

OVERVIEW

Sunset Evaluation of Barbering and Beauty Culture

Report No. 01-02, January 2001

Summary

During the 1999 legislative session, the Legislature found that deregulating professions and vocations where appropriate could reduce government bureaucracy and red tape. Consequently, Act 254, Session Laws of Hawaii 1999, directed the Auditor to conduct a sunset review of the regulation of barbering and beauty culture. The Auditor is required to report on whether regulation of these professions should be continued or repealed, and if continued, whether it would be more efficient and cost-effective to regulate barbering and beauty culture through a regulatory board, the Department of Commerce and Consumer Affairs, or some other agency or mechanism.

Barbers cut, trim, shampoo, and style hair. Beauty culturists, also known as cosmetologists, primarily shampoo, cut, and style hair, but also perform a number of other services. Many beauty culturists offer specialized services and work exclusively on hair, nails, or skin. A growing number also actively sell cosmetic products and supplies.

Currently, all 50 states regulate beauty culture, also known as cosmetology, and require licensure while 49 of 50 states regulate barbering and require licensure. Barbering has been regulated in Hawaii since 1947 and beauty culture since 1929. As of July 2000, there were over 6,700 licensed practitioners, shops, and schools in Hawaii. In addition, a total of 202 apprentice permits and 600 temporary permits have been issued.

Since 1980, we have conducted two sunset evaluation reviews of barbering and three of beauty culture. In all five reports, we recommended against the continuation of the statutes under which the two occupations are regulated (Chapter 438 and Chapter 439, HRS). We found that regulation of the practices of barbering and beauty culture under these chapters was not warranted as the two practices posed little danger to the public. Potential dangers to public welfare were found to be outside the purview of these two chapters and could be more appropriately addressed by other state and federal laws and agencies.

We found that little has changed since we last evaluated these occupations over ten years ago. The practices of barbering and beauty culture pose a minimal risk to the public's health, safety, or welfare. Locally and nationally, there is little evidence of abuses by barbers and beauty culturists. Furthermore, protection from the potential harm posed by these two occupations exists within the purview of other state and federal agencies' regulations. For example, the state Department of Health regulates the sanitation of barber shops and beauty parlors while the federal Food and Drug Administration regulates cosmetic products.



In addition, other incentives exist for practitioners to prevent harm to consumer health, safety, and welfare. These incentives relate to the impact on insurance cost and availability, the potential for liability lawsuits, and practitioners' word-of-mouth reputation.

Finally, we found that regulation of barbering and beauty culture reduces the number of individuals able to provide services and thereby limits consumer choice. Relatively high failure rates for barbering and beauty culture examinations indicate that these examinations are barriers to entry into the occupations. As a result, consumers face a reduction in the selection and quality of services, while facing higher costs for those services.

Recommendation and Response

We recommended that Chapters 438 and 439, HRS, be repealed.

In its response, the Board of Barbering and Cosmetology noted strong disagreement with our recommendation. The board feels that repeal of Chapters 438 and 439 would open the door to fraud, incompetence, and public distrust in barbers and cosmetologists. The board also noted its belief that repeal would undermine the safeguards administered by the state Departments of Education and Health and the federal Food and Drug Administration. The Department of Commerce and Consumer Affairs did not submit a response.

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