

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 161(COR)

Introduced by:

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2009 JUN 19 AM 10:46 AM

AN ACT TO REPEAL AND RE-ENACT CHAPTER
18 OF TITLE 10 OF THE GUAM CODE
ANNOTATED, THE "BARBERING AND
COSMETOLOGY ACT OF 2000."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the practices of cosmetology, barbering, barber-styling, esthetics, electrology and nail technology by qualified individuals is necessary to protect the public health, safety, and welfare of the citizens of Guam. *I Liheslaturan Guåhan* further finds it to be a matter of public interest and concern that only qualified persons are permitted to engage in the practice of cosmetology, barbering, barber-styling, esthetics, electrology and nail technology. *I Liheslaturan Guåhan* hereby declares the purpose of this legislation is to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practices of cosmetology, barbering, barber-stylist, esthetics, electrology, and nail technology. The licensure of all persons who perform cosmetology, barbering, barber-styling, esthetics, electrology and nail technology, the licensure of all facilities where cosmetology, barbering, barber-styling, esthetics, electrology and nail technology services are offered within Guam, and licensure of all persons who supervise individuals performing cosmetology, barbering, barber-stylist, esthetics,

electrology and nail technology in Guam are declared to be necessary to ensure that only qualified persons be permitted to engage in the practice of cosmetology, barbering, barber-stylist, esthetics, electrology and nail technology at facilities meeting appropriate standards. This legislation and the rules and regulations adopted pursuant to authority granted by Title 10, Chapter 18 of the Guam Code Annotated -- Health and Safety – “*Barbering and Cosmetology Act of 2000*” shall be liberally construed to carry out these objectives and purposes. This Chapter shall be known and cited as the “*Barbering and Cosmetology Act of 2009.*”

Section 2. Chapter 18 of Title 10 of the Guam Code Annotated is hereby *repealed and re-enacted* to read as follows:

§ 18101. Definitions.

§ 18102. Barbering and Cosmetology Board; Appointment;
Qualifications; Terms.

§ 18103. Officers of the Board.

§ 18104. Meetings.

§ 18105. Powers.

§ 18106. Examination.

§ 18107. Compensation of Board Members.

§ 18108. Revolving Fund.

§ 18109. Records.

§ 18110. Practices Included in This Chapter.

§ 18111. Practice Outside of Establishment.

§ 18112. Persons Exempted.

§ 18113. Application for Examination and Registration.

§ 18114. Eligibility and Qualification for Reciprocity.

§ 18115. Eligibility and Qualifications for Cosmetologist License.

- § 18115.1. Eligibility and Qualification for Japanese Licensed Cosmetologist.
- § 18116. Eligibility and Qualifications for Electrologist License.
- § 18117. Eligibility and Qualification for Manicurist License.
- § 18118. Eligibility and Qualifications for Barber License.
- § 18119. Eligibility and Qualifications for Esthetician License.
- § 18120. Eligibility and Qualifications for Cosmetological Instructors.
- § 18121. Eligibility and Qualifications for an Apprentice.
- § 18122. Expiration and Renewal for Licenses.
- § 18123. Universal Precautions.
- § 18124. Fees.
- § 18124.1. Use by Barbering and Cosmetology Board.
- § 18125. Cosmetological Establishment: Licensing.
- § 18126. Cosmetological Multiple Location Business.
- § 18127. Prohibition Against Employment of Unlicensed Personnel.
- § 18128. Schools; License.
- § 18129. Revocation and Suspension.
- § 18130. Licenses.
- § 18131. Apprentice Licenses.
- § 18132. Hearings.
- § 18133. Penalty.
- § 18134. Good Faith Immunity.
- § 18135. Effective Date.
- § 18136. Severability.

§ 18101. Definitions.

As used in this Chapter:

- (a) Apprentice means any person who is engaged in learning or

acquiring knowledge of the occupation of cosmetology, nail care, skin care or electrology in a licensed cosmetological establishment under the supervision of the appropriate licensee specialist approved by the Board.

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

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

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

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

(f) *Cosmetologist* means ~~any~~ person who engages and is licensed to perform services for others for the improvement and beautification of the hair, skin and nails of the human body for cosmetic purpose by means of any one or combination of the following practices but not limited to: ~~in the practice of cosmetology in a licensed cosmetological establishment.~~

(i) Cutting, clipping or trimming hair

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

- (iii) Applying hair extensions by means of bonding or sewing or braiding or any other means to a person's hair.
- (iv) Practice of Nail Technology
- (v) Practice of Esthetics

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

(h) *Esthetician* means a person licensed under this Chapter ~~to engage in the practice of any of the following specialized practices as generally recognized in the field of cosmetology: skin care, make-up artistry, facials, and body waxing.~~ who with hands or non-medically prescribed mechanical or electrical apparatus or devices or by use of cosmetic preparations, antiseptics, tonics, lotions, or creams, engages for compensation in any one or any combination of the following practices:

- i. Massaging, cleansing, stimulating, manipulating, exercising, beautifying, or doing similar work on the scalp, face, neck, hands, arms, upper part of the body, legs, or feet;
- ii. Cleansing, exfoliating, wrapping, or doing similar work upon the entire body, without direct contact by the hands and utilizing gloves, loofah mitts, or brushes; or
- iii. Removing superfluous hair about the body of any person by means other than electrolysis or laser.
- iv. Procedures that do not penetrate below the outer most layer of the skin called the Epidermis into the Dermis layer that contains the connective tissue of the skin. This is considered invasive and is prohibited.
- v. Using the term or title of "Medical Esthetician" is not allowed under this act. This term is misleading and could be deemed deceptive and fraudulent.

- vi. Any machine or appliance which penetrates the dermis layer of the skin is considered invasive and is therefore prohibited.

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

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

(k) *Manicurist* or *Nail Technician* means any person who ~~cuts, trims, polishes, colors, cleanses or manieures the nails of any person.~~ Engages and who is licensed to perform services for others for the improvement and beautification of the hands and arms to the elbow and foot and ankle to the knee, for cosmetic purposes by means of any one or a combination of the following practices but not limited to:

- (i) Cutting, trimming, polishing, coloring, cleansing, or otherwise treating a person's fingernails and toenails;
- (ii) Applying artificial fingernails and toenails; and
- (iii) Massaging and cleansing, stimulating, manipulating, exercising, beautifying or applying oils, lotions, or other preparations, to a

person's hands and arms to the elbows, feet and ankles to the knees, by any means, with hands or by mechanical or electrical apparatus or appliances.

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

(l) *Reciprocity* means any person who has been licensed to practice cosmetic art, or has been licensed to instruct cosmetic arts in another State or territory of the United States, either as ~~an apprentice,~~ registered a licensed cosmetologist, barber, barber-stylist, manicurist, esthetician, electrologist, or licensed cosmetology instructor, by the examining board of such State or territory, shall be admitted to practice on Guam. Said person must be in good standing with the previous issuing licensing Board in which a current license is obtained and whose license requirements are equal to or greater than Guam's approved school curriculums and contact hours earned. Said person is to have held appropriate license(s) for a period of no less than two (2) years.

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

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

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

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

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

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

(s) *Patron* means a paying customer in a cosmetology salon or school;

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

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

(a) Appointment. There shall be a Board of Cosmetology consisting of five members, who shall be appointed by [the Governor] *I Maga'lahaen Guåhan*.

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

(1) be a citizen of the United States of America or a permanent resident of Guam for at least one year immediately preceding

the appointment;

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

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

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

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

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

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

(c) Terms and Vacancies.

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

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

(3) Any Board member, who misses three (3) consecutive

meetings in a row shall be considered to have vacated their position and may be replaced by *I Maga'lahañ Guåhañ* [the Governor]. Member's off-Guam or ill shall be considered excused.

(4) Vacancies for any cause shall be filled by *I Maga'lahañ Guåhañ* [the Governor] for the unexpired term.

§ 18103. Officers of the Board.

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

§ 18104. Meetings.

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

§ 18105. Powers.

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

- (1) adopt rules and regulations necessary to implement this Chapter;
- (2) issue licenses and renew licenses of duly qualified applicants;

- (3) deny a license to unqualified applicants;
- (4) establish fees for issuance of licenses, examinations, inspections and others as necessary through the Administrative Adjudication Law process;
- (5) adopt and use a common seal for the authentication of its records and modify it;
- (6) investigate alleged violations of this Chapter and consumer complaints involving the practice of cosmetology, barbering, esthetics, or manicuring, schools offering training in these areas, and salons/shops and booth renters offering these services;
- (7) employ any person(s) for the purpose to investigate any violation or suspected violation of this Act;
- (8) issue subpoenas, statements of charges, statements of intent, final orders, stipulated agreements and any other legal remedies necessary to enforce this Chapter;
- (9) issues cease and desist letters, and letters of warning for infractions of this Chapter;
- (10) conduct all disciplinary proceedings, impose sanctions, and assess fines for violations of this Chapter or any rules adopted under it;
- (11) prepare and administer, or approve, the preparation and administration of licensing examinations;
- (12) establish minimum safety and sanitation standards for schools, cosmetologists, barbers, manicurists, estheticians and salons/shops;
- (13) establish requirements for the training of students, schools and establishments;
- (14) establish by rule the procedures for re-examination;

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

(16) administer exams for licensure for the following:

- (i) barber;
- (ii) cosmetologist instructor;
- (iii) cosmetologist;
- (iv) electrologist;
- (v) esthetician; and
- (vi) manicurist.

§ 18105.1. Promulgation of Rules.

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

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

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

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

(e) The Board may require attendance of witnesses and the product of books, records, or papers it determines necessary for any investigation of any violation of this Act or Rule of the Board. Any member of the Board may administer oaths to witnesses appearing to testify before the Board or before any Board member.

(f) Upon receipt from the department of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the Board, the Board shall notify named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Administrative Adjudication Act shall be allowed for a license withheld, suspended, or restricted under this subsection.

§ 18106. Examination.

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

§ 18107. Compensation of Board Members.

Members of the Board shall be paid Fifty Dollars (\$50.00) per meeting, for each day on which services are rendered by them in connection with authorized activities of the Board not to exceed One Hundred Dollars (\$100.00) per month.

§ 18108. Revolving Fund.

There is hereby created, separate and apart from other funds of the government of Guam, a fund known as the ‘Barbering and Cosmetology Revolving Fund.’ The Fund shall not be commingled with any other fund and shall be deposited into a separate account. All proceeds from fees and fines collected

pursuant to this Subchapter shall be deposited to the fund and it shall be expended upon legislative appropriation solely in support of the functions of the Health Professional Licensing Office of the Department of Public Health and Social Services. This Fund shall receive all interest earned on the deposit of such revenues. Such funds should be continuously appropriated and should be used by the Board for the administration and enforcement of this Chapter as provided in § 12229 of Article 2, Chapter 12 of Title 10 of the Guam Code Annotated.

§ 18109. Records.

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

§ 18110. Practices Included in This Chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 18111. Practice Outside of Establishment.

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

§ 18112. Persons Exempted.

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

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

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

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

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

§ 18113. Application for Examination and Registration.

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

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

(2) educational requirements;

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

(4) shall pay the required fees.

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

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

§ 18114. Eligibility and Qualification for Reciprocity.

~~An applicant who holds a current and unrestricted license issued by a~~

~~state or territory of the United States and is in good standing with the previous licensing body may be issued a license to practice the art of cosmetology or barbering; provided, that such applicant meets or exceeds the requirements as established by the Board.~~ The Guam Board of Barbering and Cosmetology shall issue a license to any person who is properly licensed in any state or territory of the United States if the applicant submits:

(i) Application;

(ii) Fee;

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

(iv) Provides proof that he or she has passed the Nationally Standardized Theory and Practical Exam from their state or territory of the United States with the minimum passing score approved by their state or territory of the United States;;

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

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

(vii) If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing. The applicant shall have the right of reconsideration based on submission of

new information and/or appearance before the Board with the opportunity to demonstrate to the Board that they meet the licensure requirements.

(viii) applicant must have a current cosmetology, barber, barber-stylist, esthetician, and electrologist or nail technician license from another state of territory of the United States where similar reciprocity is extended to Guam and licensure requirements and training hours are substantially equal to or greater to those licenses applied for in the Act.

§ 18115. Eligibility and Qualifications for Cosmetologist License.

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

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

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

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

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

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

§ 18115.1. Eligibility and Qualification for Japanese Licensed Cosmetologist.

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

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

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

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

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

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

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

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

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

(d) the licensee must practice at an establishment that has at least one (1) licensed local cosmetologist on site, which local cosmetologist must have

been licensed for at least one (1) year prior to the licensee beginning his *or* her practice at the establishment;

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

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

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

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

§ 18116. Eligibility and Qualifications for Electrologist License.

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

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

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

(i) completed a certified electrology program of at least five hundred (500) hours extending over a school year of not less than

four (4) months in electrolysis from a school approved by the Board;

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

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

§ 18117. Eligibility and Qualification for Manicurist License.

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

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

(2) who has one of the following:

(i) completed a certified manicure program of at least 350 hours extending over a school year of not less than three months in nail care from a school approved by the Board;

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

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

§ 18118. Eligibility and Qualifications for Barber License.

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

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

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

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

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

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

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

§ 18119. Eligibility and Qualifications for Esthetician License.

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

(1) are not less than 18 years of age;

(2) has done one of the following:

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

(ii) hold, in good standing, a current unrestricted valid esthetician's license issued by a state or territory of the United States whose license requirements are, in the Board's opinion, equal to or greater than Guam's.

§ 18120. Eligibility and Qualifications for Cosmetological Instructors.

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

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

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

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

(d) has done one of the following:

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

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

(3) completed six (6) semester hours in vocational teaching methods or vocational curriculum; and (e) who has actively engaged in at least three (3) years in the occupation as a cosmetologist, or any

branch thereof, on Guam or in any jurisdiction having standards for registration substantially equivalent to those of Guam.

§ 18121. Eligibility and Qualifications for an Apprentice.

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

(1) who is over sixteen years of age;

(2) is of good moral character;

(3) has completed the 10th grade in the Guam public schools or its equivalent;

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

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

~~(b) Every apprentice shall secure a license as a cosmetologist within one year after receiving a license as an apprentice.~~

~~(c) All persons making application as an apprentice in barbering, cosmetology, skin care, nail care or electrology shall also complete minimum pre-~~

~~apprentice training for the length of time established by the Board in a facility approved by the Board prior to serving the general public.~~

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

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

§ 18122. Expiration and Renewal for Licenses.

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

~~(b) The license of an apprentice shall expire two years from the date the license was issued, or on the date the apprentice is issued a license following the license examination, or if the apprentice fails the license examination twice, on the date the results of the second examination are issued, whichever occurs first.~~

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

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

§ 18123. Universal Precautions.

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

enactment of this Act to address universal precautions guidelines, which shall include; but not be limited to:

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

§ 18124. Fees.

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

The Board shall establish a fee schedule for inspection not to exceed the sum of One Hundred Dollars.

§ 18124.1. Use by Barbering and Cosmetology Board.

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

§ 18125. Cosmetological Establishment: Licensing.

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

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

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

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

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

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

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

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

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

(f) Every establishment shall provide at least one (1) public toilet room located on or near the premises for its patrons. The entrance of the room shall be effectively screened so that no toilet compartment is visible from any workroom. The room shall be kept in a clean condition and in good repair, well lighted and ventilated to the outside air, and effectively screened against insects and free from rodents. The floor shall be of concrete; tile laid in cement, vitrified brick, or other nonabsorbent material. All sewer drains shall be connected to an approved disposal system, and shall be properly trapped. No restroom shall be used for storage.

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

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

§ 18126. Cosmetological Multiple Location Business.

(a) A *cosmetological multiple location business* is a business engaged in the practice of cosmetology at more than one (1) location using the same business

name at such locations, wherein cosmetology or any branch of cosmetology is practiced. A licensed cosmetologist must be on duty at each location of the cosmetological multiple location business while such location is open for business.

(b) A certificate of registration and license for each location of a cosmetological multiple location business shall be secured by filing an application thereof and paying an annual multiple location licensing fee of \$20.00 per location, and showing to the satisfaction of the Board of Barbering and Cosmetology that the establishment meets the standards of sanitation required by the rules and regulations of the Department of Public Health and Social Services. A cosmetological multiple location business must have a licensed cosmetologist at each location while such location is providing cosmetological services. Nothing herein shall prevent a licensed cosmetologist employed at one business who has multiple locations to work at any location owned by the same business.

§ 18127. Prohibition Against Employment of Unlicensed Personnel.

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

§ 18128. Schools; License.

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

- (1) pay required fee as approved by the Board;
- (2) public and private post secondary schools accredited by the Western Association of Schools and Colleges, or National Accrediting

Commission of Cosmetology, Arts, and Sciences; the school license shall be renewed annually after inspection.

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

(1) sufficient number of licensed instructors and requires courses of instruction in cosmetology of not less than 1,600 hours extending over a period of not less than nine months, and maintains such courses in both practical and technical instruction, including instruction in sanitary sterilization and the use of antiseptics necessary to meet the requirements for examination for certificate, registration and license as a cosmetologist; and

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

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

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

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

(d) Persons receiving instructor training in a cosmetology, esthetician, electrology, barbering or nail technology school shall spend all of their training

time under the direct supervision of a licensed instructor and shall not be left in charge of students or school at any time during their 600 hours of training without the direct supervision of a licensed instructor in the classroom or in the clinic area where patrons are serviced. Instructor trainees may instruct only in the presence of a licensed instructor.

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

(f) persons receiving instructor training shall be furnished an instructor training manual.

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

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

(i) any person who practices or teaches cosmetology, barbering, manicuring or nail technology, esthetics, electrology or hair styling for compensation, or who carries on any business, practice or operation governed by this Act, without the

applicable license when a license is required, is guilty of a misdemeanor punishable, upon conviction, by a fine of not more than seven hundred fifty dollars (\$750.00).

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

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

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

(m) all students and student instructors shall be under the supervision of a licensed instructor throughout the entire course of instruction.

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

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

(p) no student may be enrolled in more than one (1) school at the same time.

§18128.1. Student Instructor Qualifications.

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

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

(b) must have obtained a Guam cosmetology or related field license

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

§ 18128.2. Student Instructor Enrollment.

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

- (a) the name and address of the school
- (b) the name and address of the student instructor
- (c) the date student will commence training
- (d) student's date of birth
- (e) proof of high school graduation or equivalency certificate
- (f) proof of having completed Vocational Education I and Vocational Education II (classes typical of the program often include some variation of Instructor Concepts, Instructor Practicum, Laboratory and Clinical Supervision, Classroom Management, Testing, and Evaluation and Teaching Methods and Lesson Planning) courses from an accredited college, Guam Community College or University of Guam designed to prepare them for a career in classroom instruction.
- (g) signatures of student and registrar
- (h) proof of work experience as required in this Chapter. Proof shall be notarized statement by employer(s)

§ 18128.3. Instructor's Continuing Education. Practice by Instructor – Instructor may become Licensed as a Cosmetologist – Inactive Status.

1. To maintain an active instructor licensed in cosmetology, esthetics, electrology, barbering or manicuring, an instructor shall every two (2) years submit to the Board satisfactory proof that the instructor has attended a Board-approved instructor training program in cosmetology

- for a minimum of six (6) hours. Persons obtaining an initial instructor's license shall attend a Board-approved instructor training program in cosmetology for a minimum of six (6) hours after receiving such licenses.
2. The Board may, in its discretion, grant up to one (1) year for submission of such proof upon a showing of good cause, including, but not limited to, illness or emergency. However, no such extension of time shall relieve an instructor from meeting any future deadline for compliance with this subsection.
 3. The active license of any instructor who fails to comply with this subsection shall become invalid and non-renewable.
 - a. Before an instructor's license expires, an instructor may notify the Board of the instructor's intention to place the license on inactive status. Such notice of intention shall be accompanied by the regular license fee, but the instructor shall be relieved of the obligation to attend the otherwise required Board approved training program. An instructor may stay on inactive status as long as the appropriate fees are paid on a regular basis. To change a license from inactive status to active status, the instructor shall attend a Board approved instructor training program specific to their specialty for a minimum of twenty-four (24) hours.
 - b. Any person who holds a valid active license as a cosmetology instructor may engage in the practice of cosmetology under such license. However, no instructor may render cosmetology services in a school, except such services as are directly incidental to the instruction of students.
 - c. Any person whose instructor's license expires or becomes invalid may, within sixty (60) days after the date of expiration or

invalidity, obtain a cosmetologist's license from the Board upon payment of a fee set by the Board.

- d. If a Licensee wishes to place their instructor license on inactive status, the Licensee must submit a written request to the Board. The Licensee will need to attend his or her first seminar during the two (2) years following his or her first renewal and every other year after that.

§ 18128.4. Continuing Education.

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

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

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

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

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

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

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

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

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

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

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

(l) Continuing education accepted by the proper licensing authority in other states may be accepted or credit subject to proper documentation and approval by the Board.

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

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

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

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

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

§ 18128.5. Right of Entry.

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

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

§ 18128.6. Prohibited Instruments.

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

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

§ 18128.7. Booth Renters.

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

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

(i) a statement indicating that both parties agree that the cosmetologist is not an employee of the salon;

(ii) a statement indicating the salon owner has no right to control the methodology used by the cosmetologist to produce a given result; and

- (iii) a statement indicating the basis of the cosmetologist's compensation.

§ 18128.7. When Eligibility is Unclear.

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

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

§ 18128.8. Field Trips, Seminars, Workshops, Shows, and Community Service.

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

- (a) up to forty (40) hours for cosmetology students
- (b) up to fifteen (15) hours for manicuring students
- (c) up to twenty (20) hours for esthetics students; and
- (d) up to twenty (20) hours for instructor students.

§ 18129. Revocation and Suspension.

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

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

requirements of this Chapter.

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

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

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

(e) repeated similar negligent acts;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) any person who violates this Chapter or the Rules and Regulations adopted pursuant thereto shall be fined not less than \$100 no more than \$1,000 for each violation.

(u) any person who practices cosmetology, maintains a school or a beauty shop, barber shop, esthetic skin care shop, electrology shop, nail care shop or acts in any capacity wherein a license is required, without a license as provided in this Chapter, shall be fined not more than \$100, or imprisoned

not more than ninety (90) days, or both. Each and every day of violation shall be a separate offense.

(v) the Board shall aid prosecuting officers in the prosecution of persons charged with violations of this Chapter.

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

§ 18130. Licenses.

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

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

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

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

§ 18131. Apprentice Licenses.

Upon submitting the required documents for application for examination, the applicants shall be entitled to take the examination and receive an apprentice license. ~~If the applicant fails the initial examination, the apprentice license will remain valid for one year; if the applicant fails two examinations, the applicant~~

~~shall be required to enroll in refresher courses relative to the practice of cosmetology and no apprentice license shall be issued. To protect the public, the Board shall adopt such regulations as are necessary to limit the practice of persons issued apprentice licenses.~~

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

(b) failing applicants shall reapply for an apprentice license and pay the appropriate fee before being permitted to retake the examination.

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

(d) any applicant having failed the test a second time shall be required to enroll in refresher courses relative to the practice of cosmetology, or barber, or barber-stylist, or manicurist, esthetician, electrologist or cosmetology instructor, and no apprentice license shall be reissued. The required hours of refresher courses shall be no less than thirty (30) days of actual training days of instructions.

§ 18131.1, Assistants, Inspectors, Salaries.

(a) The department shall employ and fix the duties and remuneration of inspectors, clerical or administrative assistants as deemed necessary to implement this Act or the Rules of the Board.

(b) Board members shall receive per diem and mileage allowance as allowed to the Government of Guam employees, when actually engaged in official Board duties.

§ 18132. Hearings.

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

§ 18133. Penalty.

Any person who practices cosmetology, electrology, esthetician or skin care, barbering or manicuring, or maintains a school of cosmetological establishment without a license as provided by this Act shall be guilty of a misdemeanor and shall be fined as outlined in the rules and regulations promulgated by the Board in accordance with the Administrative Adjudication Law.

§ 18134. Good Faith Immunity.

No member of the Board of Cosmetology shall be liable in any civil action for damages for any act or omission in good faith in performing the functions of that person's office.

§ 18135. Effective Date.

All provisions of this Act shall become effective upon enactment of this Act.
[1/11/2001]

§ 18136. Severability.

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