

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
207-35 (COR)	Louise B. Muña	AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLOCATION OF MASSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS.	9/16/19 1:06 p.m.	10/9/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice	2/12/20 5:00 p.m.	11/13/20 7:33 p.m.	Request: 10/25/19 Waiver: 10/28/19	



SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

November 9, 2020

The Honorable Tina Rose Muña Barnes

Speaker

I Mina'trentai Singko na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña Guam, 96910

VIA: The Honorable Régine Biscoe Lee 
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 207-35 (COR)- As Introduced

Håfa Adai Speaker Barnes:

Transmitted herewith is the Committee Report on **Bill No. 207-35 (COR) –As Introduced by Senator Louise B. Muña- “An Act to Amend Add a new § 18137 to Chapter 18, Title 10 Guam Code Annotated Relative to Authorizing the Colocation of Massage Therapy and Practice Services within Cosmetology Establishments.”**

Committee votes are as follows:

<u>1</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>4</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE


**COMMITTEE ON RULES
RECEIVED:**

November 9, 2020

9:51 A.M.



Sincerely,


Therese M. Terlaje

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com



SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina' trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

COMMITTEE REPORT

Bill No. 207-35(COR)

As Introduced by Senator Louise B. Muña

**“An Act to Amend Add a new § 18137 to Chapter 18,
Title 10 Guam Code Annotated Relative to
Authorizing the Colocation of Massage
Therapy and Practice Services within
Cosmetology Establishments.”**

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com



SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina' trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

November 9, 2020

MEMORANDUM

To: All Members
Committee on Health, Tourism, Historic Preservation, Land and Justice

From: Senator Therese M. Terlaje *Tmt*
Committee Chairperson

Subject: Committee Report on Bill No. 207-35 (COR)-As Introduced

Transmitted herewith for your consideration is the Committee Report on **Bill No. 207-35 (COR)** – As Introduced by Senator Louise B. Muña- “An Act to Amend Add a new § 18137 to Chapter 18, Title 10 Guam Code Annotated Relative to Authorizing the Colocation of Massage Therapy and Practice Services within Cosmetology Establishments.”

This report includes the following:

- Copy of COR Referral of Bill No. 207-35 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Testimonies & Supporting Documents
- Committee Report Digest
- Bill No. 207-35 (COR), As Introduced
- Fiscal Note from Bureau of Budget and Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlaje@guam.gov | www.senatorterlaje.com

Senator Regine Biscoe Lee
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telen Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

October 9, 2019

Senator Clynton E. Ridgell,
Member

Senator Joe S. San Agustin
Member

Senator Jose "Pedro" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

From: Senator Amanda L. Shelton
Acting Chair, Committee on Rules

Re: Referral of Bill No. 207-35 (COR)

Buenas yan Háfa adai.

As per my authority as Acting Chair of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 207-35 (COR)**.

Please ensure that the subject bill is referred to the **Committee on Health, Tourism, Historic Preservation, Land and Justice, chaired by Senator Therese M. Terlaje**.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Amanda L. Shelton
Acting Chair, Committee on Rules



FIRST NOTICE of Public Hearing - Wednesday, February 12, 2020 beginning at 5:00 p.m.

Senator Therese Terlaje <senatorterlajeguam@gmail.com> Wed, Feb 5, 2020 at 10:46 AM
 To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, phnotice@guamlegislature.org
 Cc: phnotice@guamlegislature.org
 Bcc: Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, lifestyleeditor@glimpsesofofguam.com, carlsonc@pstripes.osd.mil, dcrisost@guam.gannett.com, dmgeorge@guampdn.com, The Post Editor in Chief <editor@postguam.com>, editor@saipantribune.com, michael ko <gktv23@hotmail.com>, guam@pstripes.osd.mil, Jason Salas <jason@kuam.com>, John Oconor <john@postguam.com>, Jon Anderson <jontalk@gmail.com>, KISH <kstokish@gmail.com>, life@guampdn.com, mabuhaynews@yahoo.com, Guam PDN <news@guampdn.com>, Sorensen Pacific Broadcasting <news@spbgum.com>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@k57.com, KPRG Guam <pdkprg@gmail.com>, Phill Leon Guerrero <phill@spbgum.com>, publisher@glimpsesofofguam.com, rlimtiaco@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Manny Cruz <cruzma812@gmail.com>, Jerick Sablan <jpsablan@guampdn.com>, K57 <news@k57.com>, KPRG <admin.kprg@gmail.com>, Maria Louella Losinio <louella.losinio@gmail.com>, Pacific Island Times <pacificislandtimes@gmail.com>, cherrie@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, bryan@mvariety.com, businesseditor@glimpsesofofguam.com, Patti Rodriguez <parroyo@spbgum.com>, heugenio@guampdn.com, raygibsonshow@gmail.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, pattiontheradio@yahoo.com, Kelly Park <kcn.kelly@gmail.com>, akaur@gannett.com, Desk Editor <deskeditor@postguam.com>, vincent.duenas@takecareasia.com, annic.bordallo@gmha.org, lillian perez-posadas <lillian.perez-posadas@gmha.org>, joleen.aguon@gmha.org, hoa nguyen <[REDACTED]@yahoo.com>, Theo Pangelinan <theo.pangelinan@gmha.org>, Mamie Balajadia <[REDACTED]@yahoo.com>, [REDACTED]@teleguam.net

February 5, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media
 From: Senator Therese M. Terlaje, Chairperson
 Committee on Health, Tourism, Historic Preservation, Land and Justice
 Subject: **FIRST NOTICE of Public Hearing - Wednesday, February 12, 2020 beginning at 5:00 p.m.**

Håfa Adai!

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a public hearing on **Wednesday, February 12, 2020 beginning at 5:00 p.m.** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

AGENDA

5:00 p.m.: **Bill 257-35 (COR)- Therese M. Terlaje-** AN ACT TO AMEND § 121802 (b)(2) AND (c)(2) OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING QUALIFICATIONS FOR LICENSURE FOR NEW HIRE BACHELOR'S AND MASTER'S LEVEL SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.

5:20 p.m.: **Bill 207-35 (COR)- Lousie B. Muña-** AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLOCATION OF MASSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS.

5:35 p.m.: **Bill 208-35 (COR)- Tina Rose Muña Barnes/ Joe S. San Agustin-** AN ACT TO AMEND § 32103(s) OF CHAPTER 32 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PREVENTING PRICE GOUGING DURING A STATE OF EMERGENCY OR EPIDEMIC.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via 1 Liheslaturan Guåhan's live feed. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

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Senator

TERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

February 5, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Public Hearing - Wednesday, February 12, 2020 beginning at 5:00 p.m.**

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Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com



CURRENCY EXCHANGE RATES

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50.7470 PHPP 108.830 JPY¥ 1,187.65 KRW₩ 30.1860 TWD NT\$ 6.9977 CNY¥ 1.4885 AUD A\$ 0.9041 EUR €



Oil tumbles below \$50 a barrel

By Jackie Davalos
Bloomberg

Oil fell below \$50 a barrel for the first time in more than a year as China's oil consumption was said to plunge by 20% amid the spread of coronavirus, threatening what could be the largest demand shock since the global financial crisis.

“The fears are justified when you consider just how massively important China is to oil demand.”

—Robbie Fraser

“The fears are justified when you consider just how massively important China is to oil demand,” said Robbie Fraser, senior commodities analyst at Summit Energy Services. “The sentiment has been bearish for a while and you have the data backing it up.”

Beijing has locked millions of

the impact of the coronavirus looks much worse than it initially thought.

Chinese government measures amount to a “major shutdown of the economy” and even with a deeper OPEC+ production cut it will drive weaker oil balances, Ed Morse, the global head of commodities research, said in a note. “There would be criticism with the nonprofit Lexington Institute.

Committee On Health,
Tourism, Historic Preservation, Land
and Justice



SENATOR THERESA M. TERLAJE

1 Minuteman Singko na Liheslaturan Guahan
35th Guam Legislature

PUBLIC HEARING • 5:00 PM • MONDAY, FEBRUARY 12, 2020
Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña

AGENDA:

5:00 p.m. – Bill 257-35 (COR) – Theresa M. Terlaje – AN ACT TO AMEND § 121802 (b)(2) AND (c)(2) OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING QUALIFICATIONS FOR LICENSURE FOR NEW HIRE BACHELOR'S AND MASTER'S LEVEL SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.

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5:35 p.m. – Bill 208-35 (COR) – Tina Rose Muña Barnes / Joe S. San Agustín – AN ACT TO AMEND § 32103(a) OF CHAPTER 32 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PREVENTING PRICE GOUGING DURING A STATE OF EMERGENCY OR EPIDEMIC.

If you require any special accommodations or for further information, please contact the Office of Senator Theresa M. Terlaje at 472-3586. Testimonies may be submitted to our office at Ada Plaza Center, Suite 207, 173 Aspinell Avenue, Hagåtña, Guam 96910, to the Guam Congress Building, or via email at senatorterlaje@guam.gov. The hearing will broadcast on local television, G1A Channel 21, Decimo Channel 117/60.4 and stream online via Liheslaturan Guahan's live feed at http://www.guamlegislature.com/live_feed.htm. This ad is paid for with government funds.



JON JP FERNANDEZ
Superintendent of Education

DEPARTMENT OF EDUCATION DIVISION OF SPECIAL EDUCATION

www.gdoe.net
501 Mariner Avenue
Barrigada, Guam 96913
Telephone: (671) 300-1322 or 2295
Email: sped@gdoe.net



YOLANDA S. GABRIEL
Assistant
Superintendent SEED

DOE- Division of Special Education Guam Advisory Panel for Students with Disabilities (GAPSD) General Meeting

February 11, Tuesday, at 11:30 a.m. to 1:00 p.m.
Location: DOE Building B, 2nd Floor Conference Room, Tiyan

For more information and special accommodations please call
Special Education Parent Services at 300-1322/2295

This advertisement was paid for with 100% Federal Funds Part B Grant of Individuals with Disabilities
Education Act CFDA #84-027A



SECONDNOTICE of Public Hearing - Wednesday, February 12, 2020 beginning at 5:00 p.m.

Mon, Feb 10, 2020 at 9:11 AM

Senator Therese Terlaje <senatorterlajeguam@gmail.com>
To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telen Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, phnotice@guamlegislature.org
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February 10, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND NOTICE of Public Hearing - Wednesday, February 12, 2020 beginning at 5:00 p.m.**

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--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

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website: www.senatorterlaje.com

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Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

February 10, 2020

MEMORANDUM

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beginning at 5:00 p.m.

Håfa Adai!

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a public hearing on **Wednesday, February 12, 2020 beginning at 5:00 p.m.** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

AGENDA

- 5:00 p.m.: **Bill 257-35 (COR)- Therese M. Terlaje-** AN ACT TO AMEND § 121802 (b)(2) AND (c)(2) OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING QUALIFICATIONS FOR LICENSURE FOR NEW HIRE BACHELOR'S AND MASTER'S LEVEL SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.
- 5:20 p.m.: **Bill 207-35 (COR)- Lousie B. Muña-** AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLOCATION OF MASSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS.
- 5:35 p.m.: **Bill 208-35 (COR)- Tina Rose Muña Barnes/ Joe S. San Agustin-** AN ACT TO AMEND § 32103(s) OF CHAPTER 32 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PREVENTING PRICE GOUGING DURING A STATE OF EMERGENCY OR EPIDEMIC.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via I Liheslaturan Guåhan's live feed. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

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2020 Hyundai Venue hits the road

By Lannie Walker
lannie@postguam.com

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Committee On Health,
Tourism, Historic Preservation, Land
and Justice



SENATOR THERESA M. TERLAJE

1st Vice President, Single Ra, Legislature of Guam
35th Guam Legislature

PUBLIC HEARING • 5:00 PM • MONDAY, FEBRUARY 12, 2020
Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña

AGENDA:

5:00 p.m. - Bill 257-35 (COR) - Theresa M. Terlaje - AN ACT TO AMEND § 121602 (b)(2) AND (c)(2) OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING QUALIFICATIONS FOR LICENSURE FOR NEW HIRE BACHELOR'S AND MASTER'S LEVEL SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.

5:20 p.m. - Bill 207-35 (COR) - Louise B. Mufia - AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLLOCATION OF MASSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS.

5:35 p.m. - Bill 208-35 (COR) - Tina Rose Mufia Barnes / Joe S. San Agustin - AN ACT TO AMEND § 32103(a) OF CHAPTER 32 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PREVENTING PRICE GOUGING DURING A STATE OF EMERGENCY OR EPIDEMIC.

If you require any special accommodations or for further information, please contact the Office of Senator Theresa M. Terlaje at 472-3584. Testimonies may be submitted to our office at Ada Plaza Center, Suite 207, 773 Aspinall Avenue, Hagåtña, Guam 96910, to the Guam Congress Building, or via email at senatorterlaje@guam.gov. The hearing will broadcast on local television, 6TA Channel 21, Decomo Channel 117/60.4 and stream online via 1st Vice President's live feed at http://www.guamlegislature.com/live_feed.htm. This ad is paid for with government funds.



Invitation to provide testimony on Bill No. 257-35(COR)

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Feb 5, 2020 at 12:25 PM

To: Mamie Balajadia <[REDACTED]@yahoo.com>, [REDACTED]@teleguam.net

Cc: Zennia Pecina <Zennia.Pecina@dphss.guam.gov>, "Mae N. Pangelinan" <mae.pangelinan@dphss.guam.gov>, EmmaR.Reyes@dphss.guam.gov

Hafa Adai,

The Committee on Health will be holding a public hearing on **Wednesday, February 12, 2020 at 5:00 p.m.** in the public hearing room of the **Guam Congress Building** for the following bills:

- Bill No. 257-35(COR) - Therese M. Terlaje - AN ACT TO AMEND § 121802 (b)(2) AND (c)(2) OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING QUALIFICATIONS FOR LICENSURE FOR NEW HIRE BACHELOR'S AND MASTER'S LEVEL SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.
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The Committee is respectfully requesting testimony from the Guam Board of Allied Health Examiners and the Guam Board of Barbering and Cosmetology. Written testimony can be submitted at senatorterlajeguam@gmail.com; oral testimony can also be provided at the hearing on February 12th.

Attached to this email is a pdf of Bill No. 257-35(COR) and Bill No. 207-35(COR); a link to the 35th Guam Legislature website is also attached.

<http://guamlegislature.com/index/bills/>

Si Yu'os Ma'åse'!
Natasha Charfauros
Policy Analyst

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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website: www.senatorterlaje.com

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2 attachments

Bill No. 257-35 (COR).pdf
811K

Bill No. 207-35 (COR).pdf
733K



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

RE: Invitation to provide testimony on Bill No. 257-35(COR)

1 message

Zennia Pecina <Zennia.Pecina@dphss.guam.gov>

Fri, Feb 7, 2020 at 8:38 AM

To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Mamie Balajadia [REDACTED]@yahoo.com>, [REDACTED]@teleguam.net" [REDACTED]@teleguam.net>

Cc: "Mae N. Pangelinan" <Mae.Pangelinan@dphss.guam.gov>, "Emma R. Reyes" <EmmaR.Reyes@dphss.guam.gov>

Hello Natasha,

Received and will be distributed to the Board Members.

Thank you,

**Zennia Cruz Pecina, MSN, RN****Health Professional Licensing Office (HPLO), Administrator****Emergency Medical Services (EMS), Administrator****Executive Officer, Guam Board of Nurse Examiner****Associate Administrator for the Bureau of Family Health and Nursing Services (BFHNS)****Department of Public Health and Social Services****194 Hernan Cortez Ave. Terlaje Professional Building, Suite
213 A Hagatna, Guam 96910****Tel: 1 (671) 735-7405-12| Fax: 1 (671) 735-7413|****Email: zennia.pecina@dphss.guam.gov****[Send me a Secure Email](#)****From:** Senator Therese Terlaje <senatorterlajeguam@gmail.com>**Sent:** Wednesday, February 5, 2020 12:26 PM**To:** Mamie Balajadia <mamiecb@yahoo.com>; catsmeow@teleguam.net**Cc:** Zennia Pecina <Zennia.Pecina@dphss.guam.gov>; Mae N. Pangelinan <Mae.Pangelinan@dphss.guam.gov>; Emma R. Reyes <EmmaR.Reyes@dphss.guam.gov>**Subject:** Invitation to provide testimony on Bill No. 257-35(COR)

Hafa Adai,

The Committee on Health will be holding a public hearing on **Wednesday, February 12, 2020 at 5:00 p.m.** in the public hearing room of the **Guam Congress Building** for the following bills:

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- Bill No. 207-35(COR) - Louise B. Muña - AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLOCATION OF MASSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS

The Committee is respectfully requesting testimony from the Guam Board of Allied Health Examiners and the Guam Board of Barbering and Cosmetology. Written testimony can be submitted at senatorterlajeguam@gmail.com; oral testimony can also be provided at the hearing on February 12th.

Attached to this email is a pdf of Bill No. 257-35(COR) and Bill No. 207-35(COR); a link to the 35th Guam Legislature website is also attached.

<http://guamlegislature.com/index/bills/>

Si Yu'os Ma'åse'!

Natasha Charfauros

Policy Analyst

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, [173 Aspinall Avenue, Hagåtña, Guam 96910](#)

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Invitation to provide feedback on Bill 207 relative to authorizing colocation of Massage Therapy

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>
To: Masatomo Nadeau <masatomo.nadeau@dphss.guam.gov>

Mon, Feb 10, 2020 at 7:42 PM

Hafa Adai Chief Environmental Public Health Officer Nadeau,

The Committee on Health will be holding a public hearing on **Wednesday, February 12, 2020 at 5:20 p.m.** in the public hearing room of the **Guam Congress Building** for the following bills:

- Bill No. 207-35(COR) - Louise B. Muña - AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLOCATION OF MASSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS

The Committee is respectfully requesting testimony from the Guam Board of Allied Health Examiners, the Guam Board of Barbering and Cosmetology and the Department of Environmental Health, DPHSS. Written testimony can be submitted at senatorterlajeguam@gmail.com; oral testimony can also be provided at the hearing on February 12th.

Attached to this email is a pdf of Bill No. 207-35(COR); a link to the bill is also attached: [http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20207-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20207-35%20(COR).pdf)

<http://guamlegislature.com/index/bills/>

Si Yu'os Ma'åse'!
Charissa Manibusan
Committee Director

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature


Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

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 **Bill No. 207-35 (COR).pdf**
733K



SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice
I Mina' trentai Singko na Liheslaturan Guåhan
35th Guam Legislature

PUBLIC HEARING AGENDA

WEDNESDAY, FEBRUARY 12, 2020

5:00 P.M.

5:00 p.m.:

Bill 257-35 (COR)- Therese M. Terlaje- AN ACT TO AMEND § 121802 (b)(2) AND (c)(2) OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING QUALIFICATIONS FOR LICENSURE FOR NEW HIRE BACHELOR'S AND MASTER'S LEVEL SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.

5:20 p.m.:

Bill 207-35 (COR)- Lousie B. Muña- AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLOCATION OF MESSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS.

5:35 p.m.:

Bill 208-35 (COR)- Tina Rose Muña Barnes/ Joe S. San Agustin- AN ACT TO AMEND § 32103(s) OF CHAPTER 32 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PREVENTING PRICE GOUGING DURING A STATE OF EMERGENCY OR EPIDEMIC.

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I Mina'trentai Singko na Liheslaturan Guåhan
Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

Date: Wednesday, February 12, 2020

Time: 5:20 PM

Bill No. 207-35 (COR) - Louise B. Muña -AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLOCATION OF MASSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	James Espaldon			(as given)	TO BE SUBMITTED			
2								
3								
4								
5								
6								
7								
8								
9								
10								



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Written testimony

1 message

Masatomo Nadeau <[REDACTED]>
To: "senatorterlajeguam@gmail.com" <senatorterlajeguam@gmail.com>
Cc: "Linda U. DeNorcey" <Linda.DeNorcey@dphss.guam.gov>

Wed, Feb 12, 2020 at 3:25 PM

Hafa Adai Senator:

Please find attached this Department's written testimony on Bill 207-35. Thank you.

Tom

M. Thomas Nadeau

Chief Environmental Public Health Officer

Division of Environmental Health

Department of Public Health and Social Services

123 Chalan Kareta

Mangilao, Guam 96913-6304

T: (671) 735-7221

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Masatomo.nadeau@dphss.guam.gov



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**DPHSS Written Testimony to Bill 207-35.pdf**

71K



LOURDES A. LEON GUERRERO
GOVERNOR, MAGA HAGA

JOSHUA F. TENORIO
LT. GOVERNOR, SIGUNDO MAGALIHAN

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



LINDA UNPINGCO DENORCEY, MPH
DIRECTOR

LAURENT SF DUENAS, MPH, BSN, RN
DEPUTY DIRECTOR

WRITTEN TESTIMONY
TO BILL 207-35
February 12, 2020

Hafa Adai Chairperson Therese Terlaje and the members of the Committee on Health, Tourism, Historic Preservation, and Land and Justice. My name is Linda Unpingco DeNorcey, the Director of the Department of Public Health and Social Services. I thank you for allowing the Department to present our testimony on Bill 207-35 (COR), which proposes to add a new §18137 to Chapter 18, Title 10 Guam Code Annotated relative to authorizing the co-location of massage therapy and practice services within cosmetology establishments.

Being that the Board of Barbering and Cosmetology is an independent organization with a separate governing body, I will not be speaking for that board. Instead, I will be speaking on Bill 207-35 from the perspective of our own Division of Environmental Health (also known as "DEH").

As you all may know, DEH regulates various health-regulated establishments on island, which includes beauty salons, barbershops, and therapeutic massage establishments via Title 10 GCA, Chapters 21 and 27. The sanitation standards for beauty and barbershops and therapeutic massage establishments are further governed by *Rules and Regulations Pertaining to Barber and Beauty Shops, Schools; and the Practice of Barbering and Cosmetology* ("Cosmetic Regulations") and *Regulations Relative to the Sanitary Operations of a Therapeutic Massage* ("Therapeutic Massage Regulations"), respectively.

In Section VIII 8.1(a) of the Therapeutic Massage Regulations, and Section VI 6.1(a) of the Cosmetic Regulations, it states:

"No person shall operate a therapeutic massage establishment/cosmetology shop or school in connection with any other business or dwelling unless there is a solid, doorless partition from the floor to the ceiling and between such walls as will provide complete physical separation of the establishment from such other business or dwelling."

As a result, in order to allow for the lawful co-location of a massage establishment with a cosmetic establishment as intended in Bill 207-35, these two regulations of DEH must also be revised. Therefore, we recommend the following changes to Bill 207-35:

- Adopt the newly, updated proposed cosmetology regulations that DEH has recently developed.
 - DEH is currently in the process of adopting the revised regulations for cosmetology establishments through the Administrative Adjudication Law

process. It has yet to undergo the required administrative public hearing and the review of the Office of the Attorney General.

- The proposal updates the existing regulations, which were adopted over 35 years ago.
- DEH needs to simply insert the co-location provision to meet the intent of Bill 207-35.
- Allow DEH to revise and update the existing therapeutic massage establishment regulations.
 - The existing regulations governing therapeutic massage was adopted approximately 20 years ago and in need of revision.
 - Similar to the proposed cosmetology regulations, DEH can insert the co-location provision that is sought in Bill 207-35.

If agreeable to our recommendation, the Department can provide the final proposed regulations for the two establishment categories within 30 days. By adopting the two proposals as regulations, via legislation in Bill 207-35, DEH can implement the co-location provisions much quicker than if it were adopted through the Administrative Adjudication Law, which can take several months.

Our Division of Environmental Health can work with this Committee, and the stakeholders of cosmetic and therapeutic massage establishments, in finalizing and submitting the two proposed regulations for adoption via Bill 207-35.

Thank you and Si Yu'os Ma'ase.


LINDA UNPINGCO BENORCEY, MPH
Director

**RULES AND REGULATIONS
PERTAINING TO BARBER AND BEAUTY SHOPS, SCHOOLS;
AND THE PRACTICE OF BARBERING AND COSMETOLOGY**

**SECTION I
GENERAL PROVISIONS**

1.1 Purpose

These regulations shall be liberally construed and applied to promote their underlying purpose of protecting the public health.

1.2 Definitions

- (a) "Construction Permit" shall mean a written document issued by the Department of Public Health and Social Services which gives permission to construct, extend, alter or modify a structure or building to be used as a shop or school as defined below.
- (b) "Cosmetology" shall mean the practice of any of the following:
 - i. shaving, clipping, trimming or cutting human hair; or
 - ii. singeing, shampooing, arranging, adorning, dressing, curling, waving, permanent waving, tinting, applying tonic to or dyeing human hair; or
 - iii. applying cosmetic preparations, antiseptics, powders, oils, clays, lotions or other preparations to the human scalp, face, neck or hands; or
 - iv. manicuring or pedicuring.
- (c) "Department" shall mean the Department of Public Health and Social Services.
- (d) "Director" shall mean the Director of the Department, or his/her authorized representative.
- (e) "Employee" shall mean any person who works in a shop or school, as defined below, for the purpose of practicing cosmetology.
- (f) "Owner (operator or manager)" shall mean any person having control of an establishment, a facility, or the employees therein where cosmetology is practiced.
- (g) "Sanitary Permit" shall mean a written document issued by the Department

giving a designated person, association or corporation permission to operate a shop or school as defined below.

- (h) "School" shall mean any establishment or facility where the practice of cosmetology is taught for fee or charge. The term includes, but is not limited to barber colleges, schools of cosmetology, or other closely related institutions or establishments teaching cosmetology for reimbursement.
- (i) "Shop" shall mean any establishment or facility where cosmetology is practiced for fee or charge or hire. The term includes, but is not limited to barber shops, beauty shops, beauty salons, beauty parlors, hair styling salons, or other establishments where cosmetology is practiced for reimbursement.

1.3 Captions

Section and other captions are part of these regulations.

1.4 Repealer

These regulations are effective immediately upon their adoption and filing with the legislative secretary of the Guam Legislature. At that time all regulations and parts of regulations that conflict with these regulations are repealed, except that nothing contained in these regulations shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of other sections of Public Law 15-96, or regulations established thereunder.

1.5 Separability

If any provision or application of any provision of these regulations is held invalid, that invalidity shall not affect the other provisions or applications of these regulations.

1.6 Authority

Public Law 15-96, Chapter VI, Guam Environmental Health Act, Subchapter A, Section 9500.5 and Subchapter B, Section 9510 and 9510.1, authorize the Director to establish regulations governing all cosmetic establishments, and to ensure that all provisions of P.L. 15-96 regarding permit issuance are carried out.

SECTION II PERMITS

2.1 Sanitary Permits

- (a) No person, association or corporation shall directly or indirectly in any

manner conduct, control, manage, maintain or operate a shop or school unless a valid sanitary permit, issued by the Department to operate such an establishment, has been obtained and properly posted.

- (b) An application for a sanitary permit to operate all new or existing shops or schools shall be made in writing on a form prescribed by the Director, signed by the applicant or his/her authorized agent. The application shall be accompanied by an official inspection report citing the conditions found at the facility by the Director.
- (c) Before the application for a sanitary permit shall be approved, the Director shall verify that the facility meets the minimum sanitary requirements and standards of these regulations. This shall involve the right of entry, inspection and investigation.
- (d) If upon inspection the Director is satisfied that the school or shop establishment meets the minimum requirements of these regulations or standards as the Director may prescribe, a non-transferable sanitary permit designating the type and location by address or lot number of establishment shall be issued.
- (e) If the inspection for new application or renewal indicates that the establishment does not meet the minimum requirements and standards of these regulations the sanitary permit shall be denied.
- (f) All sanitary permits shall be issued for a maximum of no more than 12 months and renewed on June of each year. An application for a new or renewal of sanitary permit shall be filed at least 15 days before a new school or shop intends to open, or before a current sanitary permit expires.
- (g) Failure to comply with any regulation of standard listed below shall be reason to deny issuance of a sanitary permit. The same shall also be reason or cause to suspend or revoke a current permit:
 - i. Employees working who have a contagious disease (Section 3.2)
 - ii. Employees working who do not have a valid Health Certificate (Section 4).
 - iii. Unapproved or inadequate water supply or plumbing (Section 5.4).
 - iv. Denying access to inspections (Section 7.2).
 - v. Receiving a demerit score of more than 40 (Section 7.4)

- vi. Repeating a violation assigned 2, 4, or 6 demerit points (Section 7.4).
- (h) Any person or establishment denied a sanitary permit, or whose sanitary permit has been revoked may appeal the Director's action. The appeal shall be in accordance with Subchapter B, Section 9510.8 of P.L. 15-96.

2.2 Construction Permit

Any person, association, or corporation, before constructing a shop or school, or before making an addition to or conversion or major alteration of an existing facility, shall first submit plans and specifications of such building or changes to the Department, Division or Environmental Health in accordance with separate regulations established for obtaining a construction permit from the Department.

SECTION III DISEASE CONTROL

3.1 Employee Practices, Hygiene

- (a) All employees and operators shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.
- (b) Employees' hands and arms which will normally come in contact with a customer shall be thoroughly washed before and after attending each customer.
- (c) Employees shall not consume food while on duty or in any area where patrons are attended to. An employee lounge or dining area shall be provided if foods are consumed in the premises.
- (d) No employee or other person shall commit an insanitary act in any shop or school such as brushing teeth, expectorating, or gargling.
- (e) No employee shall remove or attempt to remove any wart, mole, pimple, ingrown hair, or undertake any like treatment unless properly trained and licensed in medical science. The practice of cleaning ears is prohibited.

3.2 Control of Contagious disease

- (a) The sanitary permit holder shall keep, maintain and operate the shop or school under permit in such a manner that the health of customers, the health of employees, and the public health is not endangered in any way.
- (b) Notice shall be sent to the Department immediately by the owner of any

shop or school in which any case of infectious, contagious or communicable disease occurs, or is suspected of occurring, and no person having or suspected of having such disease shall be employed or attended to as a customer.

- (c) Employees afflicted with a contagious or infectious disease in a communicable form shall not be allowed to work until the Department receives a written statement from the employee's physician stating that the employee is free of any contagious or infectious disease.
- (d) No employee shall serve any customer when the skin of the customer's neck, face, scalp, hands, lower arms or feet appears infected with a contagious disease such as ringworm, barber's itch, etc., unless the customer submits a certificate signed by a duly licensed physician stating that such inflammation or eruption is not contagious.
- (e) No employee infested with head lice (pediculosis capitis) shall serve any customer.

SECTION IV HEALTH CERTIFICATES

4.1 General

- (a) No person shall operate, manage, or work in a shop or school unless that person holds a valid health certificate issued by the Department.
- (b) No owner shall knowingly allow any person to work in a shop or school unless that person has a valid health certificate issued by the Department.
- (c) No health certificate shall be issued, new or renewal, unless the applicant also attends a yearly workshop given by the Department, or in lieu thereof, takes and passes a written examination administered by the Department, Division of Environmental Health.
- (d) After meeting the above requirements a health certificate will be issued in accordance with other regulations established for the issuance of certificates in general.

SECTION V SANITARY CONTROLS AND FACILITIES

5.1 Sanitary Practices - Prohibited Activities

- (a) The use of common neck dusters, hair brushes made of wood and bristle, shaving brushes, powder puffs, nail buffers, and sponges is prohibited.

- (b) The reuse of single use items such as cotton pads or balls, absorbent cotton, permanent wave pads, and papers and similar items is prohibited.
- (c) Making shaving lather in a wash basin or lavatory is prohibited.
- (d) Removing creams or semi-solid preparations from containers with the fingers is prohibited.
- (e) The use of any astringent in lump or styptic pencil form is prohibited.
- (f) The service of any food and drink, other than coffee or soft drinks, to a customer.

5.2 Sanitary Practices - Requirements

- (a) Prior to serving any customer, the headrest of any chair to be used by the customer shall be covered with a clean, sanitized towel, or a clean sheet of "barber's paper."
- (b) When a hair cape or shampoo cape is used in serving a customer, a sanitary "neck strip", a freshly laundered towel, or other suitable, sanitary protection shall be placed between the hair cape or shampoo cape and the neck of the patron.
- (c) Any material used to stop the flow of blood must be used only in powder or liquid form, and applied only with sterile absorbent cotton. The used cotton shall be disposed immediately after using on one customer.
- (d) Lotions, powders, fluid creams and other liquid preparations used on the customer shall be dispensed from shaker type, squeeze type, pump type, or aerosol type containers.
- (e) Semi-solid creams and similar preparations shall be dispensed only with single use spatulas which are disposed of after each use, or with easily cleanable multi-use spoons or spatulas which are cleaned and sanitized after each use. Jars of creams shall be kept covered when not in use.

5.3 Instrument cleaning, Sterilizing, and Storing

- (a) All multi-use instruments and utensils shall be made so as to be easily cleanable after each use.
- (b) Combs and brushes shall be thoroughly cleaned after each use with detergent and hot water, rinsed and sanitized by total immersion for at least ten minutes in a 1/1000 bichloride of mercury solution, 5% formaldehyde solution, 10%

cresol solution, or 70% rubbing alcohol solution.

After sanitizing the combs and brushes shall be removed from the sanitizing solution and air dried. If such combs and brushes are not used immediately after sanitizing, they shall be stored in a closed cabinet where they shall be exposed to the fumes or formaldehyde until used.

- (c) All plates, jars, glass, and metallic containers and metallic instruments with a cutting edge shall be cleaned with detergent and hot water, rinsed, and sanitized by one of the solutions in 5.3 (b) above for at least ten minutes. Then they shall be kept in a closed cabinet exposed to the fumes of formaldehyde until used.
- (d) Manicure instruments shall be washed with detergent and hot water, rinsed, and sanitized by immersion in a solution of 70% rubbing alcohol until used. During use, manicure instruments shall also be immersed in a 70% rubbing alcohol solution in a separate container.
- (e) Every shop or school shall provide and use standard measuring cups or spoons when sanitizing solutions are prepared by the shop or school.
- (f) Hair treatment utensils such as hair pins, head coverings, clips, rollers, curlers spacers, and rods shall be cleaned after each use with detergent and hot water, rinsed, air dried and stored in a clean container or cabinet until needed. Curling irons, and heaters shall be kept free of corrosion.
- (g) Each shop or school must have adequate, clean cabinets or other approved storage facilities for the storage of cleaned and sanitized instruments and utensils; and adequate, properly constructed containers suitable for use as sterilizers. Sterilizing containers may be made of glass, plastic, or non-corrosive metal. During hours of operation, sterilizers shall contain a supply of approved disinfectant replenished at a frequency required by the Director, but no less than three times per week.
- (h) Liners for storage cabinet shelves shall be limited to plastic materials capable of being easily cleaned and sanitized. Liners and other cloth materials shall not be used as lining material.

5.4 Water Supply

- (a) Enough potable water at the correct temperature and pressure for the needs of the shop or school shall be provided.
- (b) The water supply shall be from an approved source.

- (c) The water supply plumbing shall be sized, installed, and maintained according to the latest edition of the Uniform Plumbing Code at the time of construction, alteration or required change. There shall be no cross-connections between the potable water supply and any non-potable systems, nor shall there be any conditions which would allow backflow or back siphonage at any fixtures or equipment in the potable water supply system. Backflow prevention devices or measures shall be provided where necessary to protect the potable water supply.

5.5 Lavatories

- (a) Lavatories shall be provided, and shall at least be the minimum number required by law and shall be conveniently located.
- (b) Lavatories shall be accessible to employees at all times.
- (c) One lavatory shall be provided at each work station in the shop or school.
- (d) Lavatories shall also be located in a immediately adjacent to toilet rooms or vestibules.
- (e) Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet.
- (f) A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary, disposable towels or a hand drying device providing heated air shall be conveniently located near each lavatory. The presence and use of common or roll towels is prohibited. Where disposable towels are used, easily cleanable waste containers shall be conveniently located near lavatories.
- (g) Lavatories, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

5.6 Toilet Facilities

- (a) Enough toilet facilities shall be installed according to law, shall be conveniently located, and shall be accessible to employees and patron at all times. Separate toilet facilities shall be provided for both sexes.
- (b) Toilet rooms shall be completely enclosed and shall have self-closing doors. Toilet rooms shall be kept closed at all times when the establishment is open for business. Where necessary, doors shall be fitted with properly louvered ventilators to aid in providing proper ventilation.

- (c) Toilet fixtures and rooms shall be designed to be easily cleanable, shall be kept clean, and shall be kept in good repair. Easily cleanable, covered waste containers shall be provided. Toilet tissue shall be provided at each toilet at all times. Toilet facilities shall not be used for the storage of personal belongings.

5.7 Sewage Disposal

All sewage, including liquid waste of any kind, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law.

5.8 Garbage and Refuse Disposal

- (a) Garbage and refuse shall be kept in durable, easily cleanable, insect proof and rodent proof containers that do not leak or absorb liquids.
- (b) All garbage and refuse containers shall be provided with tight-fitting covers which shall be kept closed when not in use.
- (c) There shall be a sufficient number of containers to hold all garbage and refuse shall be disposed of often enough to prevent odors, and the attraction of rodents and insects.
- (d) Outside storage containers shall be kept off of the ground on rocks which provide at least 18" ground clearance, or solid concrete or asphalt pads. Areas around outside storage containers shall be kept clean and litter free.

5.9 Insect and Rodent control

- (a) All areas of shops and schools shall be kept free of insect rodent harborage and feeding areas, and shall provide effective measures to minimize their presence.
- (b) All openings to the outside used for ventilation shall be provided with #16 mesh screen. Doors to the outside shall be tight-fitting, self-closing, and shall remain closed. All other routes of insect or rodent ingress shall be sealed.

5.10 Linens

- (a) All towels, washcloths and other fabrics, except for hair or shampoo caps, which come in contact with the hair and skin of a customer shall be thoroughly cleaned and properly sanitized after use on each customer, and before being used on the next customer.

- (b) Where hair or shampoo capes are used, they need not be laundered after each use provided that they are used as required in section 6.2 (b). All capes shall be cleaned and sanitized after each day's use, or sooner if they become unduly soiled. Cleaning and sanitizing shall be done as outlined in section 6.10 (c) below.
- (c) Methods of cleaning and sanitizing all fabrics and linen shall be approved by the Director, and may include the following:
 - i. Having the use fabrics and linens cleaned and sanitized at a laundry and dry cleaning establishment with a valid sanitary permit, or
 - ii. Having the used fabric and linen cleaned and sanitized at a coin operated laundromat by use of automatic washers and dryers. Dryer temperatures shall be at least 180 F or
 - iii. Having the used fabric and linen laundered at the shop or school by the proper use of automatic washers and dryers. Dryer temperatures shall be at least 180 F.
- (d) Laundry facilities on the premises shall be provided in a separate room away from other operations of the shop or school.
- (e) Adequate and separate storage facilities shall be provided for the storage of cleaned and soiled fabrics and linen. Storage hampers for soiled fabrics and linen shall be provided with covers, easily cleanable, kept clean, and emptied at regular intervals when used, and shall be kept covered at all times.
- (f) The supply of cleaned and sanitized fabrics and linen shall be adequate to prevent the establishment from running out between laundering periods.

5.11 Premises

- (a) All parts of the premises used in connection with the operations of a shop or school shall be kept clean and free of litter.
- (b) Only articles necessary for the operation and maintenance of shops and schools shall be stored on the premises.
- (c) Storage lockers, closets, or rooms shall be provided for the storage of cleaning, maintenance, and cosmetology supplies. Cosmetology supplies shall be stored in separate lockers away from cleaning and maintenance supplies. All storage facilities shall be kept clean orderly.

5.12 Animals

Live animals, including birds, shall be excluded from all areas of the establishment. This exclusion shall not apply to patrol dogs accompanying security guards, nor to guide dogs accompanying their handlers, nor to fish in aquarium for decorative purposes only.

SECTION VI CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

6.1 General

- (a) No person shall operate a shop or school in connections with any other business or dwelling unless there is a solid, doorless partition from the floor to the ceiling and between such walls as will provide complete physical separation of the establishment from such other business or dwelling.
- (b) All floor, walls, ceiling, fixtures and furnishings shall be constructed so as to be easily, cleanable, shall be kept clean, and shall be kept in good repair.

6.2 Lighting

Lighting shall be provided so that at least 30 ft. candles of light shall be available 30 inches from the floor in all operational areas. At least 20 ft. candles of light shall be available, 30 inches from the floor in utility, storage lavatory, toilet and employee lounge areas.

6.3 Ventilation

All rooms shall have sufficient ventilation to keep them free of excessive obnoxious odors, smoke and moisture. Mechanical ventilation systems shall be installed and operated where natural ventilation is not adequate. Where mechanical ventilation is provided, adequate provisions shall be made to supply make-up air.

6.4 Lockers and Dressing Areas

- (a) Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers may be located in either storage rooms, employee lounge areas, or in any other area aproved by the Director.
- (b) When employees routinely change clothes within the shop or school, a separate area, approved by the Director, shall be provided.

SECTION VII INSPECTIONS

7.1 Inspection Frequency

As often as may be deemed necessary for the enforcement of these regulations, and at least once every three months, an inspection of all shops and schools shall be made by the Director.

7.2 Access

An employee or representative of the Department shall, after proper presentation of credentials, have access to any shop or school at any reasonable time for the purpose of making inspections to determine compliance with these regulations. Denial of access shall be reason for suspension of the sanitary permit until access is freely given by the owner, operator, or manager.

7.3 Report of Inspection

Whenever an inspection of the shop or school is made, the findings shall be recorded on a report form authorized by the director, and shall summarize the requirements of these regulations, the demerit value for each requirement violation, and the corrective action to be taken. One copy of the report shall be given to the owner, manager, or operator after it has been read and signed by him/her and the inspecting officer.

7.4 Grading

Grades of shop and schools shall be as follows:

- Grade A An establishment having a demerit score of not more than (10),
- Grade B An establishment having a demerit score of more than (10), but not more than (20),
- Grade C An establishment having a demerit score of more than (20), but not more than (40),
- Grade D An establishment having a demerit score of more than (40)

Notwithstanding the grade criteria established above, whenever a second consecutive violation of the same item of 2, 4, or 6 demerit points is discovered, the sanitary permit may be suspended, or the establishment shall be downgraded to the next lower grade.

**SECTION VIII
POSTING OF DOCUMENTS**

8.1 General

- (a) The sanitary permit and one copy of the most recent inspection report shall be posted in a conspicuous place designated by the Director, and clearly visible to the public. No person other than the Director shall remove, deface, conceal, or destroy such permit report.
- (b) The health certificates of all persons currently employed in a shop or school shall be posted in a conspicuous place designated by the Director.

Adopted this 29th day of March, 1984.

/S/ DENNIS G. RODRIGUEZ
Director

APPROVED:

/S/ RICHARD OPPER
Attorney General

Date: March 30, 1984

INTERIM REGULATIONS RELATIVE TO THE SANITARY OPERATIONS OF A THERAPEUTIC MASSAGE

SECTION I GENERAL PROVISIONS

1.1 Short Title

These regulation shall be known and may be cited as the "Iterim Therapeutic Massage Regulations."

1.2 Authority

Title 10, Guam Code Annotated, Chapter 21, Subsection 21102 authorizes the Director to establish rules and regulations to carry out the provisions of Chapter 27.

1.3 Purpose

The purpose of these regulations is to promote and to protect the public health, employees, clients, and others within therapeutic massage establishment.

1.4 Definitions

As used in this regulation:

- (a) Apprentice means a person approved by the Board to study therapeutic massage under the direct supervision of a licensed massage therapist.
- (b) Board means the Board of Allied Health Examiners.
- (c) Board-approved Massage School means a facility which meets minimum standards for training and curriculum as determined by rule of the Board and which is licensed by the Department of Education or the equivalent licensing authority of another state or is within the public school system of this territory.
- (d) Colonic Irrigation means a method of hydrotherapy used to cleanse the colon with the aid of a mechanical device and water.
- (e) Cosmetic Establishment means any premise or portions thereof, wherein any of the following is practiced for compensation:
 - (1) shaving, clipping, trimming or cutting human hair;

- (2) singeing, shampooing, arranging, adorning, dressing, curling, waving, permanent waving, tinting, applying tonic to or dyeing human hair.
- (3) giving facial, scalp, neck or body massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;
- (4) applying cosmetic preparations, antiseptics, powders, oils, clays, lotions or other preparations to scalp, face, neck or hands; or
- (5) manicuring or pedicuring.
- (f) Department means the Guam Department of Public Health and Social Services.
- (g) Director means the Director of the Department, or his/her authorized representative.
- (h) Employee shall mean any person who works in a Therapeutic Massage Establishment.
- (i) Health Certificate means a written, non-transferable document issued by the Department giving a designated person, permission to work in a specified health regulated establishment after that person has met certain criteria for obtaining such a document as specified in separate regulations pertaining to health certificated.
- (j) Licensure means the procedure by which a person, hereinafter referred to as a "practitioner", applies to the board for approval to practice therapeutic massage.
- (k) Massage Therapy means the manipulation of the superficial tissues of the human body by a Massage Therapist licensed by the Board with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.
- (l) Massage Therapist means a person licensed as required by this regulation, who practices therapeutic massage for compensation.
- (m) Outcall or On-site Massage means massage performed at the location of the client.
- (n) Owner, Operator, Manager shall mean any person having control of the establishment and/or of the persons working or employed therein.
- (o) Sanitary Permit shall mean a written document issued by the Department giving a designated person permission to operate a massage therapy clinic.

- (p) Therapeutic Massage Establishment or Establishment means premises intended, occupied and used for the purpose of practicing therapeutic massage.

SECTION II

SANITARY PERMITS

2.1 Requirements to Obtain and Apply for a Sanitary Permit

- (a) No person shall directly or indirectly in any manner conduct, control, manage, maintain, or operate a therapeutic massage establishment unless a valid sanitary permit, issued by the Department, to operate such a facility has been obtained and properly posted.
- (b) An application for a Sanitary permit to operate any new or existing therapeutic massage establishment shall be made in writing on a form prescribed by the Director, signed by the applicant or his/her authorized agent, and shall contain such information that will determine that the facility and its operation are in compliance with the applicable provisions of these regulations.
- (c) Before the application for a sanitary permit shall be approved, the Director shall verify that the establishment meets the minimum sanitary requirements and standards of these regulations. This shall include the right of entry, inspection, and investigation.
- (d) Before a pre-opening inspection is conducted, copies of business license documents and plans and specifications shall be submitted to the Director, which shall include:
 - i. the location of the proposed facility (location map) on a sheet measuring 8 1/2 inches x 11 inches, including the street names, building numbers, and easily identifiable landmarks;
 - ii. A copy of the business license; and
 - iii. A floor plan on sheet measuring 11 x 17 inches showing;
 - a) the dimensions of the proposed establishment;
 - b) the location, number and type of plumbing fixtures including all water supply fixtures and toilet fixtures, and
 - c) general lay-out of water supply lines, wastewater lines or methods of wastewater disposal, and other fixtures and equipment.
- (e) If upon inspection the Director is satisfied that the massage therapy establishment

meets the minimum requirements of these regulations or standards as the Director may prescribe, a non-transferable sanitary permit designating the type and location by physical address and lot number of establishment shall be issued.

- (f) If the application or renewal inspection indicates that the establishment does not meet the minimum sanitary requirements and standards, the sanitary permit shall be denied or terminated.
- (g) All sanitary permits shall be issued for a maximum period of no more than 12 months and renewed on June 30 of each year. An application for a new or renewal of a sanitary permit shall be filed at least 15 days before a new establishment intends to open, or before a current sanitary permit expires.
- (h) Failure to comply with any regulation or standard listed below shall be reason to deny issuance of a sanitary permit. The same shall also be reason or cause to suspend or revoke a current permit:
 - i. Locking of doors (Section III)
 - ii. Employees working who have contagious disease. (Section IV)
 - iii. Employees working who do not have a valid Health Certificate (Section V, 5.1 (a) & (b))
 - iv. Unapproved or inadequate water supply or plumbing (Section VI, 6.1 (b) & (c), & 6.5)
 - v. Denying access to inspectors.
 - vi. Receiving a demerit score of more than 40 (Section VIII, 8.4)
 - vii. Repeating a violation assigned 2,4 or 5 demerit points (Section VIII, 8.4)
- (i) Any person or establishment denied a sanitary permit, or whose sanitary permit has been revoked may appeal the Director's action in accordance with the provisions of the Administrative Adjudication Law.

SECTION III **PUBLIC ACCESS**

3.1 General

Any and all massage therapy establishments permitted to operate under these regulations are hereby declared to be public places, and shall not during business hours, have the doors to any rooms, exits or entrances of said establishments locked or obstructed in any way so as to prevent free ingress or egress of persons, except as otherwise authorized by the Director.

SECTION IV

DISEASE CONTROL

4.1 Employee Practices, Hygiene

- (a) All employees and operators shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.
- (b) Employees' hands and other parts of the body normally used in giving massage shall be thoroughly washed before and after attending each customer.
- (c) Employees shall not consume food while on duty or in any areas where patrons are attended to. An employee lounge or dining area shall be provided if foods are consumed on the premises.

4.2 Control of Contagious Disease

- (a) The sanitary permit holder shall keep, maintain, and operate the establishment under permit in such manner that the health of customers, the health of persons employed therein and the public health is not endangered in any way.
- (b) The operator of the massage establishment shall report immediately to the Department all incidents of contagious disease, or suspicion thereof, occurring or observed in any of its employees or customers.
- (c) Operators or employees afflicted with a contagious disease shall not be allowed to work until the Department receives a written statement from their physician stating that they are no longer contagious.
- (d) All operators shall submit quarterly to the Department a current list of all persons employed in the establishment. This list shall contain the name, the date of birth, the sex and all addresses of said person and shall indicate any and all names ever used by the persons so listed.

SECTION V

OUTCALL MESSAGE OR ON-SITE MESSAGE

5.1 When conducting outcall massage or on-site massage, massage practitioners must adhere to the following rules:

- (a) When giving a body massage and a portable massage table is utilized, it must be

kept clean, in good repair, and covered with impervious materials that are cleanable. When giving a body massage without a portable table, impervious sheeting shall cover, full length, all tables, mattresses, or pads, directly under fresh sheets linens.

- (b) Conform to Section IV, 4.2 of these rules and regulations pertaining to control of contagious disease.
- (c) All equipment provided by the massage technician must be clean and disinfected prior to each individual patron usage.
- (d) Hot towels, when provided, must conform to rules for laundry and dry cleaning.
- (e) Electrical equipment must be UL approved.

SECTION VI

HEALTH CERTIFICATES

6.1 General

- (a) No person shall operate, manage, or work in a therapeutic massage establishment, or practice massaging unless the person holds a valid health certificate issued by the Department.
- (b) No owner, proprietor, operator, or manager of a therapeutic massage establishment shall knowingly allow any person to practice massage in such facility unless that person has a valid health certificate issued by the Department.
- (c) A health certificate shall be issued, whether new or a renewal, for a period of one year provided the applicant presents or submits the following:
 - i. License/provisional license from the Board of Allied Health;
 - ii. Clinic hours and appointment book.

6.2 Physical Examination

- (a) No health certificate shall be issued, new or renewal and no current health certificate shall remain valid unless the applicant undergoes and passes a physical examination once every twelve months. The physical examination shall include, among other examination requirements, a skin test for tuberculosis. The results of the physical exam shall be reported to the Department on a report form provided by the Department. One copy of the physical examination report shall be kept on file by the permit holder at the massage establishment where the person works.

- (b) All information provided on statements made on the physical exam report form shall be true, accurate, and shall provide the information requested. Falsification of any physical exam report by the a Health Certificate applicant or holder shall cause the health certificate to be denied or suspended respectively until the correct information is provided.

6.3 Photograph

- (a) When a person applies for a new health certificate, or renewal to work in a therapeutic massage establishment, he/she shall submit two photographic portraits of themselves. Each photograph shall measure at least 1.25 inches on a side, and no more than 1.5 inch on a side.

6.4 Other Regulations Applied

- (a) After meeting the above requirements, a health certificate will be issued in accordance with other regulations established for the issuance of certificates in general.

SECTION VII SANITARY CONTROLS AND FACILITIES

7.1 Water Supply

- (a) Enough potable water at the correct temperature and pressure for the needs of the massage establishment shall be provided.
- (b) The water supply of the massage establishment shall be from an approved source by the Department.
- (c) The water supply plumbing shall be sized, installed and maintained according to latest edition of the Uniform Plumbing Code at the time of construction, alteration or required change. There shall be no cross connections between the potable water supply and any non-potable system, nor shall be any conditions which would allow backflow or back-siphonage at any fixtures or equipment in the potable water supply system. Backflow prevention devices or measures shall be provided where necessary to protect the potable water supply.

7.2 Lavatories

- (a) Lavatories shall be provided, and shall be at least the minimum number required by the most recent Uniform Plumbing Code and shall be conveniently located.
- (b) Lavatories shall be accessible to employees at all times.

- (c) Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules.
- (d) Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet.
- (e) A supply of hand cleansing soap or detergents shall be available at each lavatory. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each lavatory. The presence and use of common or roll towels is prohibited. Where disposable towels are used, easily cleanable waste containers shall be conveniently located near lavatories.
- (f) Lavatories, soap dispensers, and drying devices and all related fixtures shall be kept clean and in good repair.
- (g) In all new or extensively remodeled massage establishments, handwashing lavatory shall be provided in each massage room or cubicle.

7.3 Toilet Facilities

- (a) Enough toilet facilities shall be installed according to law, shall be conveniently located, and shall be accessible to employees and patrons at all times. Separate toilet facilities for both sexes shall be provided.
- (b) Toilet rooms shall be completely enclosed and shall have self-closing doors. Toilet room doors shall be kept closed at all times when the establishment is open for business. Where necessary doors shall be fitted with properly louvered ventilators to aid in providing proper ventilation.
- (c) Toilet fixtures and rooms shall be designed to be easily cleanable, shall be kept clean, and shall be kept in good repair. Easily cleanable, covered waste containers shall be provided. Toilet tissue shall be provided at each toilet at all time. Toilet facilities shall not be used for the storage of personal belongings.

7.4 Shower Facilities

- (a) Where shower facilities are provided they shall be designed to be easily cleanable, shall be kept clean, and shall be kept in good repair.

7.5 Sewage Disposal

- (a) The sewage disposal system shall be sized, installed, and maintained according to the latest edition of the Uniform Plumbing Code at the time of construction, alteration or required change. There shall be no cross-connections between the pota-

ble water supply and any non-potable system, nor shall there be any conditions which would allow backflow or back siphonage at any fixtures or equipment in the potable water supply system. Backflow prevention devices or measures shall be provided where necessary to protect the potable water supply.

- (b) All sewage, including liquid waste of any kind, shall be disposed of by a public sewage system or by a sewage disposal system constructed and operated according to law.

7.6 Garbage and Refuse Disposal

- (a) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent proof containers that do not leak or absorb liquids.
- (b) Containers stored outside the establishment shall be cleanable, shall be provided with tight-fitting covers, and shall be covered when not in actual use.
- (c) There shall be a sufficient number of containers to hold all garbage and refuse that accumulates, and garbage and refuse shall be disposed of often enough to prevent odors and the attraction of rodents and insects.
- (d) Outside storage containers shall be kept off the ground on racks which provide at least 18" ground clearance, or on solid concrete or asphalt pads. Areas around outside storage containers shall be kept clean and litter free.
- (e) A copy of the collection service contract with an authorized waste collector shall be provided.

7.7 Insect and Rodent Control

- (a) All areas of massage establishments shall be kept free of insect and rodent harborage and feeding areas, and shall provide effective measures to minimize their presence.
- (b) All openings to the outside used for ventilation shall be provided with #16 mesh screen. Doors to the outside shall be tight-fitting, self-closing and shall remain closed. All routes of insect or rodent ingress shall be sealed.

7.8 Linens

- (a) All towels, washcloths, sheets, pillowcases, and other fabrics which come in contact with the hair and skin of a patron shall be thoroughly cleaned and properly sanitized after each use on or by a patron.

- (b) Methods of cleaning and sanitizing all fabrics and linen shall be approved by the Director, and may include the following:
 - i. Having the used fabrics and linen cleaned and sanitized at a laundry and dry cleaning establishment with a valid sanitary permit.
 - ii. Having the used fabrics and linen cleaned and sanitized at a coin operated laundromat by use of automatic washers and dryers. Dryer temperatures shall be at least 180 F.
 - iii. Having the used fabrics or linen laundered at the therapeutic massage establishment by the proper use of automatic washer and dryers. Dryer temperatures shall be at least 130 F.
- (c) Laundry facilities and services on the premises shall be provided in a separate room away from other operations of the establishment.
- (d) Adequate and separate storage facilities shall be provided for the storage of cleaned and soiled fabrics and linen. Storage hampers for soiled fabrics and linen shall be easily cleanable, kept clean, and emptied at regular intervals.
- (e) The supply of cleaned and sanitized fabrics and linen shall be adequate to prevent the establishment from running out between laundering periods.
- (f) Bedding, mattresses, pads and pillows shall be protected with plastic covers approved by the Department. All such covers shall be kept clean and in good repair.

7.9 Dispensing of Powders, Lotions, Creams and Similar Preparations

- (a) Lotions, powders, fluid creams and other similar preparations shall be dispensed from shaker type, squeeze type, pump type, or aerosol type containers.
- (b) Semi-solid or solid creams shall be dispensed only with the use of a spatula or spoon which is either cleanable or disposable, and is either cleaned or disposed of respectively after each days use. Jars of creams shall be kept covered when not in use.

7.10 Massage Appliance

- (a) All instruments that come in contact with the skin or hair of the customer shall be thoroughly cleaned and sanitized after use on each customer. All sanitizing agents and methods shall be approved by the Director.

7.11 Food

- (a) Food and drink, other than coffee or softdrinks, shall not be served to any customer.

7.12 Premises

- (a) Massage establishments and all parts of the premises and property used in connection with their operations shall be kept clean and free of litter.
- (b) Only articles necessary for the operation and maintenances of the massage establishment shall be stored on the premises.
- (c) Storage lockers, closets, or rooms shall be provided for the storage of cleaning and maintenance supplies, and they shall be kept clean and orderly.

7.13 Animals

- (a) Live animals, including birds, shall be excluded from all areas of the massage establishment. This exclusion shall not apply to patrol dogs accompanying security guards, nor to guide dogs accompanying their handlers, nor to fish in aquariums for decorative purposes only.

SECTION VIII **CONSTRUCTION - AND MAINTENANCE** **OF PHYSICAL FACILITIES**

8.1 General

- (a) No person shall operate a therapeutic massage establishment in connection with any other business or dwelling unless there is solid, doorless partition from the floor to the ceiling and between such walls as will provide complete physical separation of the establishment from such other business or dwelling.
- (b) All floors, walls, ceilings, fixtures and furnishings shall be constructed so as to be cleanable, shall be kept clean, and shall be kept in good repair.

8.2 Lighting

- (a) Lighting shall be provided so that at least 20 ft. candles of light shall be available in utility storage, lavatory, toilet and employee lounge areas. At least 10 ft. candles of light shall be available in all other areas.

8.3 Ventilation

- (a) All rooms shall have at least two (2) air changes per hour to keep them free of excessive obnoxious smoke, and moisture. Mechanical ventilation systems shall be installed and operated where natural ventilation is not adequate. Where mechanical ventilation is provided, adequate provisions shall be made to supply make-up air.

8.4 Lockers and Dressing Areas

- (a) Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers may be located in either storage rooms, employee lounge areas, or in any other area approved by the Director.
- (b) When employees routinely change clothes within the massage establishment, a separate area, approved by the Director, shall be provided.

SECTION IX **INSPECTIONS**

9.1 Inspection Frequency

- (a) As often as may deemed necessary for the enforcement of these regulations, and at least once every three (3) months, an inspection of the massage establishment shall be made by the Director.

9.2 Access

- (a) An employee or representative of the Department shall, after proper presentation of credentials, have access to any massage establishment at any reasonable time for the purpose of making inspections to determine compliance with these regulations. Denial of access shall be cause for suspension of the sanitary permit until access is freely given by the owner, operator, or manager.

9.3 Report of Inspections

- (a) Whenever an inspection of a massage establishment is made, by the findings shall be recorded on a report form authorized by the Director, and shall summarize the requirements of these regulations, the demerit value for each requirement violation, and the given to the owner, manager or operator after it has been read and signed by him/her and the inspecting officer.

(b) Appeal

The report of inspection shall notify the permit holder of his or her right to appeal any notice or inspection findings upon written request for a hearing filed with the Director within ten (10) working days from the time the notice is served on the permit holder, pursuant to the Administrative Adjudication Law.

9.4 Grading

Grades of therapeutic massage establishments shall be as follows:

- Grade A An establishment having a demerit score of not more than (10),
- Grade B An establishment having a demerit score of more than (10) but not more than (20),
- Grade C An Establishment having a demerit score of more than (20) but not more than (40),
- Grade D An establishment having a demerit score of more than (40).

Notwithstanding the grade criteria established above, whenever a second consecutive violation of the same item of 2, 4 or 6 demerit points is discovered, the permit may be suspended or the establishment shall be downgraded to the next lower grade.

SECTION X
POSTING OF DOCUMENTS

10.1 General

- (a) The sanitary permit and one copy of the most recent inspection report shall be posted in conspicuous place designated by the Director, and clearly visible to the public. No person other than the Director shall remove, deface, conceal, or destroy such permit or report.
- (b) The health certificates of all persons currently employed in a therapeutic massage establishment shall be posted in a conspicuous place designated by the Director.

SECTION XI
MISCELLANEOUS

11.1 Effective Date

These regulations are effective immediately upon their approval by the Governor, until

such time as the final rules and regulations are adopted pursuant to the Administrative Adjudication Law.

11.2 Separability

If any provision or application of any provision of those regulations is held invalid, that invalidity shall not affect the other provisions or applications of these regulations.

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CHAPTER 18
BARBERING AND COSMETOLOGY ACT OF 2010

SOURCE: Enacted by P.L. 11-120 (Feb. 23, 1972) as Chapter V of Title XVII of the Government Code (GC §§ 16400-16432). Codified as Chapter 18 of Title 10, GCA after the 19th Guam Legislature. Repealed and reenacted by P.L. 25-188:3 (Jan. 11, 2001), and P.L. 30-152:2 (May 25, 2010).

- § 18101. Definitions.
- § 18102. Barbering and Cosmetology Board; Appointment; Qualifications; Terms.
- § 18103. Officers of the Board.
- § 18104. Meetings.
- § 18105. Powers.
- § 18105.1. Promulgation of Rules.
- § 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 Qualifications for Reciprocity.
- § 18115. Eligibility and Qualifications for Cosmetologist License.
- § 18115.1. Eligibility and Qualifications 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.
- § 18120.1. Guest Educator.
- § 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.

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- § 18127. Prohibition Against Employment of Unlicensed Personnel.
- § 18128. Schools; License.
- § 18128.1. Student Instructor Qualifications.
- § 18128.2. Student Instructor Enrollment.
- § 18128.3. Instructor's Continuing Education. Practice by Instructor – Instructor May Become Licensed as a Cosmetologist – Inactive Status.
- § 18128.4. Continuing Education.
- § 18128.5. Right of Entry.
- § 18128.6. Prohibited Instruments.
- § 18128.7. Booth Renters.
- § 18128.8. When Eligibility is Unclear.
- § 18128.9. Field Trips, Seminars, Workshops, Shows, and Community Service.
- § 18129. Revocation and Suspension.
- § 18130. Licenses.
- § 18131. Apprentice Licenses.
- § 18131.1. Assistants, Inspectors, Salaries.
- § 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.

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(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 (1) or combination of the following practices, but *not* limited to:

(1) Cutting, clipping or trimming hair;

(2) 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;

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

(4) Practice of Nail Technology; and

(5) 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 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 (1) or any combination of the following practices:

(1) 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;

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- (2) Cleansing, exfoliating, wrapping, or doing similar work upon the entire body, without direct contact by the hands and utilizing gloves, loofah mitts, or brushes;
- (3) Removing superfluous hair about the body of any person by means other than electrolysis or laser.
- (4) 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.
- (5) Using the term or title of “Medical Esthetician” is *not* allowed under this Chapter. This term is misleading and could be deemed deceptive and fraudulent.
- (6) 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, surgery, physician assistants, podiatry, psychology, osteopathic, pharmacy, physical therapy, acupuncture, 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 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 (1) or a combination of the following practices, but *not* limited to:

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

(2) Applying artificial fingernails and toenails;

(3) 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.

(4) 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 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.

(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.

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(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 nails, and includes any one (1) 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 (5) members, who *shall* be appointed by *I Maga'lahañ Guåhan* (the Governor).

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

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(5) at least two (2) 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 (1) 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 a term of four (4) years. The term of the first members appointed hereunder *shall* expire as follows: two (2) members *shall* be designated to serve for a term of three (3) years; two (2) members *shall* be designated to serve for a term of two (2) years, and one (1) member *shall* be designated to serve for one (1) 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'lāhen Guåhan* (the Governor). Members temporarily off island or ill *shall* be considered excused.

(4) Vacancies for any cause *shall* be filled by *I Maga'lāhen Guåhan* (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 cosmetologists, 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

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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 Chapter, including the following, in addition to other powers and duties granted in this Chapter, 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 of investigating any violation or suspected violation of this Chapter;
- (8) issue subpoenas, statements of charges, statements of intent, final orders, stipulated agreements and any other legal remedies necessary to enforce this Chapter;
- (9) issue 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;

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(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 Chapter, 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:

- (A) barber;
- (B) cosmetologist instructor;
- (C) cosmetologist;
- (D) electrologist;
- (E) esthetician; and
- (F) manicurist.

§ 18105.1. Promulgation of Rules.

(a) The Board shall prescribe Rules to implement this Chapter 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.

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(d) In adopting Rules defining the professions licensed under this Chapter, 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 Chapter.

(e) The Board may require attendance of witnesses and the production of books, records, or papers it determines necessary for any investigation of any violation of this Chapter 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 those 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 the date of the examination through letters, print, and the electronic media. Examinations *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 Chapter *shall* be deposited to the Fund and it *shall* be expended upon legislative appropriation solely in support of the

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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, and 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

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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 exists the specialty branches of skin care and nail care.

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

(A) 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;

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

(C) 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 person.

(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:

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

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

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

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

(E) hair 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 a licensed establishment who holds a current business license; *provided*, that 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, or at a charitable event.

§ 18112. Persons Exempted.

The following persons are exempt from this Chapter:

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

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

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

(d) 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.

2017 NOTE: Subsection/subitem designations deleted/altered pursuant to the authority of 1 GCA § 1606.

§ 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.

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(b) Each applicant *shall* be required to provide to the Board, in addition to the required completed application:

- (1) that the applicant 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 (3) letters of reference and a police clearance; and
- (4) *shall* pay the required fees.

(b) Examinations *shall* be given at least two (2) times a year as necessary, as designated by the Board.

(c) The Board *shall* establish rules for reexamination to include completion of a refresher program after two (2) unsuccessful examinations.

(d) 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.

2017 NOTE: Subsection/subitem designations altered/added pursuant to the authority of 1 GCA § 1606.

§ 18114. Eligibility and Qualifications for Reciprocity.

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

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

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(e) 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;

(f) If the Board is unable to ascertain from documents submitted by the applicant that the applicant is eligible for 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;

(g) 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;

(h) Applicant must have a current cosmetology, barber, barber-stylist, esthetician, 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 than those licenses applied for in the Chapter; or

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

§ 18115. Eligibility and Qualifications for Cosmetologist License.

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:

- (a) who is *not less than* eighteen (18) years of age;
- (b) who has had any one (1) of the following:

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(1) 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;

(2) 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*

(3) holds a current unrestricted valid cosmetologist 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.

2017 NOTE: Subsection/subitem designations deleted/alterd pursuant to the authority of 1 GCA § 1606.

§ 18115.1. Eligibility and Qualifications 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

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- (3) months sized for a cosmetologist license (2½" x 2½"); and
- (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 Section *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 the 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).

SOURCE: Added by P.L. 29-131:2 (Jan. 8, 2009). Repealed and reenacted by P.L. 30-152:2 (May 25, 2010).

§ 18116. Eligibility and Qualifications for Electrologist License.

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The Board *shall* administer examinations for a 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:

- (a) who is *not less than* eighteen (18) years of age; and
- (b) who has had one (1) of the following:
 - (1) 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;
 - (2) 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*
 - (3) holds a valid electrology license issued by a State or territory of the United States whose license requirements in the judgment of the Board are equal to or greater than Guam's.

2017 NOTE: Subsection/subitem designations deleted/altered pursuant to the authority of 1 GCA § 1606.

§ 18117. Eligibility and Qualifications for Manicurist License.

The Board *shall* administer examinations for a 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:

- (a) who is *not less than* eighteen (18) years of age; and
- (b) who has had one (1) of the following:
 - (1) completed a certified manicure program of *at least* four hundred (400) hours extending over a school year of *not less than* four (4) months in nail care from a school approved by the Board;
 - (2) 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

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care from a school curriculum of which complied with requirements adopted by the Board; *or*

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

SOURCE: Repealed and reenacted by P.L. 25-188:3 (Jan. 11, 2001) and P.L. 30-152:2 (May 25, 2010). Amended by P.L. 34-047:2 (Oct. 13, 2017).

2017 NOTE: Subsection/subitem designations added/altered pursuant to the authority of 1 GCA § 1606.

§ 18118. Eligibility and Qualifications for Barber License.

(a) The Board *shall* administer examinations for a 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 had one (1) of the following:

(A) 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;

(B) 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

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

(b) Any person practicing on Guam as a barber *prior to* the enactment of this Chapter *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 examinations for a license as an esthetician during a Board meeting duly held for the purpose of

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administering examinations to applicants who have made the proper application for such a license and who:

- (1) is *not less than* eighteen (18) years of age;
- (2) has done one (1) of the following:
 - (A) 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
 - (B) 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.

SOURCE: Repealed and reenacted by P.L. 25-188:3 (Jan. 11, 2001). Amended by P.L. 28-123:2 (June 13, 2006). Repealed and reenacted by P.L. 30-152:2 (May 25, 2010).

§ 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) is *not less than* eighteen (18) years of age;
- (b) has completed the twelfth (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 (1) 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

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(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.

§ 18120.1. Guest Educator.

(a) A Guest Educator may provide instruction with the supervision of the instructor of record, and is responsible for performing teaching-related duties to assist faculty members of the school of cosmetology. Duties may include preparation of instructional materials, proctoring of exams, grading tests, and recording of grades in a grade book.

(b) Guest Educators *shall* meet the following qualifications:

(1) specialized competency in the fields of cosmetology, nail technology, esthetics, or barbering, with at least one (1) year of experience with license specialty; or

(2) certification in the field of instruction with at least three (3) years of experience in the field of instruction in a post-secondary school, or a Master's degree.

SOURCE: Added by P.L. 34-047:3 (Oct. 13, 2017). Subsection (b) amended by P.L. 34-096:2 (May 14, 2018).

2017 NOTE: Subsection designation added pursuant to the authority of 1 GCA § 1606.

§ 18121. Eligibility and Qualifications for an Apprentice.

(a) The Board may issue a certificate as a 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) is over sixteen (16) years of age;

(2) is of good moral character;

(3) has completed the tenth (10th) grade in school or its equivalent; and

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(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.

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

(c) 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 and issuance, and renewed every two (2) years by payment of fees approved by the Board.

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

§ 18123. Universal Precautions.

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

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

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(g) prohibited products and practices. The use of any product, preparation or procedure that comes in contact with or penetrates the dermis layer of the skin.

SOURCE: Repealed and reenacted by P.L. 25-188:3 (Jan. 11, 2001) and P.L. 30-152:2 (May 25, 2010). Subsection (a)(7) added by P.L. 34-047:4 (Oct. 13, 2017).

2017 NOTE: Subsection designation deleted/altered pursuant to authority granted by 1 GCA § 1606.

§ 18124. Fees.

(a) The Board *shall* promulgate rules and regulations to charge fees for examination, licensure, and renewal of licensure and penalties, as appropriate, in accordance with the Administrative Adjudication Law.

(b) The Board *shall* review and amend the rules and regulations for adjustment to fees, subject to the Administrative Adjudication Law.

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

2017 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 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.

SOURCE: Added by P.L. 29-131:3 (Jan. 8, 2009). Repealed and reenacted by P.L. 30-152:2 (May 25, 2010).

§ 18125. Cosmetological Establishment: Licensing.

(a) The Board *shall* issue a license for a 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 Social Services; and

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(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 (1) year, *shall* at all times be in charge of the establishment, ensure that it is adequately equipped for the practice in which it engages, and pay an annual Twenty Dollars (\$20.00) single location licensing fee;

(c) The Board *shall* issue a license for a specialty salon establishment during a Board meeting duly 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 (1) year, *shall* at all times be in charge of the establishment, ensure that it is adequately equipped for the practice in which it engages, and pay an annual Twenty Dollars (\$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.

(1) An establishment *shall* have a direct entrance separate and distinct from any entrance in connection with private quarters.

(2) A violation of this Section is a misdemeanor.

(f) (1) Every establishment *shall* provide at least one (1) public toilet room located on or near the premises for its patrons.

(A) The entrance of the room *shall* be effectively screened so that *no* toilet compartment is visible from any workroom.

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(B) 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.

(C) The floor *shall* be of concrete; tile laid in cement, vitrified brick, or other nonabsorbent material.

(D) All sewer drains *shall* be connected to an approved disposal system, and *shall* be properly trapped.

(2) 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) (1) Within ninety (90) days after issuance of the establishment license, the Division of 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.

(2) 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.

2017 NOTE: Subsection/subitem designations altered/added pursuant to authority granted by 1 GCA § 1606.

§ 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 Twenty Dollars (\$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 (1) business who has multiple locations to work at any location owned by the same business.

§ 18127. Prohibition Against Employment of Unlicensed Personnel.

(a) It is unlawful for any person, firm, or corporation 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.

(b) Any person(s) violating the provision of this Section *shall* be guilty of a misdemeanor.

2017 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 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 the required fee as approved by the Board;

(2) public and private post secondary schools are 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* one thousand six hundred (1,600) hours extending over a period of *not less than* nine (9) months, and maintains such courses in both practical and technical instruction, including instruction in sanitary sterilization and the use of antiseptics,

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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* five hundred (500) hours extending over a period of *not less than* four (4) 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 in 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 six hundred (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 an 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

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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 Chapter, 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 (1) 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 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 tour 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; and
- (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, the Guam Community College or the University of Guam designed to prepare them for a career in classroom instruction;
- (g) signatures of student and registrar; and
- (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.

(a) (1) To maintain an active instructor license 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.

(2) 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.

(b) 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 Section.

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

(1) Before an instructor's license expires, an instructor may notify the Board of the instructor's intention to place the license on inactive status.

(A) 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.

(B) An instructor may stay on inactive status as long as the appropriate fees are paid on a regular basis.

(C) 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.

(2) 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.

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(3) 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.

(4) (A) If a licensee wishes to place their instructor license on inactive status, the licensee must submit a written request to the Board.

(B) 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.

2017 NOTE: Subsection/subitem designations altered/added pursuant to authority granted by 1 GCA § 1606.

§ 18128.4. Continuing Education.

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

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

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

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

(e) To renew a 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) (1) Licensees may not receive continuing education credit for attending the same course more than once for one (1) renewal period.

(2) Further, licensees must retain a copy of the certificate of completion for a course of two (2) years after the date of completion.

(3) In conducting any inspection or investigation of the licensee, the Board may examine the licensee's records to determine compliance.

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(h) To receive Board approval, applications to sponsor continuing education seminars must be submitted to the Board 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 credited 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 for 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.

2017 NOTE: Subitem designations added pursuant to authority granted by 1 GCA § 1606.

§ 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 or 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.

(c) No establishment or school *shall* have on the premises any micro-thin blade or blades or instrument of the like, which is used to perform tattoo services or other similar procedures, except as further provided herein, until such time as the Board promulgates rules and regulations pursuant to § 18123 of this Chapter relative to the use of these blades or instruments.

SOURCE: Repealed and reenacted by P.L. 25-188:3 (Jan. 11, 2001) and P.L. 30-152:2 (May 25, 2010). Subsection (c) added by P.L. 34-047:5 (Oct. 13, 2017).

§ 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:

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

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

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

§ 18128.8. When Eligibility is Unclear.

(a) 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.

(b) Oral interviews may be requested.

(c) If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing.

(d) 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.

2017 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 18128.9. 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;

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(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 licensed 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;

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(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 One Hundred Dollars (\$100.00), and *no more than* One Thousand Dollars(\$1,000.00) for each violation;

(u) any person who practices cosmetology, or 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* One Hundred Dollars (\$100.00), 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.

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(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, an applicant *shall* be entitled to take the examination and receive an apprentice license.

(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 Chapter or the Rules of the Board.

(b) Board members *shall* receive per diem and mileage allowance, as allowed to 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 or cosmetological establishment without a license as provided by this Chapter *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 Chapter *shall* become effective upon enactment of this Act.

§ 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.

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CH. 27 COSMETIC ESTABLISHMENTS

CHAPTER 27
COSMETIC ESTABLISHMENTS

§ 27101. Definition.

§ 27102. Disease Control.

§ 27103. Plans and Specifications.

§ 27101. Definition.

As used in this Chapter:

(a) *Cosmetic establishment* shall mean any premises or portions thereof, wherein any of the following is practiced for compensation:

(1) shaving, clipping, trimming or cutting human hair;

(2) singeing, shampooing, arranging, adorning, dressing, curling, waving, permanent waving, tinting, applying tonic to or dyeing human hair;

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

(4) applying cosmetic preparations, antiseptics, powders, oils, clays, lotions or other preparations to scalp, face, neck or hands; or

(5) manicuring or pedicuring.

SOURCE: GC § 9570.

§ 27102. Disease Control.

No employer, owner, manager or person in charge or control shall permit any person to work in a cosmetic establishment knowing such person to have or having reason to believe that he has a disease in communicable form or is a carrier of such disease; and no person shall work in a cosmetic establishment, whether in his own or another's employ, knowing himself to have or having reason to believe that he has any such disease or is a carrier of any disease. If an employer, owner, manager or person in charge or control suspects that any employer has any such disease in a communicable form, or is a carrier of such disease, he shall notify the Director immediately. No person having any such disease in communicable form shall be served or receive any treatment in any cosmetic establishment.

SOURCE: GC § 9570.1.

§ 27103. Plans and Specifications.

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When any cosmetic establishment is constructed or extensively remodeled or when an existing structure is converted for use as a cosmetic establishment, then the owner or person in charge or control shall comply with the provisions of § 21102 of this Part and regulations promulgated thereunder.

SOURCE: GC § 9570.2.

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**CHAPTER 21
SANITATION**

- § 21101. Sanitary Permit.
- § 21102. Regulations.
- § 21103. Form, Duration and Charges for Permit and Annual Renewal.
- § 21104. Inspection.
- § 21105. Posting of Report.
- § 21106. Inspection Records; Demerit Values; Demerit Scores.
- § 21107. Issuance of Notices.
- § 21108. Service of Notices.
- § 21109. Suspension and Revocation of Permit.
- § 21110. Reinstatement of Permit.
- § 21111. Revoked Permit May Not be Reinstated.
- § 21112. New Permit Barred for Six (6) Months.
- § 21113. Closing; Chief of Police.
- § 21114. Closure to be Posted.
- § 21115. Automatic Suspension of Alcoholic Beverage License and Business License.
- § 21116. Notification of Chief of Police.
- § 21117. Transfer Forbidden.

§ 21101. Sanitary Permit.

It shall be unlawful for any person to operate or open for business:

(a) Any establishment or activity as a food service establishment, temporary food service establishment, mobile food service establishment or vending machine, as defined in Chapter 23;

(b) Any food establishment as defined in Chapter 24;

(c) Any institutional facility as defined in Chapter 25;

(d) Any hotel as defined in Chapter 26;

(e) Any cosmetic establishment as defined in Chapter 27;

(f) Any public laundry or dry cleaning establishment as defined in Chapter 28;

(g) Any public swimming as defined in Chapter 29; or

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(h) Any mortuary as defined in Chapter 30 without a valid sanitary permit for such establishment or activity, (hereinafter referred to as "permit"); issued by the Director. Such permit shall be displayed at all times in a conspicuous place in the premises designated by the Director. Only persons who comply with the pertinent provisions of this Part shall be entitled to receive and retain such permit. This Chapter shall not apply to the operation of any establishment, including any market, wayside stand or roadside stand used exclusively for the sale of (1) fresh, unprocessed fruits, vegetables and nuts; (2) eggs; (3) live poultry; (4) live pigs; (5) other live animals, except dogs and cats and other such animals as stipulated by the Director, by the original producer thereof in his own property; or (6) liquor or canned or bottled soft drinks.

SOURCE: GC 9510.

§ 21102. Regulations.

(a) The Director shall promulgate regulations as required relative to the physical structure required for sanitary operations of:

- (1) eating and drinking establishments as defined in Chapter 23;
- (2) a food establishment as defined in Chapter 24;
- (3) institutional facilities as defined in Chapter 25;
- (4) hotels as defined in Chapter 26;
- (5) a cosmetic establishment as defined in Chapter 27;
- (6) laundry and dry cleaning establishments as defined in Chapter 28; and
- (7) mortuary as defined in Chapter 30.

(b) The regulations adopted by the Director shall include requirements for sanitation, plumbing or drainage.

(c) Plans and specifications shall be submitted to the Director in accordance with the requirements established in regulations which shall include at least the following:

- (1) the total area to be used for the regulated establishment;

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(2) the rooms in which the regulated activities are to be conducted;

(3) the location, number and types of plumbing fixtures including all water supply facility and toilet rooms; and

(4) general layout of fixtures and other equipment.

(d) No person shall construct, reconstruct or alter any of the regulated establishments without first obtaining a permit from the Department. To apply for a permit, the applicant must submit complete, detailed plans of the regulated establishment, site plans and any other information as required by the Director. Construction, reconstruction or alteration shall not be started until the plans for the establishment are approved by the Director.

The requirements of this Subsection are in addition to the building permit program administered by the Department of Public Works. Permit issuance and approval by the Director of Public Health and Social Services does not relieve the applicant from the obligation and responsibility of obtaining all necessary and required Public Works building permits.

(e) Before any person shall commence to operate or open for business any establishment or activity listed in Subsection (a) of this Section, he shall notify the Director in writing of his intent to operate. The Director shall review the plans and specifications and inspect the location to determine whether plans have been in compliance with the regulations promulgated and other provisions of this Part.

(f) If the application is for a temporary food service establishment, then it shall also include the inclusive dates of the proposed operation which shall not exceed six (6) months.

SOURCE: GC § 9510.1.

§ 21103. Form, Duration and Charges for Permit and Annual Renewal.

The form of the permit shall be prescribed by the Director. It shall be renewed on June 30 of every year. The fee for the permit shall be determined by the Director by regulation and shall be collected by him.

SOURCE: GC § 9510.2.

§ 21104. Inspection.

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As often as may be deemed necessary and, at least once every three (3) months, the Director shall inspect every establishment or activity subject to this Chapter. The date of each inspection shall be noted on the permit. The person in charge shall upon request permit access to all parts of the establishment and shall permit examination and copying of any or all records and persons employed.

SOURCE: GC § 9510.3.

§ 21105. Posting of Report.

One (1) copy of the inspection report shall be posted by the Director in a conspicuous place on the premises designated by him. No person other than the Director shall remove, deface, destroy or conceal such report. The original of the report shall be retained by the Director.

SOURCE: GC § 9510.4.

§ 21106. Inspection Records; Demerit Values; Demerit Scores.

Whenever the Director makes an inspection, he shall record his findings on an inspection report form to the permit holder or operator. For each violation, a demerit value shall be assigned. Upon completion of an inspection, the Director shall total the demerit point values for all requirements in violation, such total becoming the demerit score for the establishment.

SOURCE: GC § 9510.5.

§ 21107. Issuance of Notices.

Whenever the Director makes an inspection and discovers that any of the applicable law or rule has been violated, he shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Director shall:

(1) Set forth the specific violations found, together with the demerit score of the establishment;

(2) Establish a specific and reasonable period of time for correction of the violations found, in accordance with the following provision:

(a) when the demerit score of the establishment is twenty (20) or less, all violations of two (2) or four (4) demerits must be corrected within a period of time not to exceed thirty (30) days; or

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(b) when the demerit score of the establishment is more than twenty (20) but not more than forty (40), all items of two (2) or four (4) demerit points must be corrected within a period of time not to exceed fifteen (15) days; or

(c) when one (1) or more six (6) demerit point items are in violation, regardless of demerit score, such items must be corrected within a period of time not to exceed ten (10) days; and

(d) when the demerit score of the establishment is more than forty (40), the sanitary permit shall be immediately suspended; and

(e) in the case of temporary food service establishments, violations must be corrected within a specified period of time not to exceed twenty-four (24) hours. Failure to comply with such notice shall result in immediate suspension of the permit.

(3) State that failure to comply with any notice issued in accordance with the provisions of any applicable laws, rules or regulations may result in immediate suspension of the permit or the establishment downgraded; and

(4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Director within the period of time established in the notice for corrections.

SOURCE: GC § 9510.6.

§ 21108. Service of Notices.

Notices provided for under this Section shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail return receipt requested to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Director.

SOURCE: GC § 9510.7.

§ 21109. Suspension and Revocation of Permit.

(a) A permit may be suspended by the Director pursuant to § 21107(2)(d) or upon the violation by the holder or by a person in his employ or under his supervision or control of any of the provisions of this Part.

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(b) Suspension of a permit may be imposed without prior hearing in the discretion of the Director by giving written notice thereof to the holder, in which case, the holder shall have five (5) days within which to request a hearing. Suspension without prior hearing may be imposed for such time until the violation is corrected; or may be imposed as a penalty for repeated violations, in which case, it shall not exceed five (5) days; or may be imposed pending a hearing under Subsections (c) or (d) of this Section. When a hearing is requested following a suspension without prior hearing, it shall be discretionary with the Director as to whether the suspension shall be continued pending the hearing. Hearings requested following the suspension of a permit without prior hearing shall be conducted in accordance with the provisions of the Administrative Adjudication Law.

(c) Suspension of a permit may occur following a hearing conducted in accordance with the provisions of the Administrative Adjudication Law. Suspension may be imposed for such time until the violation is corrected or may be imposed as a penalty for repeated violation, in which case, it shall not exceed six (6) months. Hearings shall be conducted in accordance with the provisions of the Administrative Adjudication Law.

(d) Revocation of a permit may occur following a hearing conducted in accordance with the provisions of the Administrative Adjudication Law.

(e) Following a hearing, a judicial review of the Director's decision may be held in accordance with the provisions of the Administrative Adjudication Law. Pending final determination upon such judicial review, it shall be discretionary with the Court to stay the enforcement of the order of suspension or revocation upon the furnishing of adequate bond.

SOURCE: GC § 9510.8.

§ 21110. Reinstatement of Permit.

When the holder of a permit believes he has corrected a condition upon his premises or some other violation for which his permit has been suspended, he may make application to the Director for reinstatement of the permit. This application may be in the form of a letter. Upon the receipt of such an application, the Director shall make an inspection of the premises. If the findings of this inspection show that the violation has been corrected, the Director may, in his discretion, reinstate the permit, but shall reinstate

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the permit where suspension was imposed for such time until violations were corrected.

SOURCE: GC § 9510.9.

§ 21111. Revoked Permit May Not be Reinstated.

When a permit has been revoked, it no longer has any validity and may not be reinstated except upon order of a court.

SOURCE: GC 9510.10.

§ 21112. New Permit Barred for Six (6) Months.

No person whose permit has been revoked shall be eligible to obtain a new permit for a period of six (6) months.

SOURCE: GC § 9510.11.

§ 21113. Closing; Chief of Police.

The Director shall effect the closing of any establishment or activity whose permit has been suspended or revoked. Upon the request of the Director, the Chief of Police shall provide police personnel to enforce such closing.

SOURCE: GC § 9510.12.

NOTE: References to "Director of Public Safety" changed to *Chief of Police* pursuant to P.L. 17-78:1, which repealed §5102 GC providing for the Department of Public Safety and reenacted §5102 establishing the Guam Police Department.

§ 21114. Closure to Be Posted.

Whenever any establishment requiring a permit is closed by the Director, the Director shall post a notice, easily visible to the public, stating that said establishment is closed by order of the Director.

SOURCE: GC 9510.13.

§ 21115. Automatic Suspension of Alcoholic Beverage License and Business License.

Upon the suspension or revocation of a permit, any alcoholic beverage license previously issued to the permit holder with respect to the same premises shall thereby be automatically suspended and it shall be unlawful to operate under such alcoholic beverage or business license during the period of suspension or after the revocation. This Section shall not be

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construed to preclude any action under the Alcoholic Beverage Control Law or Business License Law for enforcement of the provisions of such law.

SOURCE: GC § 9510.14.

§ 21116. Notification of Chief of Police.

The Director shall notify the Chief of Police of any suspension or revocation of a permit.

SOURCE: GC § 9510.15.

NOTE: References to "Director of Public Safety" changed to *Chief of Police* pursuant to P.L. 17-78:1, which repealed §5102 GC providing for the Department of Public Safety and reenacted §5102 establishing the Guam P

§ 21117. Transfer Forbidden.

It shall be unlawful to transfer a permit to another person or to another location or to post it on or use it in any way in connection with any other premises than that for which it is issued.

NOTE: GC § 9510.16.



SENATOR THERESE M. TERLAJE

COMMITTEE ON HEALTH, TOURISM, HISTORIC PRESERVATION, LAND AND JUSTICE
I MINA' TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 207-35(COR) was introduced on September 16, 2019 by Senator Louise B. Muña and was subsequently referred by the Committee on Rules to the Committee on Health, Tourism, Historic Preservation, Land and Justice on October 9, 2019.

The Committee on Health, Tourism, Historic Preservation, Land and Justice convened a public hearing on Bill No. 207-35 (COR) on Wednesday, February 12, 2020 at 5:00 PM in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices for this Public Hearing were disseminated via email to all senators and all main media broadcasting outlets on Wednesday February 5, 2020 (5-Day Notice) and again on Monday, February 10, 2020 (48-Hour Notice). The notice was also published in the Guam Daily Post on Wednesday, February 12, 2020.

Senators Present:

Senator Therese M. Terlaje, Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice

Senator Amanda L. Shelton, Committee Member

Senator Telo Taitague

Senator Louise B. Muña

Appearing Before the Committee:

James Espaldon, Former Senator, 34th Guam Legislature

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 5:21 PM.

Chairperson Therese M. Terlaje introduced three agenda items. Bill No. 207-35 (COR) was the second agenda item. She asked the sponsor of Bill No. 207-35 (COR), Senator Louise B. Muña, to introduce the bill.

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Chairperson Therese M. Terlaje:

It is now 5:21 PM and we are going to move on to the second agenda item which is Bill 207-35 (COR), introduced by Louise B. Muña. And I'd ask Senator Espaldon if you wanna testify or anyone else who wants to testify on this bill. Otherwise I'm gonna allow Senator Muña to please introduce the bill.

Senator Louise B. Muña:

Thank you, madam chair, and thank you for my colleagues for being here this Bill 207 is an AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLOCATION OF MASSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS.

Madam Chair, my staff and I have looked at the existing cosmetology and massage therapy laws and could find no sensible reason why these two services cannot be provided by licensed professionals in the same venue.

Guam cosmetology laws are very detailed as to what beauticians, barbers, manicurists, electrologists and aestheticians are allowed to do and are not allowed to do while Guam's massage therapy laws seem more concerned about where a massage therapist can work and where the business can or cannot be located.

Perhaps over the years of Massage Therapy got a bad reputation because the name massage parlor has been associated with illegal activity. The moniker has made it very difficult for entrepreneurial massage therapists to set up their own practices. Since Guam's massage therapy rules and regulations require massage therapy to be conducted in its own unique location, it's economically unfeasible for a single practitioner to operate a business.

Because of the physical rigors of the profession a massage therapist can usually perform an average of about 6-hour long therapies per day. With the cost of rent and utilities factored in it's not feasible with only one therapist providing massage therapy. This has forced massage therapists to work in establishments that pay very low wages or send them underground to do unlicensed therapy in client's homes.

The typical cosmetology business model on Guam allows licensed cosmetologists to practice in a business where the business owner receives a portion of this portion of the service fees. Each beautician, barber, manicurist, electrologist and aesthetician—that's not an easy word to say—is required to maintain a valid cosmetology license, a Guam business license and a health certificate.

The cosmetology location is required to maintain a valid sanitary permit and ensure that its employees have direct contact with customers valid health certificates. As such there is no

business sense, practical sense or even common-sense reason why massage therapists cannot operate as independent contractors in established license cosmetology locations.

I do expect that establishments will be required to provide a venue that provides customers with an expected degree of privacy during their procedures but other than that there really is no reason to prevent licensed massage therapists from practicing their profession in a salon or barber shop or other cosmetology business location.

Madam Chair, in my own personal experiences, I try to maximize my time and I do promote self-care to a lot of the people, the constituents that come around. And I think that it just makes sense and allows people to utilize or avail of two services in one location and maximize their time rather than me...

For example, I would make an appointment every month to get my hair done and I think rather than making two separate appointments to do hair and then get a massage which I feel like is required for me on behalf of my physical activity that I need to get it done.

So rather than two appointments I can still make two appointments in one same location. And so, it just seems more feasible timewise for if they were allowed to practice in a salon which already performs self-care. So, I hope that I can get my colleagues support too, as well, on this bill.

Chairperson Therese M. Terlaje:

Thank you, Senator Muña. And so, Senator Espaldon has signed up. Please proceed.

Former Senator James Espaldon:

Thank you, Madam Chair and Honorable Senators. Actually, I signed up to not speak— but I'm actually here on behalf of my wife. She is in the cosmetology business and she had asked me to come in and sign in and at least check off in support of this bill and she was not able to make it here today because she just found out about this public hearing on this particular bill.

But she will be submitting written testimony to you in the Committee in support of this bill. I'd like to say I wasn't prepared to say anything but I think maybe in support of the good Senator and what she's attempted to do. Perhaps just a thought or two, I do know that within the cosmetology industry, they, by the rules and regs, are allowed to massage their clients.

I believe it's from the shoulders up, their shoulders ahead and what not. Also within the cosmetology industry, they are allowed to massage hands and arms because of pedicures and what not when they're provided. Also within the cosmetology industry, when somebody gets a pedicure, they're allowed to massage the feet and the ankles and probably up to the calves all the way up to the knees.

And that's kind of like what they're allowed to do. And in fact, I know that my wife's shop right now, after a client gets their hair washed, they do sit in a chair massage, in which they do—the client does get a massage on the shoulders and head and the neck area.

I do know also that there are many times—and that is probably with my wife...would probably attest to and testify to—is that there are many times where her clients after getting massage are saying, "can't you do my back?" – because again a lot of people, especially those who work in offices and what not or those who are getting along in age...it's really the back that causes a lot of problems.

And she does have somebody there who is actually a licensed massage therapist who does these massages and their hair washes. But again, within the rules, as they stand right now, she can't perform full-body massages to include the back and maybe even the hamstrings or anything else that might be troubling the client. And I think in this industry...

And I'm just going to assume this is what my wife might say is that within the industry, when a client comes in, and for the most part in her shop they're primarily women. She has male clients to...when they come in, they come in to relax. First of all they get to make themselves feel better; they look better, right? Coming out, getting their hair done...

My wife has a facialist; there are some aestheticians who do facials, who do all kinds of work within the cosmetology industry. And so when the client comes in and wants to be serviced that way—much like the senator said, they almost want to go all the way.

It's like I'm getting my hair colored. I'm getting my hair cut. I'm getting a facial. I'm getting, actually, a nice shoulder massage— And, I getting my nails done getting my toenails done, it should be sure would be nice to go all the way and just take care of myself personally.

This is kind of like the thoughts of a lot of the clients. And I think this is why she is in favor of such a bill because in looking at the present law we understand and then it was written quite a while back—and I, this is my own personal opinion, I would believe that the way the law is written probably was more to try to contain, I would say, massage therapists who might be under the light of color in terms of what kind of massages were they giving.

Again, we've all heard of illegitimate massages than we have heard of the therapeutic massages. And it would seem to me that if you have a massage therapist being able to practice their craft within an establishment, such as a cosmetology, such as a salon, that the propensity for having any kind of illegal activity when it comes to the definition of massage parlor does not go hand-in-hand with that kind of a business establishment.

And so it's more of a full-service to continue on and but like I said, I'm not even here to prepare us to speak about this because I haven't really researched it yet but I know my wife has and she will be submitting written testimony on her behalf and her perspective on this bill but she does stand in full support. Thank you.

Chairperson Therese M. Terlaje:

Thank you very much, senator. Are there any questions for the senator? Senator Taitague?

Senator Telo Taitague:

Thank you, Madam Chair and thank you, Senator Espaldon for being here. Gilda is very lucky to have you here to cover for her and...

Former Senator James Espaldon:

It was against my will but I'm looking forward to dinner tonight.

Senator Telo T. Taitague:

If you want to eat tonight, right?

Former Senator James Espaldon:

That's right.

Senator Telo T. Taitague:

So I'm sure she appreciates it, as well as other establishments on this island who are looking for the same type of coverage as well. The only thing I've talked to several massage therapists, actually, and asked them how come more of this is not done in a place like a beauty salon or something like that.

And it was brought to my attention that because sometimes the noise and the chatter in a beauty salon is quite loud; the hair dryers going off and if you're going in there for a nice body massage and cool aromatherapy, it's important to have that, you know, quietness, to do your massage;

As well as that use of chemicals when they do your hair, the smell and stuff like that so you want. But according to what I'm looking at here on the testimony that was written provided by Public Health they said something here;

no person shall operate a therapeutic massage establishment / cosmetology shop or school in connection with any other business or dwelling unless there is a solid door less partition from the floor to the ceiling in between such walls;

And they think that if any beauty salon is going to have this type of service provided that, of course, it's gonna be in a full long you know room separate and apart with a door and closed off so it almost is separate. So, I really don't understand why it can't be done today, you know, it is questionable in this section here when it can be done or not.

It says, unless there is a solid door less partition from the floor to the ceiling and between which such walls will provide complete physical separation of the establishment from such other businesses or dwelling.

Former Senator James Espaldon:

I understand and thank you for that question. The answer to that and again I'd have to try to understand this a little bit better myself; however just the whole issue of having a separate door separate and apart from the door of the establishment itself provides a whole different challenge to small—and please realize these are small entrepreneurs.

These are one man, two-man operations when it comes to a massage therapist. For them to be able to construct ,you know, their own therapeutic room within a cosmetology salon and still be able to create a totally separate entrance from the salon or the cosmetology establishment presents all kinds of challenges.

It's a space challenge. The therapist that is doing the hair wash and the shoulder washes—actually the shoulder massages—and the head massages at my wife's shop right now...she had an establishment over at the Agana Shopping Center prior to this.

Because she was a one-man job, a one man establishment, it was very difficult to be able to maintain—to be able to first of all, afford it because really, even though they may charge say, for example, \$50 for an hour massage, they're not working 8 hours a day; sometimes they get one client or two client and so even just the economics don't really make sense in terms.

In terms of the noise factor, Senator, I think that's at the discretion of the client; if the client feels comfortable in an establishment that has provided an area that is conducive to be able to get a good relaxing therapeutic massage then it would be up to the clients this question to be able to say, "yes, I'm comfortable in this environment or "no, it's too loud and I can't take it."

In terms of the aromas or the odors that you talk about that may come out of the salon, I will speak from my own experience; in terms of the salon that my wife operates, she has designed it, first of all, so that her facialist and her—I don't know what you call them, those who do the eyelashes and the makeup and whatnot—they're in a separate section of her salon and then the haircutting is on the other.

On top of it, there's a lot more new techniques and products that are used in the hair industry that are not like the old perm solutions that we used to smell when we were growing up; at least I know that I used to be totally offended by that smell thinking, 'what is this smell?' and it was the perm solutions of what not.

Nowadays, there's all kinds of products—and I only know because I'm the one who had the carry in the boxes for my wife—that are made out of natural substances, you know, whether to be fruit and vegetables and aloe and things like that; less chemically dependent but very much as effective and without the same kind of odors so...

But in the bigger picture, like I said, to address the whole situation about the odors in the sense they might come from a cosmetology establishment and if it does seep in to... say, for example, a massage therapy room then that would be for a client to be able to say, "well, I'm just not comfortable here" or on the other hand, say, I can't smell anything. This is great."

Senator Telo T. Taitague:

Well, I guess, you're absolutely, right. It's up to the client whether they, you know, can tolerate or not, you know. Then it becomes the owner's issue and moves from there. But the other thing is, I read the testimony, Madam Chair, they're mentioning, we might be able to get this through a lot sooner because they're already putting adopted...newly updated proposed rules and regulations regarding this and the recommendation from Public Health was to undergo the Triple A process in which to incorporate this section of the bill into the rules and regulations.

So, I see that there's two ways that we can do this, either passing this legislation or do it along with everything else and incorporate the intent of Bill 207 in that rules and regulations. So either or, you know, I stand in support of this bill and look forward to getting this done expeditiously. Thank you.

Former Senator James Espaldon:

Thank you. And Madam Chair, like I said, I know that my wife will be submitting some testimony on behalf...in support of this legislation

Chairperson Therese M. Terlaje:

Thank you again, Senator. And thanks to Gilda. Senator Shelton.

Senator Amanda L. Shelton:

Thank you very much, Madam Chair. I thank you for being here, Senator. I, too, you know, really appreciate the intent of this bill. As you know, I would enjoy a one-stop shop for hair, facial, nails, massage therapy and I was hoping today that the Board of Cosmetology, perhaps would be here.

And I did reach out to a few members of that board to see if they had a position and they said they would be sending in a written testimony to the Chair. So, I look forward to reading their position because this is massage therapy and they are governed by their own therapeutic massage rules and regulations as is stated in the Department of Public Health's testimony today.

And I know one of these concerns is commingling these two types of services in one establishment and perhaps if we put the massage therapy under the cosmetology rules and regulations that would also add in additional responsibility for the cosmetology board and they're thinking about their testing and licensure.

And hopefully, things won't get that complicated but we can see the answers come through from the cosmetology board and perhaps Public Health. So, I look forward to those testimonies and I thank you for this legislation.

Former Senator James Espaldon:

Senator, if I may, on that note, I do know that, you know, because I do also have some massage therapy friends who operate separately from my wife's shop but I do know that the requirements are basically the same in terms of the requirements for sanitary permit to be licensed and to be inspected and even the facilities itself are pretty much alike.

In other words, the necessity of a sink and running water so forth and so forth. So, it's not such a distant departure from the operations within the cosmetological establishment than what a massage therapist would have to meet. They would have to be licensed. They would have to again apply for a sanitary permit and also have a health certificate to be able to apply their craft.

Senator Amanda L. Shelton:

Thank you very much. I wouldn't want to see an additional burden on massage therapists or on the Cosmetology Board for this to happen but if we could all collaborate to find the happy balance where everyone can participate and not have any additional requirements that are unnecessary.

Former Senator James Espaldon:

And if I may say, even if they did not fall under the Cosmetology Board, which right now, they don't—I'm talking about massage therapists, then it still would not place a burden on the Cosmetology Board even if they were...even if the massage therapy industry was allowed to co-locate because then the Cosmetology Board's responsibility is still solely upon Cosmetology.

And so it would not add an extra burden, I believe on—this bill, I believe just calls for the ability for an established, for a licensed massage therapy practice to be housed within a Cosmetological establishment but because there is a separation in terms of who oversees Cosmetology and who oversees Massage Therapy—again even if they were not joined in statute, again the Cosmetology Board would not be burdened because it's not under their purview.

Senator Amanda L. Shelton:

Okay. Thank you very much, Senator.

Chairperson Therese M. Terlaje:

Thank you, Senator. And I would like to state for the record that Director DeNorcey from the Department of Public Health and Social Services, did submit written testimony. She says—and I'm summarizing her testimony—from the perspective of the Division of Environmental Health.

So from that perspective, she said that the Board of Barbering and Cosmetology is an independent organization and she will not speak for them, of course, and she points out that it is both in the Therapeutic Massage Regulations and the Cosmetic Regulations that this requirement that these be separate establishments. And I agree with you, Senator Espaldon, that does seem to create a burden for licensing and so many other cost factors.

But...so she does propose that because it's rules and regulations, both of them, and I'm happy to say that the Board of Cosmetology looks like they have updated their rules and regulations and they are just about to head into the public hearing part of the Triple A Process to get those rules and regulations approved.

She's hoping that we can update those rules swiftly. They were adopted over 35 years ago and she points out that the rules and regs for Therapeutic Massage were also adopted over 20 years ago and that both of them are in need of revision. And I know that this has been brought up by the Board of Cosmetology several times to our office.

So, I mean they are very actively working on it and so I'm glad to hear that they're pretty ready with that. The BBMR also notes the fiscal impact for this bill is administrative in nature, imposes no fiscal impact on any funds of the Government of Guam.

Our legal bureaus recommendations are very similar to Director DeNorcey, pointing out that there are rules and regulations that conflict so we have to make sure either one or both also reflect this change. And with that, I'll let Senator Louise Muña close on the bill.

Former Senator James Espaldon:

Madam Chair, before—excuse me Senator.

Chairperson Therese M. Terlaje:

Oh. Yes. Please...

Former Senator James Espaldon:

Before you close, but Madam Chair, if I may, to address that, one of the things that I am aware of and that was when I was a member of this body, I know that there was and I forgot what the issue was at the time—

But there was communication from the then Director of Public Health, Jim Gillan, addressing this situation and I believe my wife does have a hold on that and I'm sure she's gonna submit that with her testimony and within that letter of communication, he acknowledges, yes, exactly what you stated that there are separate rules and regulations for the two various types of industries whether one is Massage therapy and the other one is the Cosmetology Industry.

And in this letter, if I remember it correctly, he says, in essence, that historically public health has allowed these operations to coexist within the same establishment but at that point, on this particular issue that he was addressing in his letter that he had to seek clarification from the Attorney General's Office on what is the legal perspective on the colocation of the two; and of course, much like you stated the Attorney General's Office came back with the opinion that yeah, they have to abide by the rules and regulations, which calls for the separate entrance and the floor to ceiling.

But everything you say is correct, but prior to that the Department of Public Health was basically allowing the coexistence of...because in essence he was saying it was a natural thing to do right, to have a colocation of massage therapy within a cosmetology establishment but because there was a question in law at that specific time, he sought the opinion of the Attorney General and so he may had to make that determination there that they no longer can allow the colocation of the two different types of businesses.

But again, it was only because of a strict reading of the law. But prior to that, like I said, Public Health had no problem with both a massage therapy operating in concert with a beauty salon.

Chairperson Therese M. Terlaje:

Thank you again, Senator Espaldon.

Former Senator James Espaldon:

Thank you.

Chairperson Therese M. Terlaje:

And Senator Muña.

Senator Louise B. Muña:

Thank you again, Senator Espaldon, for representing your wife here either by choice or not. I'm very happy that you're here and as you were discussing some of her services, I've just started to feel some kinks in my neck and just for humor's sake, it would be nice if we could collocate some massage therapy here in the legislature because as, you know, we could use that around here.

What I know that this bill would do is it'll definitely add some features and benefits to locations that offer, you know, cosmetology, such as hair and nails. And I think it will definitely also increase the amount of good qualified massage therapists that we have on island;

We have schools that teach people how to do hair and nails and I think this would be a great opportunity for maybe a school for massage therapy to come into Guam and offer this education to people so that we can have more massage therapists on island.

I think we do have some, too, here on island and I have my specifics where I like to go to but I think it would be a great convenience to the person who's getting all of these services, like Senator Shelton said, to have that one-stop convenience, to go to one place and get all of these services done at once rather than having to make separate appointments on separate days and then—

It just takes a lot more time but I do know that this is definitely a craft and there are people out there who study to do this and do it well rather than them trying to find the clients; they can stay in one place and the clients can come to them.

I would imagine now because there's probably not a whole lot of locations for them to practice their therapy that maybe they go underground and do in-home services and those could be—you know, it could possibly be untaxed...you know it's not...

Former Senator James Espaldon:

If I may, Senator, actually you're pretty much on point on that because of the cost to establish a business location for one-man operations like a massage therapist there are a lot of massage therapists.

And again, I do have some friends who basically do not have a specific place in which they operate out of and they do home services now whether or not they are licensed or whether or not they even have you know the sanitary permits or whatnot I don't know but you're right they may be underground and undetected whereas if they're allowed to be in a specific location and established recognized business location.

It would be very easy for them to again make sure that they are part of the tax paying system and it takes away the dilemma of also having to travel here and there and who knows where right just to get to one client. And so yes there probably is an underground network as well of therapists.

And then there's a lot of people who would love to have a massage at home and again I believe that if they were located in an established cosmetology business location that again, it would be a lot more up and up.

It would be according to the rules, according to the sanitary permit and having Sanitary permits and health certificates and whatnot. And I think this is again, one of the reasons why my wife is in support of this bill.

Senator Louise B. Muña:

I think it's a win all around because it'll help increase clientele for the massage therapist, for one, who probably wouldn't have to do any advertising because there's already clients coming into the salon in the first place, you know.

It'll increase their abilities, of course, because they'll get better, the more clients they have. It'll be better for the salon. It'll be better for the government because then they'll be legally paying for taxes. I just think—and for me, for example, if I'm getting my hair done and I only have 15 minutes left and I want spot therapy, maybe massage therapy on my lower back like you said, and that's all I have time for.

That's exactly how I would like rather than going to look for a place that does a full hour of massage in a separate location. So, I just think it's a win win win, all the way around and I hope that I can get my colleagues support when it gets to the floor.

And I really thank you so much.

Former Senator James Espaldon:

Thank you, Senator.

Senator Louise B. Muña:

And thank you for being here to testify.

Former Senator James Espaldon:

Thank you.

Chairperson Therese M. Terlaje:

Thank you very much, Senator. Thank you again. And that will conclude the public hearing on Bill 207.

The public hearing was adjourned at **5:52 PM**.

III. FINDINGS & RECOMMENDATIONS:

- Invitation to provide testimony was sent to the Guam Board of Barbering and Cosmetology through the DPHSS Health Licensing and Professionals Office. Sanitation standards for beauty and barbershops and therapeutic massage establishments are governed by Rules and Regulations pertaining to Barber and Beauty Shops, Schools; and the Practice of Barbering and Cosmetology and Regulations relative to the Sanitary Operations of a Therapeutic Massage. Testimony has not been received from the Board at the time of this report.
- Testimony was submitted by former Department of Public Health and Social Services Director Linda DeNorcey from the perspective of the Division of Environmental Health (DEH), which regulates beauty salons, barbershops and therapeutic massage establishments pursuant to Title 10 GCA, Chapter 21 and 27.

DeNorcey cited Section VIII 8.1 (a) of the Therapeutic Massage Regulations and Section VI 6.1 (a) of the Cosmetic Regulations, which states that the co-location of a therapeutic massage establishment/cosmetology shop is not permitted unless there is a solid, door less partition from the floor to the ceiling and between such walls to provide complete physical separation of the establishment from such other business/dwelling. In order to allow for the lawful co-location of a massage establishment with a cosmetic establishment as intended in Bill 207, these two regulations must also be revised.

During the hearing, DPHSS recommended incorporating DEH updated proposed Cosmetology regulations, currently going through the Administrative Adjudication Law process. DPHSS also recommended allowing DPHSS to revise and update the existing therapeutic massage establishment regulations to also be incorporated into Bill 207. At the time of this report, M. Thomas Nadeau of DEH updated the Committee, informing that the updates to the cosmetology regulations were done, and pending submission to the Legislature via the Governor pursuant to the AAL. He indicated that the provision for co-location was already incorporated, if not, it can be done easily. Furthermore, per M. Thomas Nadeau, a draft therapeutic massage establishment regulation to address the co-location was prepared; however, matters relative to the COVID-19 pandemic shifted DEH focus. The status of updated regulations for therapeutic massage establishments is still pending verification from the Acting Chief Environmental Protection Health Officer Rosanna Rabago, as Mr. Nadeau has been reassigned.

DPHSS contends that updates to the rules and regulations for therapeutic massage establishments and for cosmetology would allow for the expedited implementation of co-location provisions.

The Committee on Health, Tourism, Historic Preservation, Land and Justice hereby reports out Bill No. 207-35 (COR)- *As Introduced by Louise B. Muña* – “**AN ACT TO ADD A NEW §18137 TO CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE COLOCATION OF MASSAGE THERAPY AND PRACTICE SERVICES WITHIN COSMETOLOGY ESTABLISHMENTS,**” with the recommendation to **To Report Out Only.**

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 201-35 (WR)

Introduced by:

Louise B. Muña *LB Mu*

**AN ACT TO ADD A NEW § 18137 TO CHAPTER 18, TITLE
10 GUAM CODE ANNOTATED RELATIVE TO
AUTHORIZING THE COLOCATION OF MASSAGE
THERAPY AND PRACTICE SERVICES WITHIN
COSMETOLOGY ESTABLISHMENTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the current administrative rules and regulations ban the colocation of cosmetology businesses with massage businesses and massage practitioners. This in spite of the fact that the sanitary permit requirements for both businesses are nearly identical. The result of these regulatory burdens is that business owners are barred from offering massage services and cosmetology services in the same establishment. Because of expensive rent and overhead costs associated with operating a massage practice venue, massage therapists and practitioners often limit their practice to home sessions.

This degree of separation is unnecessary as both cosmetologists and massage therapists both have special licensing requirements to practice their arts and cannot engage in either practice without the proper licensing.

It is the intent of the *I Liheslatura* to permit the operation of cosmetology and massage therapy within the same business location.

Section 2. A new § 18137 is *added* to Chapter 18, Title 10, Guam Code Annotated to read:

2019 SEP 16 PM 1:05
[Signature]

1 **“§ 18137. Colocation of Massage Therapy Businesses or Services.**

2 Notwithstanding any provision of law or administrative rules and regulations,
3 massage therapy and practice businesses or services may be colocated within any
4 cosmetology establishment authorized by this chapter subject to the following
5 conditions:

6 (a) That the space to perform such services offers privacy for the patron of the
7 massage services,

8 (b) That the therapists performing massage therapy be duly licensed by the
9 Guam Department of Public Health and Social Services and comply with
10 health certificate requirements, and

11 (c) That prices for such services be printed or displayed and made available
12 to patrons in advance of the services.

13 Massage therapists operating within cosmetology businesses may be employed as
14 employees or independent contractors.

15 Massage services that are permitted in the practice of cosmetology related services
16 are not subject to the requirements of this section.”

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telen Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

October 28, 2019

Senator Clynton E. Ridgell,
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedro" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chair, Committee on Rules

Re: Fiscal Note Waiver for Bill No. 207-35 (COR)

Buenas yan Håfa adai.

Attached, please find the fiscal note waiver for the following bill:

Bill No. 207-35 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR

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LOURDES A. LEON GUERRERO
GOVERNOR

LESTER L. CARLSON, JR.
DIRECTOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

OCT 25 2019

Senator Regine Biscoe Lee
Chairperson, Committee on Rules
I Mina'trentai Singko Na Liheslaturan Guåhan
Thirty-Fifth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa Adai Senator Lee:

The Bureau requests that Bill No. 207-35 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 207-35 (COR) is an act to add a new § 18137 to Chapter 18, Title 10 Guam Code Annotated relative to authorizing the colocation of massage therapy and practice services within cosmetology establishments. The proposed legislation seeks to permit the operation of cosmetology and massage therapy within the same business location. This resulted from the discovery that both services have nearly identical sanitary permit requirements. As such, the proposed bill is administrative in nature and poses no fiscal impact on any funds of the Government of Guam.

Senseramente,

LESTER L. CARLSON, JR.





SENATOR THERESE M. TERLAJE

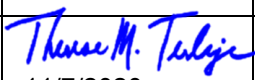
Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina' trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 207-35 (COR) – As Introduced by Senator Louise B. Muña “An Act to Amend Add a new § 18137 to Chapter 18, Title 10 Guam Code Annotated Relative to Authorizing the Colocation of Massage Therapy and Practice Services within Cosmetology Establishments.”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Therese M. Terlaje Chairperson	 11/7/2020			✓		
Senator Sabina Flores Perez Vice Chairperson	E-Vote 11/8/2020			✓		
Senator Kelly G. Marsh (Taitano), Ph.D. Member						
Senator James C. Moylan Member	E-Vote 11/9/2020			✓		
Senator Louise B. Muña Member	E-Vote 11/8/2020	✓				
Vice Speaker Telenia C. Nelson Member						
Senator Joe S. San Agustin Member						
Senator Amanda L. Shelton Member	E-Vote 11/9/2020			✓		
Senator Mary Camacho Torres Member						

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE- BILL NO. 207-35 (COR)- As Introduced

1 message

Louise Muna <senatorlouise@gmail.com>

Sun, Nov 8, 2020 at 12:15 PM

To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Hafa Adai,

To Do Pass.

Si Yu'us Ma'ase,

Office of Senator
LOUISE BORJA MUÑA

I Mina' Trentai Singko Na Liheslaturan Guåhan

163 Chalan Santo Papa Street, Hagatna, Guam 96910

Tel: (671) 969-9852/3 Email: senatorlouise@gmail.com

CONFIDENTIALITY NOTICE: This message is from the Office of Senator Louise B. Muna, Guam Legislature and contains information which is privileged and confidential and is solely for the use of the intended recipient. If you are not the intended recipient, any review, disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this transmission in error, please destroy immediately.

On Sun, Nov 8, 2020 at 2:01 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

Hafa Adai, Committee Members:

Please see the Google link to the Committee Report for **Bill No. 207-35 (COR) –As Introduced by Senator Louise B. Muña- “An Act to Amend Add a new § 18137 to Chapter 18, Title 10 Guam Code Annotated Relative to Authorizing the Collocation of Massage Therapy and Practice Services within Cosmetology Establishments.”**

Please indicate your preferred action, based on the following options.

- ☐ To Do Pass;
- ☐ To Not Pass;
- ☐ To Report Out Only;
- ☐ To Abstain; or
- ☐ To Place in Inactive File.

Please submit your response **ASAP**. Your response will be logged into the Committee Vote Sheet for Bill No. 207-35 (COR), which will be filed with the Committee on Rules.

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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website: www.senatorterlaje.com

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE- BILL NO. 207-35 (COR)- As Introduced

1 message

Office of Senator Sabina Perez <office@senatorperez.org>
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Sun, Nov 8, 2020 at 8:32 PM

To report out only

On Sun, Nov 8, 2020 at 2:01 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:
Hafa Adai, Committee Members:

Please see the Google link to the Committee Report for **Bill No. 207-35 (COR) –As Introduced by Senator Louise B. Muña- “An Act to Amend Add a new § 18137 to Chapter 18, Title 10 Guam Code Annotated Relative to Authorizing the Collocation of Massage Therapy and Practice Services within Cosmetology Establishments.”**

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Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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--

Office of Senator Sabina Flores Perez

Committee on the Environment, Revenue & Taxation, and Procurement

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

O: 194 Hernan Cortez Avenue, First Floor, Terlaje Professional Building, Hagåtña, Guam 96910

M: Guam Congress Building, [163 Chalan Santo Papa](#), Hagåtña, Guam 96910

T: (671) 989-2968

E: office@senatorperez.org



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE- BILL NO. 207-35 (COR)- As Introduced

1 message

James Moylan <senatormoylan@guamlegislature.org>
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Mon, Nov 9, 2020 at 7:23 AM

To report out Only.

SYM.

On Sun, Nov 8, 2020, 2:01 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:
Hafa Adai, Committee Members:

Please see the Google link to the Committee Report for **Bill No. 207-35 (COR) –As Introduced by Senator Louise B. Muña- “An Act to Amend Add a new § 18137 to Chapter 18, Title 10 Guam Code Annotated Relative to Authorizing the Collocation of Massage Therapy and Practice Services within Cosmetology Establishments.”**

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Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE- BILL NO. 207-35 (COR)- As Introduced

1 message

Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org> Mon, Nov 9, 2020 at 8:22 AM
 To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

TO REPORT OUT ONLY

On Sun, Nov 8, 2020 at 2:01 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:
 Hafa Adai, Committee Members:

Please see the Google link to the Committee Report for **Bill No. 207-35 (COR) –As Introduced by Senator Louise B. Muña- “An Act to Amend Add a new § 18137 to Chapter 18, Title 10 Guam Code Annotated Relative to Authorizing the Collocation of Massage Therapy and Practice Services within Cosmetology Establishments.”**

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Office of Senator Therese M. Terlaje**Committee on Health, Tourism, Historic Preservation, Land and Justice**

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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Si Yu'os Ma'åse,

Office of the People • Senator Amanda L. Shelton

Legislative Secretary & Chairwoman of the Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens

35th Guam Legislature

I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building

[163 Chalan Santo Papa](#)

[Hagåtña, GU 96910](#)

11/9/2020

Gmail - Re: REQUEST FOR E-VOTE- BILL NO. 207-35 (COR)- As Introduced

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