary to make any action on the Board valid.

22 **§1805. Powers.** (a) The Board shall have the powers necessary
23 to carry out and perform the purposes and provisions of this Article including

1 the following, in addition to other powers and duties granted in this Article
2 and may:

3 (1) Adopt rules and regulations necessary to implement this
4 Chapter;

5 (2) Issue licenses and renew licenses of duly qualified
6 applicants;

7 (3) Deny a license to unqualified applicants;

8 (4) Establish fees for issuance of licenses, examinations,
9 inspections and others as necessary through the Administrative
10 Adjudication Law process.

11 (5) adopt and use a common seal for the authentication of its
12 records ~~have a seal~~ and modify it;

13 (6) investigate alleged violations of this chapter and consumer
14 complaints involving the practice of cosmetology, barbering,
15 esthetics, or manicuring, schools offering training in these areas,
16 and salons/shops and booth renters offering these services.

17 (7) employ any person or persons for the purpose to investigate
18 any violation or suspected violation of this Act;

19 (8) issue subpoenas, statements of charges, statements of intent,
20 final orders, stipulated agreements, and any other legal remedies
21 necessary to enforce this chapter;

22 (9) issues cease and desist letters and letters of warning for
23 infractions of this chapter;

1 (10) conduct all disciplinary proceedings, impose sanctions, and
2 assess fines for violations of this chapter or any rules adopted
3 under it;

4 (11) prepare and administer or approve the preparation and
5 administration of licensing examinations;

6 (12) establish minimum safety and sanitation standards for
7 schools, cosmetologists, barbers, manicurists, estheticians, and
8 salons/shops;

9 (13) establish requirements for the training of students, schools
10 and establishments;

11 (14) establish by rule the procedures for reexamination;

12 (15) accept in payment of any fee required by this Act, cash or
13 any customary or generally accepted equivalent medium of
14 exchange including check, cashier's check, certified check or
15 money order; provided that no fee shall be deemed paid unless
16 cash has been received or the other medium of exchange
17 converted to cash;

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

- 19 i. Barber;
- 20 ii. Cosmetologist Instructor;
- 21 iii. Cosmetologist;
- 22 iv. Electrologist;
- 23 v. Esthetician;
- 24 vi. Manicurist;

1 **§18106. Examination.** The Board shall administer the National
2 examination that may consist of a written and a practical component.
3 Announcement of examinations must be made thirty (30) days prior to date of
4 examination through letters, print and the electronic media. Examination shall
5 be administered twice a year. The passing score in the examination shall be as
6 recommended by the National examination shall be as recommended by the
7 National examination and approved by the Board. [Public members of the
8 Board may assist in the preparation of review of an examination administered
9 by the Board, but no Board member who participates in the management of
10 ownership of a school or a beauty shop shall assist in the preparation,
11 approval or review of those examinations.]

12 **§18107. Compensation of Board Members.** Members of the
13 Board shall be paid fifty dollars (\$50.00) a-day per meeting, for each day on
14 which services are rendered by them in connection with authorized activities
15 of the Board not to exceed one hundred dollars (\$100.00) per month.

16 **§18108. Revolving Fund.** ~~[The Board]~~ All revenues, including
17 finances, shall be deposited to the Health Professional Licensing Office
18 Cosmetology Board Revolving Fund. This Fund shall receive all interest
19 earned on the deposit of such revenues. Such funds should be continuously
20 appropriated and should be used by the Board for the administration and
21 enforcement of this Chapter as provided in §12229, Article 2, Chapter 12, 10
22 GCA. [shall deposit all payable fees received from the Board under the
23 provisions of this Act as outlined in §12229, Article 2, Chapter 12, 10 GCA.]

1 **§18109. Records.** The Board shall keep a record of its proceedings
2 relating to its public and executive meetings, meetings of committees, and
3 records relating to the issuance, refusal, renewal, suspension and revocation
4 of licenses and any other applicable documents. The Board shall keep a
5 registration of record of such licenses containing the name, address, license
6 number and date issued. This record shall also contain any facts as the
7 applicants may have stated in their application for examination for licensure.

8 **§18110. Practices Included in this Chapter.**

9 (a) The practice of cosmetology includes all and any combination of
10 the following:

11 (1) arranging, dressing, curling, waving, machineless
12 permanent waving, permanent waving, cleansing, cutting, shampooing,
13 relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing,
14 brushing, applying hair tonics, beautifying or otherwise treatment by any
15 means of the hair of any persons;

16 (2) massaging, cleaning, or stimulating the scalp, face, neck,
17 arms or upper part of the human body by means of the hands, devices,
18 apparatus, or appliances with or without the use of cosmetic preparations,
19 antiseptics, tonics, lotions, or creams;

20 (3) beautifying the face, neck, arms or upper part of the human
21 body by use of cosmetic preparations, antiseptics, tonics, lotions or creams;

22 (4) removing superfluous hair from the body of any person by
23 the use of depilatories or by the use of tweezers, chemicals, and preparations

1 or by the use of devices or appliances of any kind or description, except by the
2 use of light waves, commonly known as rays;

3 (5) cutting, trimming, polishing, ~~tinting~~, coloring, cleansing or
4 manicuring the nails of any person;

5 (6) massaging, cleansing, treating or beautifying the hands or
6 feet of any person;

7 (b) Within the practice of cosmetology, there exist the specialty
8 branches of skin care and nail care;

9 (1) [~~i.~~] Skin care is any one of the following:

10 - giving facials, applying makeup, giving skin care,
11 removing superfluous hair from the body of any person by the use
12 of depilatories, tweezers or waxing or applying eyelashes to any
13 person.

14 - beautifying the face, neck or arms, or upper part of the
15 human body, by use of cosmetic preparations, antiseptics, tonics,
16 lotions or creams.

17 - massaging, cleaning or stimulating the face, neck, arms, or
18 upper part of the human body, by means of the hands, devices,
19 apparatus or appliances with the use of cosmetic preparations,
20 antiseptics, tonics, lotions or creams.

21 (2) [~~ii.~~] Nail care is the practice of cutting, trimming, polishing,
22 coloring, tinting, cleansing or manicuring the nails of any person or
23 massaging, cleansing, or beautifying the hands or feet of any persons.

1 (3) Electrolysis is the practice of removing hair from, or
2 destroying hair on, the human body by use of an electric needle only.
3 “Electrolysis” as used in this Chapter includes electrolysis or
4 thermolysis.

5 (4) Barbering is the practice [~~The practice of barbering~~] is all or
6 any combination of the following practices:

7 i. shaving or trimming the beard or cutting the hair;

8 ii. giving facial and scalp massages or treatments with oils,
9 creams, lotions or other preparations either by hand or mechanical
10 appliances;

11 iii. singeing, shampooing, arranging, dressing, curling, waving,
12 chemical waving, hair relaxing or dyeing the hair or applying hair
13 tonics;

14 iv. applying cosmetic preparations, antiseptics, powders, oils,
15 clays or lotions to scalp face or neck;

16 v. styling of all textures of hair by standard methods which are
17 current at the time of the hair styling.

18 **§18111. Practice Outside of Establishment.** This Chapter does
19 not prohibit the administration of a currently licensed practitioner of the
20 cosmetic art to practice outside of licensed establishment who holds a
21 current business license. [~~any practice subject to this chapter outside of a~~
22 ~~licensed establishment, when necessary due to the illness or other~~
23 ~~physical or mental incapacitation of the recipient of the service, and~~

1 ~~when performed by a licensed obtained for the purpose from a licensed~~
2 ~~establishment.]~~

3 **§18112. Persons Exempted.**

4 (a) The following persons are exempt from this Act:

5 (1) all persons authorized by the laws of Guam [~~this~~
6 ~~territory~~] to practice [~~the~~] ~~in~~ Healing Arts.

7 (2) commissioned officers of the Medical Corp of the
8 United States or Public Health Service and attendants attached to
9 those services when engaged in the actual performance of their
10 official duties;

11 (3) persons engaged any practice within its scope when
12 done outside of a licensed establishment, without compensation;

13 (4) persons engaged in the administration of hair, skin, or
14 nail products for the exclusive purpose of recommending,
15 demonstrating, or selling those products without compensation
16 for the cosmetological or barbering services.

17 **§18113. Application for Examination and Registration.**

18 (a) Each person, who desires to practice or instruct the art of
19 cosmetology or any branch thereof, shall file with the Board a written
20 application under oath on a form approved by the Board. Each
21 applicant shall be required to provide to the Board in addition to the
22 required completed application:

23 (1) is not less than 18 years of age. [~~satisfactory proof of~~
24 ~~required age;~~]

- 1 (2) educational requirements;
- 2 (3) proof of good moral character, which may include but not
3 limited to at least three (3) letters of reference and a police clearance;
- 4 (4) shall pay the required fees;
- 5 (5) [~~a completed health certificate from a licensed Guam~~
6 ~~physician.~~] Examinations shall be given twice a year as necessary as
7 designated by the Board. The Board shall establish rules for
8 reexamination to include completion of a refresher program after two
9 (2) unsuccessful examinations.

10 Eligibility and Qualification for Endorsement.

11 An applicant who holds a current and unrestricted license
12 issued by a state or territory of the United States may be issued a
13 license to practice the art of cosmetology or barbering, provided that
14 such applicant meets or exceeds the requirements as established by
15 the Board.

16 §18114. Eligibility and Qualifications for Cosmetologist License.

17 (a) Examination

18 The Board shall administer examinations for a license for cosmetologists
19 during a Board meeting duly held for the purpose of administering
20 examinations to applicants who have made the proper applications for
21 such license and who has qualified as follows:

- 22 (1) who is not less than eighteen (18) years;
- 23 (2) who has had any one of the following:

1 (i) completed a course in practical training of at least
2 sixteen hundred (1600) hours extending over a school year of not less
3 than nine (9) months from a school of cosmetology approved by the
4 Board;

5 (ii) practiced cosmetology, as defined in this Chapter,
6 outside of Guam [~~this territory~~] for a period of time equivalent to
7 the study and training of a qualified person who has completed a
8 course in cosmetology from a school ~~the~~ curriculum of which
9 complied with requirements adopted by the Board.

10 Endorsement. (iii) holds a current unrestricted valid
11 cosmetologist's license issued by a state or territory of the United
12 States, whose license requirements in the judgement of the Board
13 are equal to or greater than Guam's.

14 **§18115. Eligibility and Qualifications for Electrologist License.**

15 (a) The Board shall administer examination for license as, an
16 electrologist 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;

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

21 (i) completed a course in practical training of at least five
22 hundred (500) hours extending over a school year of not less than
23 four (4) months in electrolysis from a school approved by the
24 Board;

1 (ii) practiced electrolysis, as defined in this Chapter for a
2 period of eighteen (18) months outside of this territory within the
3 time equivalent to the study and training of a qualified person
4 who has completed a course in electrolysis from a school the
5 curriculum of which complied with requirements adopted by the
6 Board.

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

10 **§18116. Eligibility and Qualification for Manicurist License.**

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

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

16 (2) who has one of the following:

17 (i) completed a course in practical training of at least
18 three hundred (350) hours extending over a school year of not less
19 than three (3) months in nail care from a school approved by the
20 Board;

21 (ii) practiced nail care, as defined in this Chapter, outside
22 of this territory for period of the time equivalent to the study and
23 training of a qualified person who has completed a course in nail

1 care from a school [~~the~~] curriculum of which complied with
2 requirements adopted by the Board.

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

6 **§18117. Eligibility and Qualifications for Barber License.**

7 (a) The Board shall administer examination for license as a barber
8 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;

12 (2) who has one of the following:

13 (i) completed a course in practical training of least sixteen
14 hundred (1600) hours extending over a school year of not less than
15 nine (9) months from a barbering school approved by the Board;

16 (ii) practiced barbering, as defined in this Chapter, outside
17 of this territory for a period of time equivalent to the study and
18 training of a qualified school where the curriculum complies with
19 requirements adopted by the Board.

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

23 (b) Any person practicing in Guam as a barber prior to
24 enactment of this Act shall be "grandfathered" in and shall be

1 purpose of administering examinations for applicants who have made
2 the proper applications for such license and who have qualified as
3 follows:

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

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

6 (3) has done one of the following:

7 (i) completed a cosmetology or barbering instructor
8 training course in an approved school in the territory or
9 equivalent training in a school outside the territory approved by
10 the Board.

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

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

18 **§18120. Expiration and Renewal for Licenses.** All licenses issued
19 by the Board shall expire [~~December 31~~] on the individuals birth date next
20 following the date of issuance and renewed every two years [~~annually~~] by
21 payment of fees approved by the Board.

22 **§18121. Universal Precautions**

23 (a) The Board shall promulgate rules and regulations in accordance
24 with the Administrative Adjudication Law within one hundred eighty (180)

1 days upon enactment of this Act to address universal precautions guidelines
2 which shall include; but not limited to:

- 3 (1) cleanliness and sanitation of towels and/or linens;
- 4 (2) disinfecting requirements and standards of any articles,
5 tools (electrical and non-electrical), implements and equipment in
6 contact with a client);
- 7 (3) prevention of contamination of any materials and/or
8 solutions in contact with a client;
- 9 (4) proper storage of tools and implements;
- 10 (5) cleanliness of floor surfaces, walls and ceilings;
- 11 (6) general proper hygiene (i.e. properly washing hands, proper
12 use of gloves).

13 **§18122. Fees.** The Board shall promulgate rules and regulations to
14 charge for fees for examination, licensure, and renewal of licensure and
15 penalties, as appropriate, in accordance with the Administrative Adjudication
16 Law. The Board shall review and amend the rules and regulations for
17 adjustment to fees [~~every three (3) years~~] subject to the Administrative
18 Adjudication Law.

19 The Board shall establish a fee schedule for inspection not to exceed the
20 sum of One Hundred Dollars (\$100).

21 **§18123. Cosmetological Establishment: Licensing.**

22 (a) The Board shall issue a license for cosmetological establishment
23 during a Board meeting duly held for the purpose of issuing licenses for

1 cosmetological establishments for applicants who have made the proper
2 applications for such license and who have qualified as follows:

3 (1) comply with standards of sanitation requirements by the
4 Department of Public Health;

5 (2) comply with universal precaution rules and regulations by
6 the Board;

7 (3) a licensed cosmetologist, who has practiced as such in the
8 territory for at least one (1) year shall at all times be in charge of the
9 establishment and that it is adequately equipped for the practice in
10 which it engages.

11 (4) pay required fee as approved by the Board.

12 (b) The Board shall issue a license for a specialty salon establishment
13 during a Board meeting held for the purpose of issuing licenses for specialty
14 salon establishments for applicants who have made the proper applications
15 for such license and who have qualified as follows:

16 (1) comply with standards of sanitation requirements by the
17 Department of Public Health;

18 (2) comply with universal precaution rules and regulations by
19 the Board;

20 (3) in the case of an establishment limited to practice of
21 specialty salon as defined in this Chapter, a licensee of the Board, which
22 may include, but not limited to electrologist, manicurist, barber or
23 esthetician, who has practiced as such in the territory for at least one (1)

1 year shall at all times be in charge of the establishment and that it is
2 adequately equipped for the practice in which it engages.

3 (4) pay required fee as approved by the Board.

4 (c) No person having charge of an establishment, whether as an
5 owner or an employee, shall permit any room or part thereof in which any
6 occupation regulated under this Chapter is conducted or practiced to be used
7 for residential purposes or for any other purpose that would tend to make the
8 room unsanitary, unhealthy, or unsafe, or endanger the health and safety of
9 the consuming public. An establishment shall have a direct entrance separate
10 and distant from any entrance in connection with private quarters. A violation
11 of this section is a misdemeanor.

12 (d) Every establishment shall provide at least one public toilet room
13 located on or near the premises for its patrons. The entrance of the room shall
14 be effectively screened so that no toilet compartment is visible from any
15 workroom. The room shall be kept in a clean condition and in good repair,
16 well lighted and ventilated to the outside air, and effectively screened against
17 insects and free from rodents. The floor shall be of concrete; tile laid in
18 cement, vitrified brick, or other nonabsorbent material. All sewer drains shall
19 be connected to an approved disposal system, and shall be properly trapped.
20 NO restroom shall be used for storage.

21 (e) Every establishment shall provide adequate and convenient hand
22 washing facilities, including running hot water, soap and approved sanitary
23 towels.

1 (f) Within ninety (90) days after issuance of the establishment license,
2 the [~~Board or its agents or assistants~~] Division Environmental Health shall
3 inspect the establishment for compliance with the applicable requirements of
4 this Chapter and the applicable rules and regulations of the Board adopted
5 pursuant to this Chapter. Each establishment shall be inspected at least
6 annually for compliance with applicable laws relating to the public health and
7 safety and the conduct and operation of establishments.

8 **§18124. Prohibition Against Employment of Unlicensed Personnel.**

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

14 **§18125. Schools. License.**

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

19 (i) pay required fee as approved by the Board;

20 The school license shall be renewed annually after inspection.

21 (b) No school of cosmetology shall be granted a certificate of license
22 unless the school provides for health related instructions or injuries and
23 employs and maintains a:

1 (i) sufficient number of licensed instructors and requires
2 courses of instruction in cosmetology of not less than sixteen hundred (1600)
3 hours extending over a period of not less than nine (9) months and maintains
4 such courses in both practical and technical instruction, including instruction
5 in sanitary sterilization and the use of antiseptics, necessary to meet the
6 requirements for examination for certificate, registration and license as a
7 cosmetologist;

8 (ii) procedure to consult with a Guam licensed physician

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

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

20 (ii) procedure to consult with a Guam licensed physician.

21 **§18126. Revocation and Suspension.**

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

1 (1) Failure of a person, firm or corporation operating an
2 establishment, or engaged in any practice regulated by this Chapter to comply
3 with the requirements of this Chapter.

4 (2) Failure to comply with the rules governing health and safety
5 adopted by the Board for the regulation of establishments or any practice
6 licensed and regulated under this Chapter.

7 (3) Failure to comply with the rules adopted by the Board for the
8 regulation of establishments, or any practice licensed and regulated under
9 this Chapter.

10 (4) Gross negligence, including failure to comply with generally
11 accepted standards for the practice of barbering, cosmetology, manicurist or
12 electrology or disregard for the health and safety of patrons.

13 (5) Repeated similar negligent acts.

14 (6) Incompetence, including failure to comply with generally
15 accepted standards for the practice of barbering, cosmetology, manicurist or
16 electrology.

17 (7) Continued practice by a person knowingly having an infectious or
18 contagious disease.

19 (8) Habitual drunkenness, habitual use of or addiction to the use of
20 any controlled substance.

21 (9) Advertising by means of knowingly false or deceptive statements.

22 (10) obtaining or attempting to obtain practice in any occupation
23 licensed and regulated under this Chapter or money or compensation in any
24 form, by fraudulent misrepresentations.

1 (11) Failure to display the license or health and safety rules and
2 regulations in a conspicuous place.

3 (12) Engaging, outside of a licensed establishment and for
4 compensation in any form whatever, in any practice for which a license is
5 required for under this Chapter, except that when such service is provided
6 because of illness or other physical or mental incapacitation of the recipient of
7 the service and when performed by a licensee obtained for the purpose from a
8 license establishment.

9 (13) Conviction of any crime substantially related to the qualifications,
10 functions, or duties of the license holder, in which case the record of
11 conviction or a certified copy, shall be conclusive evidence thereof.

12 (14) Permitting a license to be used where the holder is not personally,
13 actively and continuously engaged in business.

14 (15) The making of any false statement as to a material matter in any
15 oath or affidavit, which is required by the provisions of this Chapter.

16 (16) Refusal to permit or interference with an inspection authorized
17 under this Chapter.

18 (17) Any section or conduct which would have warranted the denial of
19 a license.

20 **§18127. Licenses.**

21 (a) The license shall prominently state that the holder is licensed as a
22 barber, cosmetologist, esthetician, manicurist, electrologist, cosmetology
23 instructor and shall contain a photograph of the licensee. The Board shall

1 establish the method or methods, as it deems appropriate for utilizing a
2 photograph of the licensee to verify licensure status.

3 (b) Every licensee shall display the license in conspicuous place in his
4 or her place of business or place of employment.

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

8 (d) Under no circumstances shall a temporary license be issued.

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

13 **§18128. Temporary Licenses.** Upon submitting the required
14 documents for application for examination, the applicants shall be entitled to
15 take the examination and receive a temporary license. If the applicant fails the
16 initial examination, the temporary license will remain valid for one (1) year; if
17 the applicant fails two (2) examinations, he or she shall be required to enroll
18 in refresher courses relative to the practice of cosmetology and NO temporary
19 license shall be issued.

20 To protect the public, the Board shall adopt such regulations as are
21 necessary to limit the practice of persons issued temporary licenses.

22 **§18129. Hearings.** All persons shall, prior to the revocation or
23 suspension of a license for any of the causes outlined in this Chapter be given