

**10 GCA HEALTH AND SAFETY  
CH. 18 BARBERING AND COSMETOLOGY ACT OF 2010**

**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 19<sup>th</sup> Guam Legislature. Repealed and reenacted by P.L. 25-188:3 (Jan. 11, 2001), and P.L. 30-152:2 (May 25, 2010).

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**§ 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.

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

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

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

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

(f) *Cosmetologist* means any person who engages and is licensed to perform services for others for the improvement and beautification of the hair, skin and nails of the human body for cosmetic purpose by means of any one (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.

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(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;

(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,

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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:

(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

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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.

(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

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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'lahaen 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;

(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

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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'lahaen Guåhan* (the Governor). Members temporarily off island or ill *shall* be considered excused.

(4) Vacancies for any cause *shall* be filled by *I Maga'lahaen 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 *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

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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;
- (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;

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(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.

(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.

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(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 functions of the Health Professional Licensing Office of the Department of Public Health and Social Services. This Fund *shall*

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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.

**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 19<sup>th</sup> Guam Legislature. Repealed and reenacted by P.L. 25-188:3 (Jan. 11, 2001), and P.L. 30-152:2 (May 25, 2010). Repealed by P.L. 36-071:19 (Dec. 27, 2021).

**2022 NOTE:** Prior to its repeal by P.L. 36-071:19 (Dec. 27, 2021), this provision stated:

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 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

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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 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

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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;

(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

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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/alterd 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.

(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

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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;

(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

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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 or 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:
  - (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;

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(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/altered 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 (3) months sized for a cosmetologist license (2½" x 2½"); and

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(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 Guam 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.

**2023 NOTE:** Reference to "Territory" replaced with "Guam" pursuant to 1 GCA § 420.

**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

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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 Guam for period of the time equivalent to the study and training of a qualified person who has completed a course in nail care from a school curriculum of which complied with requirements adopted by the Board; *or*

(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).

**2023 NOTE:** Reference to "Territory" replaced with "Guam" pursuant to 1 GCA § 420.

**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*

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(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 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;

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(b) has completed the twelfth (12<sup>th</sup>) 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

(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)

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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 (10<sup>th</sup>) grade in school or its equivalent; and
- (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.**

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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
  - (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).

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**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
- (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;

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(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.

(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.

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(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**

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**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 the National Accrediting Commission of Career Arts and Sciences or its successor; the school license shall be renewed annually after inspection.

(A) The Board may issue an interim school license to schools without accreditation. Within two (2) years after being issued an interim school license by the Board, the school shall submit to the Board proof that it has applied for accreditation with the Western Association of Schools and Colleges, or the National Accrediting Commission of Career Arts and Sciences or its successor. If a school fails to provide documentation that it has applied for accreditation, the interim license shall be rescinded. Within five (5) years after being issued an interim school license by the Board, a school shall submit to the Board proof that it has achieved accreditation. The interim school license shall be renewed annually after inspection.

(i) All documents submitted to the Western

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Association of Schools and Colleges, or the National Accrediting Commission of Career Arts and Sciences or its successor for the purposes of accreditation must also be submitted to the Board. The Board may rescind an interim school license if a school fails to provide these documents.

(ii) A school can only hold an interim school license for a total of five (5) consecutive years.

(B) If a school loses accreditation, the school has two (2) years to regain accreditation before their school license is rescinded.

(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, 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

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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 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,

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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.

**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. Repealed and reenacted by P.L. 25-188:3 (Jan. 11, 2001), and P.L. 30-152:2 (May 25, 2010). Subsection (a) amended and subitems (2)(A) and (B) added by P.L. 36-117:1-3 (Nov. 9, 2022).

**§ 18128.1. Student Instructor Qualifications.**

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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**

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**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

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as are directly incidental to the instruction of students.

(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.

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(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.

(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.

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**§ 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

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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.**

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

- (a) failure of a person, firm or corporation operating an establishment, or engaged in any practice regulated by this Chapter, to comply with the requirements of this Chapter;
- (b) failure to comply with the rules governing health and safety adopted by the Board for the regulation of establishments or any practice licensed and regulated under this Chapter;
- (c) failure to comply with the rules adopted by the Board for the regulation of establishments, or any practice licensed and regulated under this Chapter;
- (d) gross negligence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, manicurist or electrology, or disregard for the health and safety of patrons;
- (e) repeated similar negligent acts;
- (f) incompetence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, manicurist, or electrology;
- (g) continued practice by a person knowingly having an infectious or contagious disease;
- (h) habitual drunkenness, habitual use of, or addiction to the use of any controlled substance;
- (i) advertising by means of knowingly false or deceptive statements;
- (j) obtaining or attempting to obtain practice in any occupation licensed and regulated under this Chapter, or money or compensation in any form, by fraudulent misrepresentations;
- (k) failure to display the license or health and safety rules and regulations in a conspicuous place;

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(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;

(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*

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ninety (90) days, or both. Each and every day of violation *shall* be a separate offense;

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

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

**§ 18130. Licenses.**

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

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

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

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

**§ 18131. Apprentice Licenses.**

Upon submitting the required documents for application for examination, 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

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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.

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**§ 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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