

THE TWENTY-NINTH LEGISLATURE OF AMERICAN SAMOA

THIRD REGULAR SESSION

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the ninth day of January
two thousand and six

AN ACT DEFINING COSMETOLOGY TERMS, ADDRESSING THE LICENSING OF APPRENTICE HAIRDRESSERS AND APPRENTICE COSMETICIANS AND AMENDS SECTION ON REFUSAL, REVOCATION OR SUSPENSION OF CERTIFICATE; AMENDING SECTIONS 31.1502, 31.1503, 31.1504, AND 31.1507 A.S.C.A.

Preamble:

This act being necessary to allow more qualified individuals to obtain cosmetology licenses in the Territory to meet the fast rising demand for hairdressers and cosmeticians.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 31.1502 is amended to read:

“31.1502 Definitions.

As used in this chapter unless the context clearly requires otherwise:

(a) “Beauty shop or salon” means any premises upon or within which is practiced either of the classified occupations.

(b) “Board” means the American Samoa Board of Cosmetology.

(c) “Classified occupations” means the occupation of hairdresser and cosmetician.

(d) “Cosmetician” means any operator or person who, with hands or mechanical or electrical apparatus or appliances, or by use of cosmetic preparations, antiseptics, tonics, lotions, or creams, engages for compensation in any one or any combination of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying, or doing similar work upon the scalp, the face, neck, arms, bust, or upper part of the body, or

manicuring the nails, or removing of superfluous hair, by the use of electricity or otherwise, about the body of any person.

(e) "Hairdresser" means any person who for compensation engages in any one or any combination of the following practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of another person.

(f) "Operator" means a hairdresser or cosmetician.

(g) "Apprentice Cosmetician" means any person who, working under the supervision of a U.S. licensed cosmetician, and who, with hands or mechanical or electrical apparatus or appliances, or by use of cosmetic preparations, antiseptics, tonics, lotions, or creams, engages for compensation in any one or any combination of the following practices; massaging, cleansing, stimulating, manipulating, exercising, beautifying, or doing similar work upon the scalp, the face, neck, arms, or upper part of the body, or manicuring the removing of superfluous hair.

(h) "Apprentice Hairdresser" means any person who, working under the supervision of a U.S. licensed hairdresser, and who for compensation engages in any one or any combination of the following practices: arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, or similar work upon the hair of another person.

(i) "Applicant" means any person who files an application to obtain an apprentice hairdresser or apprentice cosmetician's or cosmetician or operator's license.

(j) "U.S." refers to the United States or any state or territory of the United States."

Sec 2 31.1503 is amended to read:

"31.1503 Licensing.

(a) The Board shall issue a license for an operator or apprentice hairdresser or apprentice cosmetician to each person who furnishes the required certification that is a U.S. license or the certification is equivalent to a U.S. license, pays the proper fee, and meets all of the other requirements of this chapter.

(b) The certificate shall state specifically the occupation for which the person is licensed, be signed by the chairman of the Board, and be posted above the station of each person licensed.

(c) The Board shall establish reasonable license fees, not to exceed \$25 a year, for operators, apprentice hairdressers, and apprentice cosmeticians.

(d) Licenses issued under this section expire each December 31st, but may be renewed upon application to and approval by the Board."

Sec 3 31.1504 is amended to read:

“31.1504 Licensure of operators.

The Board shall determine the sufficiency of the preliminary qualifications of applicants for licensure. The following qualifications are sufficient:

(a) An operator may be licensed as a hairdresser and cosmetician provided the person is of good moral character; and

(1) is currently licensed to practice hair-dressing and cosmetology in any state of the United States and has practiced as an operator for 3 out of the 5 years immediately preceding the application for licensure; or

(2) is licensed under paragraphs (1) and has successfully completed a Board approved refresher course at an accredited school within one year preceding application to the Board.

(3) Any amendment to this section shall not apply to or effect licenses issued prior to the effective date of any amendment or to the renewal of said licenses.

(b) A person may be licensed as an apprentice hairdresser or apprentice cosmetician if the Board determines an applicant has satisfied the following:

(1) a completed current application;

(2) a valid current license or certification from the United States or any country whose licensing standards are equivalent to that of the United States;

(3) a letter by a licensed operator of a salon, confirming the operator will sponsor the applicant, that the applicant person has been offered employment by a licensed operator, and the applicant will be working under the supervision of the operator; and

(4) Two reference letters from residents of the Territory stating that applicant is of good moral character.

~~(b)~~(c) The Board may conditionally license persons as operators who substantially comply with the qualifications under subsection (a).”

Sec 4. 31.1507 is amended to read:

“31.1507 Grounds for refusal, revocation, or suspension of certificate.

(a) The Board may refuse to grant, renew, reinstate, or restore any license required under this chapter, whether covering the licensure of an operator or beauty salon, apprentice hairdresser, or apprentice cosmetician, for any cause which could be grounds for revocation of a license under this section. The Board may, nevertheless, renew, reinstate, or restore any license when it determines that action is just and may be done consistently with the accomplishment of the purposes of this chapter.

(b) The Board may revoke or suspend any license, whether operator or beauty salon for any of the following causes:

- (1) professional misconduct, gross carelessness, or manifest incapacity;
- (2) conviction of a crime involving moral turpitude;
- (3) violation of any of the provisions of this chapter or the rules promulgated pursuant thereto or any other law which applies to him in the occupation covered by the license;
- (4) making any false representation or promise, through advertising or otherwise, or in any manner dealing fraudulently or dishonestly in the occupation covered by the license;
- (5) habitual intemperance in use of alcoholic beverages or addiction to the use of narcotic drugs;
- (6) failing to display the license as provided in this chapter.”

Lolo M. Moliga

LOLO M. MOLIGA
President of the Senate

Matagi R. Ma'ilo McMoore

MATAGI RAY MA'ILO MCMOORE
Speaker, House of Representatives

Hereby Approved this 13th day of March - 2006
Cecil A. A. A.
Governor of American Samoa

NOFOA'IGA LUASEFULU-IVA FONOFAITULAFONO A AMERIKA SAMOA

FONO TELE LONA TOLU

Nofaia ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso iva o Ianuari
lua afe ma le ono

O SE TULAFONO E FA'AMATALAINA AI LE TULAGA O LE TEUTEUINA FA'AMATAGOFIE O LE TINO, FA'AAUTU I LE LAISENEINA O LE 'AU TEU ULU A'OA'OINA MA LE 'AU A'OA'OINA TEU TINO FA'AMATAGOFIE, MA SUIA AI LE MAGA O LE TE'ENA, FA'ALEAOGAINA, PO'O LE TAOFIA O SE LAISENE; SUIA AI LE MAGA 31.1502, 31.1503, 31.1504, MA LE 31.1507 T.T.A.S.

Fa'atomuaga:

O lenei tulafono e talafeagai mo le fa'atagaina o nisi tagata agava'a e fa'aaoga a latou laisene fa'amatagofieina o le tino i totonu o le Teritori e fa'afetaui ai le televave o mana'oga fa'atupula'ia mo le 'au teu ulu ma le 'au teu tino fa'amatagofie.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 31.1502 ua suia e faitauina:

"31.1502 Fa'auigaina.

E pei ona fa'aaogaina i lenei mata'upu se'i vagana ua manino le mana'omia o le fa'aupuga pe afai e le o lea:

(a) "Fale'oloa o Teuga Fa'amatagofie po'o se potu" o lona uiga so'o se fale i luga po'o i totonu o lo'o a'oa'oina ai so'o se tasi i tulaga o galuega.

(e) "Komiti Fa'afae" o lona uiga o le Komiti Fa'afae o Teuga Fa'amatagofie o Amerika Samoa.

(i) "Fa'atulagaina o galuega" o lona uiga o galuega o le 'au teu ulu ma 'au teu tino fa'amatagofie.

(o) "Tagata teu tino fa'amatagofie" o lona uiga o so'o se tagata e ona le pisinisi po'o e, fa'aaoga lima po'o masini po'o mea faigaluega e alu i le uila, po'o le fa'aaoga o sauniuniga o teuga fa'amatagofie, vaila'au puipua mai inifeti, vaila'au fa'atupu malosi, vainini, ga'o, e fa'amau ai mo se fetu'una'iga i se tasi po'o so'o se tu'ufa'atasiga o fa'atinoga o lo'o fa'aalia i

lalo: fa'asologa o maso ma so'oga ivi, fa'amamaina, fa'agaoioiga o le tino, fa'atino ma le tomai, fa'amalosi tino, teuga fa'amatagofie, po'o le fa'atinoina o gaoioiga tutusa i luga o le pa'u o le ulu, o foliga, ua, lima, po'o vaega vaega pito i luga o le tino, po'o le fa'aeteete i atigilima, po'o le ave'esea o lauulu leaoga, e ala i le fa'aaogaina o le uila po'o se isi auala, e fa'atatau i le tino o so'o se tagata.

(u) "Tagata teu ulu" o lona uiga o so'o se tagata e tosina le totogi i so'o se tasi po'o so'o se tu'ufa'atasiga o gaoioiga o lo'o fa'aalia i lalo: fa'atulagaina, fa'apipi'iina, selu fa'api'o, fa'amomoe, fa'amamaina, sele, mulumulu, fa'asinasina, vali, po'o gaoioiga tutusa i luga o le lauulu o se isi tagata.

(f) "Tagata galue" o lona uiga o se tagata teu ulu po'o se tagata teu tino fa'amatagofie.

(g) "Tagata A'oa'oina talenia i le fa'amatagofie tino" o lona uiga so'o se tagata e, faigaluega i lalo o le va'aiga a se tagata o lo'o umia se laisene teu tino fa'amatagofie o le Iunaite Setete, ma le, fa'aaoga lima po'o masini po'o mea faigaluega e fa'aaoga ai le uila, po'o le fa'aaogaina o sauniuniga fa'amatagofie tino, vaila'au puipuia mai inifeti, vaila'au fa'atupu malosi, vainini, ga'o, e fa'amau ai mo se fetu'una'iga i se tasi po'o so'o se tu'ufa'atasiga o fa'atinoga o lo'o fa'aalia i lalo; fa'asologa o maso ma so'oga ivi, fa'amamaina, fa'agaoioiga o le tino, fa'atino ma le tomai, fa'amalosi tino, teuga fa'amatagofie, po'o le fa'atinoina o gaoioiga tutusa i luga o le pa'u o le ulu, o foliga, ua, lima, po'o vaega pito i luga o le tino, po'o le fa'aeteete i le 'aveesea o lauulu u'umi.

(l) "Teu ulu a'oa'oina" o lona uiga so'o se tagata e, faigaluega i lalo o le va'ava'aiga a se teu ulu o lo'o i ai se laisene o le Iunaite Setete, ma se tasi ua saunia le totogi i so'o se tasi po'o so'o se tu'ufa'atasiga o gaoioiga o lo'o fa'aalia i lalo, fa'atulagaina, fa'apipi'iina, selu fa'api'o, fa'amomoe, fa'amamaina, sele, mulumulu, fa'asinasina, vali, po'o fa'atinoga tutusa i luga o le lauulu o se isi tagata.

(m) "Tagata talosaga" o lona uiga so'o se tagata ua fa'atumu se pepa talosaga e maua ai se galuega teu ulu a'oa'oina po'o se teu tino a'oa'oina fa'amatagofie po'o se teutino laisene e fa'agaoioia ai se pisinisi.

(n) "U.S." e fa'atatau i le Iunaite Setete po'o so'o se setete po'o se teritori o le Iunaite Setete."

Maga 2. 31.1503 ua suia e faitauina:

"31.1503 Laisene.

(a) O le Komiti Fa'afoe e tu'uina atu se laisene i se faipisinisi po'o se teu ulu a'oa'oina po'o se teu tino fa'amatagofie

a'oa'oina i tagata ta'itasi o lo'o umia tusi fa'amaonia o le mana'omia lea o le laisene a le Iunaita Setete, totogi le tau talafeagai, ma pasia uma isi mana'oga o lenei mata'upu.

(e) O le pepa fa'amaonai e tatau ona fa'amanino tonu mai ai le galuega a le tagata e ona le laisene, ia sainia e le ta'ita'ifono o le Komiti, ma ia fa'apipi'i i luga o le nofoaga o tagata ta'ito'atasi ua i ai laisene.

(i) O le Komiti e ao ona fa'atulaga lelei se tau o le laisene talafeagai, ia le sili atu ma le \$25 i le tausaga, mo le au faipisinisi, teu ulu a'oa'oina, ma teu tino fa'amatagofie a'oa'oina.

(o) O laisene uma ua tu'uina atu i lalo o lenei maga e fa'amutaina ia Tesema 31 i tausaga uma, ae peita'i ia toe fa'afou e ala i pepa talosaga ma fa'amaonia e le Komiti Fa'afoe."

Maga 3. 31.1504 ua suia e faitauina:

"31.1504 Laisene o le 'au faipisinisi.

O le Komiti e ao ona iloilo mae'ae'a agava'a amata o tagata talosaga mo laisene. Ua lava agava'a o lo'o ta'ua i lalo:

(a) O se tagata faipisinisi e tatau ona i ai se laisene e avea ai ma tagata teu ulu, ma tagata teu tino fa'amatagofie ma ia saunia o se tagata amio lelei ma amio pulea; ma

(1) ua i ai se laisene e galue ai fa'a-teu ulu, ma teu tino fa'amatagofie i so'o se setete o le Iunaita Setete ma sa galue o se faipisinisi mo le 3 mai i le 5 tausaga o le fa'agaoioia vave o le tu'uina atu o le talosaga mo le laisene; po'o

(2) o lo'o laisene i lalo o parakalafa (1) ma sa mae'a lelei le fa'amaonia e le Komiti o le mata'upu toefa'afouina i se a'oga taualoa ma le tausaga e tasi e tu'uina atu ai le pepa talosaga ai le Komiti.

(3) so'o se suiga i lenei maga e le tatau ona fa'aaoga pe a'afia ai le tu'uina atu o laisene ae le'i o'o i le aso e taualoa ai so'o se suiga po'o le toe fa'afouina o laisene e pei ona ta'ua.

(e) E tatau ona maua e se tagata se laisene e avea ai ma teu ulu a'oa'oina po'o se teu tino fa'amatagofie a'oa'oina pe afai ua mae'a ona iloiloina e le Komiti se tagata talosaga ua pasia tulaga o lo'o fa'aalia i lalo;

(1) ua mae'a fa'atumuina se pepa talosaga;

(2) se laisene o lo'o aoga nei po'o se pepa fa'amaonia mai le Iunaita Setete po'o so'o se atunu'u o lo'o i ai le fa'atulagaga o laisene e tutusa ma laisene a le Iunaita Setete;

(3) o se tusi sa tusia e se faipisinisi o lo'o i ai se laisene i le faia o meataulima, e fa'amaonia ai le faipisinisi o le a na lagolagoina le tagata talosaga, e fa'apea o le tagata talosaga ua ofoina mai le galuega e le faipisinisi fa'alaiseneina, ma o le tagata talosaga o le a faigaluega i lalo o le va'ava'aiga a le faipisinisi; ma

(4) lua tusi e ta'ua mai ai mai aiga o le Teritori e fa'amatala mai ai e fa'apea o le tagata talosaga o se tagata amio lelei ma amio pulea.

(e) (i) O le komiti e tatau ona tu'uina atu laisene e avea ai tagata ma faipisinisi o e ua mulimulita'i lelei i agava'a i lalo o le soamaga (a)."

Maga 4. 31.1507 ua suia e faitauina:

31.1507 Fa'avae o le te'ena, fa'aleaogaina, po'o le taofia o le pepa fa'amaonia.

(a) O le Komiti e ao ona te'ena le tu'uina atu, toe fa'afou, toe fa'atulaga, po'o le toe fa'afo'i o so'o se laisene mana'omia i lalo o lenei mataupu, tusa lava pe fa'amalumalu ai le laisene o le faipisinisi po'o le fa'amatagofieina o meataulima, teu ulu a'oa'oina, po'o le teu tino fa'amatagofie a'oa'oina, mo so'o se mafua'aga ua fa'avae ai le fa'aleaogaina o se laisene i lalo o lenei maga. Peita'i ane, o lo'o i le Komiti le toe fa'afou, toe fa'atulaga, po'o le toe fa'afo'i o so'o se laisene pe afai e iloilo ua fa'amaonia lena gaioiga ma fa'atino talafeagai lelei ma le fa'ataunu'uina o le fa'amoemoega o lenei mata'upu.

(e) O le Komiti e mafai ona toe fa'afo'i po'o le taofia o so'o se laisene, tusa lava po'o se faipisinisi po'o se tagata fa'amatagofie meataulima mo so'o se mafua'aga o lo'o ta'ua i lalo:

(1) leai se amio pulea/amio fa'aletonuga, matua leagafaia, po'o le fa'aalia o le le agava'a;

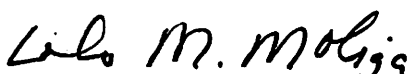
(2) molia i le solitulafono a'afia ai le faia o amio mataga;

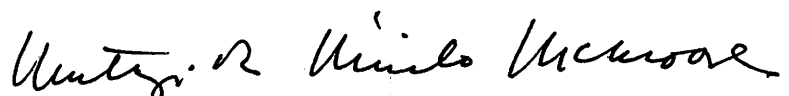
(3) solia o so'o se aiaiga o lenei mata'upu po'o tulafono fa'atulagaina e tusa ai ma po'o so'o se tulafono e fa'atatau ia te ia i le galuega o lo'o a'afia i le laisene;

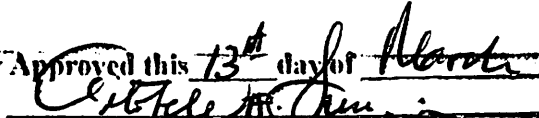
(4) fa'atinoina o so'o se gaioiga sese po'o se folafolaga, e ala i le fa'asalalau po'o se isi ala, po'o so'o se isi tulaga e a'afia ai le gaioi po'o le le fa'amaoni i le galuega o lo'o puipuia e lea laisene;

(5) fialia tele e fa'aaoga alakaholo po'o le naunau i le fa'aaogaina o fuala'au fa'asaina;

(6) musu e fa'apipi'i le laisene e pei ona pasia ma fa'amaonia i lenei mataupu."


LOLO M. MOLIGA
Peresetene, Maota Maualuga


MATAGI RAY MA'ILO MCMOORE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 13th day of March 2026

Governor Of American Samoa