

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



JULY 26, 2015
Board Meeting
Holiday Inn Orange County Airport
2726 South Grand Avenue
Santa Ana, CA 92705

California State Board of Barbering and Cosmetology

Board Meeting Agenda

Sunday, July 26, 2015

10:00 A.M.

**Holiday Inn Orange County Airport
2726 South Grand Ave
Santa Ana, CA 92705**

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call (**Dr. Kari Williams**)
2. Public Comment on Items not on the Agenda
Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
3. Board President's Report (**Dr. Kari Williams**)
4. Executive Officer Report (**Kristy Underwood**)
5. Appointment of Committee Members
6. Approval of Board Meeting Minutes
 - April 20, 2015
7. Update on Medical Services Task Force
8. Update and Discussions of Proposed Bills that could Impact BBC:
 - AB 181 - Sunset Review Bill
 - AB 1322 - Allowing Alcohol in Establishments
 - AB 750 - Retiree licenses
 - AB 888 - Microbeads in Cosmetics
 - AB 85 - Open Meetings
9. Discussion and Recommendations to Amend Section 904 and 905 of the California Code of Regulations Relating to the Consumer Information Posting.
10. Proposed Regulations Updates:
 - Text book Approval - Title 16, Section 961 of the California Code of Regulations
 - Military Training - Title 16, Section 910 of the California Code of Regulations
 - Administrative Fine Schedule -Title 16, Section 974 of the California Code of Regulations
 - Proposed Regulatory Language to Define "Demonstrating" for Purposes of BPC 7319 (e) Exemptions.



Dr. Kari Williams, Industry Member,
President

Richard Hedges, Public Member,
Vice President

Mary Lou Amaro, Industry Member

Bobbie Anderson, Public Member

Polly Codorniz, Industry Member

Andrew Drabkin, Public Member

Joseph Federico, Industry Member

Kristy Underwood
Executive Officer

Edmund G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

Telephone: (916) 575-7100

Website: www.barbercosmo.ca.gov

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

11. Discussion on Current Market Trends Regarding the Disinfection of Foot Spas
12. Proposed Board Meeting Dates for 2016
13. Agenda Items for Next Meeting
14. Public Comment
Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
15. **CLOSED SESSION:**
Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3))

OPEN SESSION:
16. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting on its website at www.barbercosmo.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

**Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).*

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

No Attachment

**Quarterly Barbering and Cosmetology
Licensing Statistics
Fiscal Year 14/15**

Applications Received

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June	YTD
Establishment	1,716	1,464	1,717	1,867	6,764
Mobile Unit	3	6	2	2	13
Barber					
Pre-App	270	230	248	345	1,093
Initial Application	266	274	282	339	1,161
Re-Exam	154	234	328	363	1,079
Sub-Total	690	738	858	1,047	3,333
Reciprocity	33	20	42	37	132
Apprentice	133	72	109	130	444
Cosmetology					
Pre-App	2,089	1,924	1,689	2,053	7,755
Initial Application	948	1,012	961	1,169	4,090
Re-Exam	2,385	1,712	1,611	1,452	7,160
Sub-Total	5,422	4,648	4,261	4,674	19,005
Reciprocity	327	254	399	428	1,408
Apprentice	172	133	109	204	618
Electrology					
Pre-App	11	7	2	7	27
Initial Application	1	5	3	1	10
Re-Exam	4	6	4	4	18
Sub-Total	16	18	9	12	55
Reciprocity	0	1	3	0	4
Manicuring					
Pre-App	734	634	489	642	2,499
Initial Application	1,011	853	725	1,065	3,654
Re-Exam	1,082	1,013	944	957	3,996
Sub-Total	2,827	2,500	2,158	2,664	10,149
Reciprocity	105	120	131	169	525
Esthetician					
Pre-App	681	745	771	905	3,102
Initial Application	484	558	479	592	2,113
Re-Exam	465	404	489	469	1,827
Sub-Total	1,630	1,707	1,739	1,966	7,042
Reciprocity	88	95	115	117	415
Total	13,162	11,776	11,652	13,317	49,907

Examination Results (April 1, 2015-June 30, 2015)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate	*DNA
Barber	502	117	619	81%	114
Cosmetologist	2,739	582	3,321	82%	539
Esthetician	1,375	257	1,632	84%	142
Electrologist	3	1	4	75%	0
Manicurist	1,373	586	1,959	70%	173
TOTAL	5,992	1,543	7,535	80%	968

* Did Not Attend

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	470	199	669	70%
Spanish	24	12	36	67%
Vietnamese	11	7	18	61%
Korean	0	0	0	0%
TOTAL	505	218	723	70%

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,530	577	3,107	81%
Spanish	74	187	261	28%
Vietnamese	206	39	245	84%
Korean	23	9	32	72%
TOTAL	2,810	803	3,613	78%

Manicurist	Passed	Failed	Total	Pass Rate
English	385	74	459	84%
Spanish	12	1	13	92%
Vietnamese	922	173	1,095	84%
Korean	22	1	23	96%
TOTAL	1,319	249	1,567	84%

Esthetician	Passed	Failed	Total	Pass Rate
English	1,024	104	1,128	91%
Spanish	3	4	7	43%
Vietnamese	285	47	332	86%
Korean	33	0	33	100%
TOTAL	1,345	155	1,467	92%

Electrologist	Passed	Failed	Total	Pass Rate
English	6	1	7	86%
Spanish	0	0	0	0%
Vietnamese	0	0	0	0%
Korean	0	0	0	0%
TOTAL	6	1	7	86%

Licenses Issued

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June	YTD
Establishment	1,680	1,558	1,516	1,840	6,594
Mobile Unit	2	2	5	1	10
Barber	555	422	473	602	2,052
Barber Apprentice	122	49	92	113	376
Cosmetology	2,918	3,876	3,089	3,106	12,989
Cosmetology Apprentice	151	111	97	168	527
Electrology	6	13	8	5	32
Electrology Apprentice	0	0	0	0	0
Manicuring	1,394	1,625	1,310	1,432	5,761
Esthetician	1,249	1,106	1,230	1,372	4,957
Total	8,077	8,762	7,820	8,639	33,298



Business, Consumer Services, and Housing Agency – Governor Edmund G. Brown Jr.
 BOARD OF BARBERING AND COSMETOLOGY
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**QUARTERLY BARBERING AND COSMETOLOGY
 DISCIPLINARY REVIEW COMMITTEE STATISTICS**

Fiscal Year 14-15

Report Date: June 30, 2015

	April - June	YTD
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NORTHERN

Heard	366	1,397
Received	241	1,033
Pending ¹	250	250 ²

SOUTHERN

Heard	218	2,018
Received	434	1,544
Pending ¹	405	405 ²

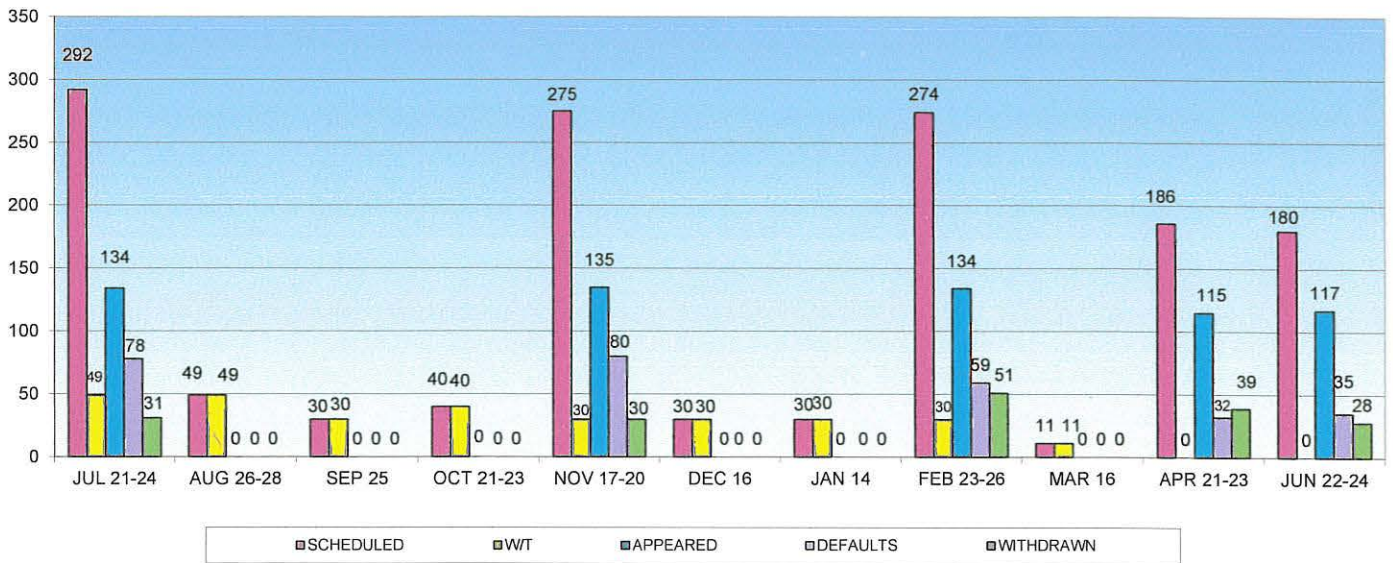
¹ Pending refers to the number of appeals received but not yet heard by DRC.

² Figure represents number of pending requests as of report date.

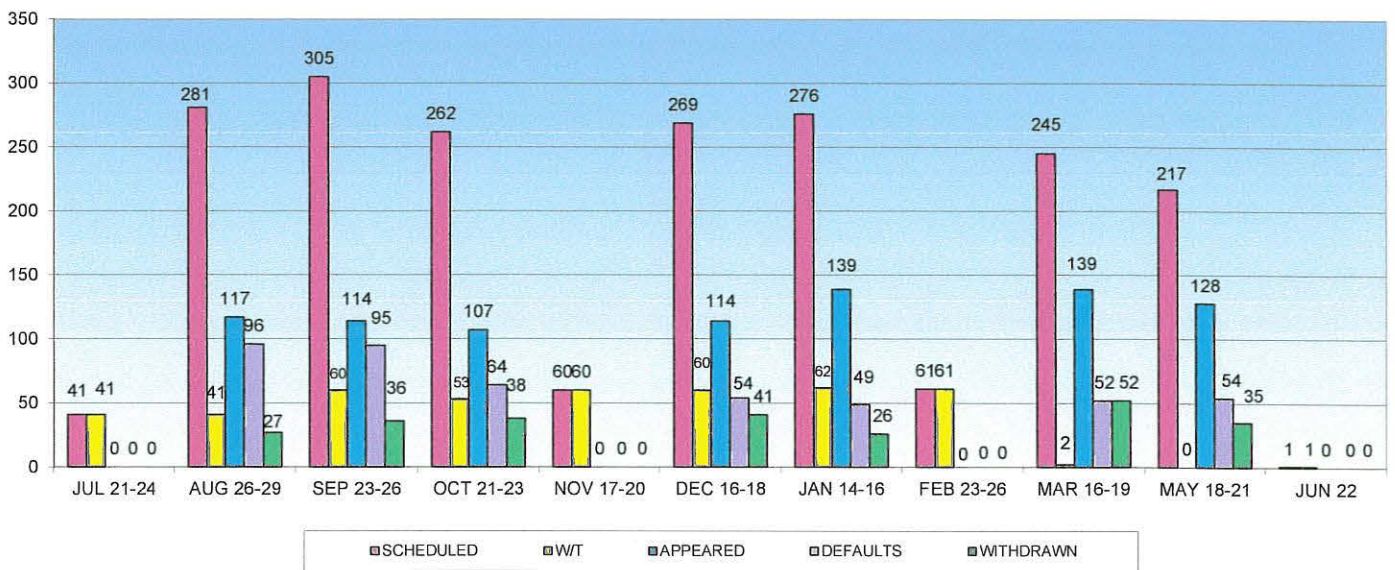
2015 SCHEDULED HEARINGS

Area	Location	Date
Southern	Costa Mesa	July 28-30, 2015
Northern	Sacramento	August 24-26, 2015
Southern	Los Angeles	September 21-23, 2015
Northern	San Jose	October 20-22, 2015
Southern	Los Angeles	November 16-18, 2015
Southern	Los Angeles	December 14-16, 2015

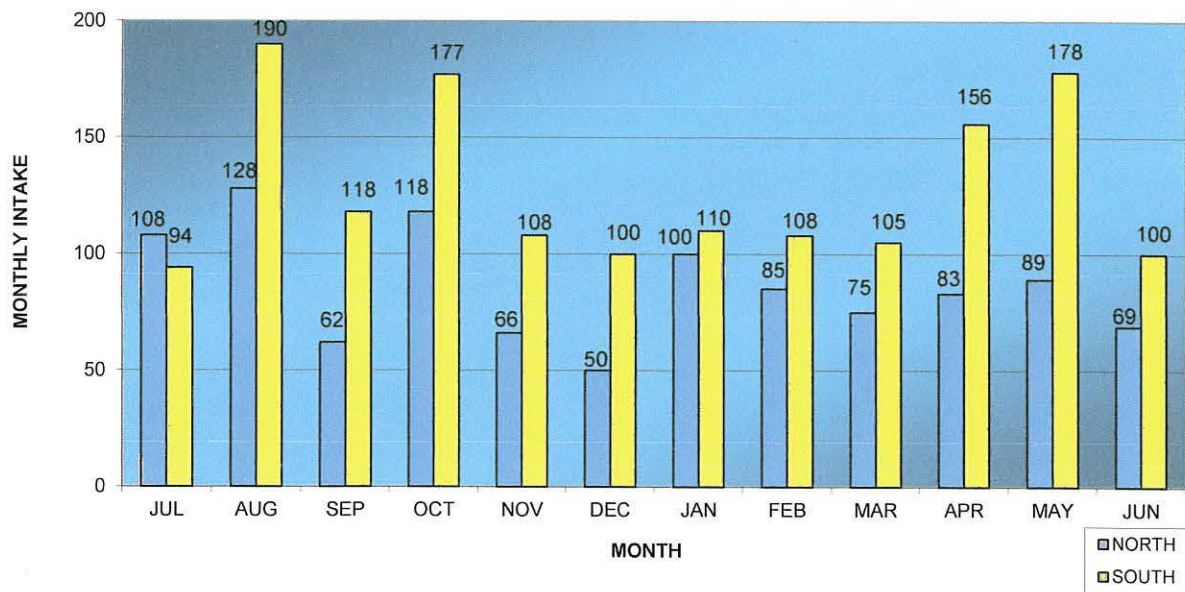
**NORTHERN APPEALS HEARD
(Fiscal Year 14-15)**



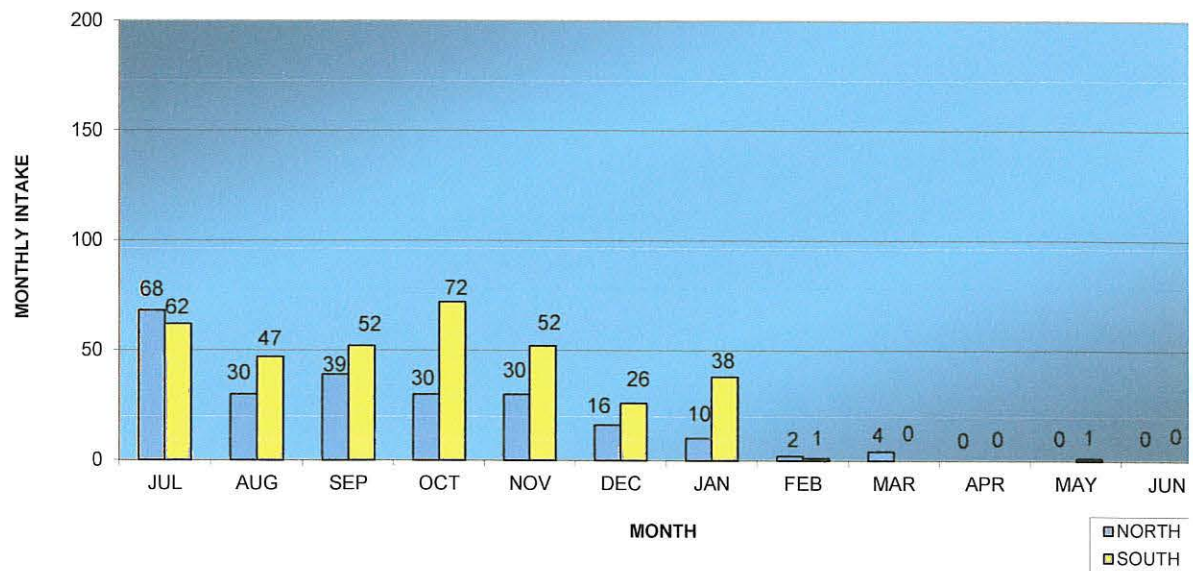
**SOUTHERN APPEALS HEARD
(Fiscal Year 14-15)**



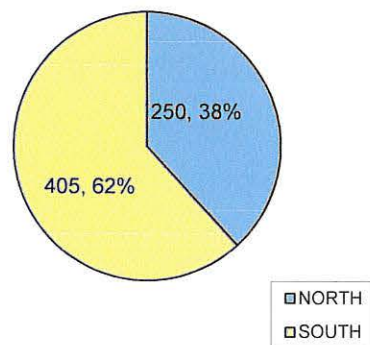
DRC MONTHLY INCOMING APPEALS (Fiscal Year 14-15)



DRC MONTHLY INCOMING WT APPEALS (Fiscal Year 14-15)



DRC APPEALS WAITING TO BE HEARD/SCHEDULED (As of June 30, 2015)



**QUARTERLY BARBERING AND COSMETOLOGY
ENFORCEMENT STATISTICS Fiscal Year 14-15**

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
COMPLAINTS					
Complaints Received	984	910	855	825	3574
Referred to DOI	0	6	7	6	19
Complaints Closed	784	788	789	898	3259
Total Complaints Pending	1092	1113	1136	993	1136
APPLICATION INVESTIGATIONS					
Received	349	344	304	373	1370
Pending	0	18	0	0	0
Closed	354	352	304	370	1380
ATTORNEY GENERAL					
Referred	7	12	7	10	36
Accusations Filed	15	11	11	7	44
Statement of Issues Filed	0	0	0	0	0
Total Pending	101	92	80	65	80
DISCIPLINARY PROCESS					
Proposed Decisions	0	0	2	2	4
Default Decision	5	6	5	3	19
Stipulation	5	8	4	13	30
DISCIPLINARY OUTCOMES					
Revocation	6	10	8	4	28
Revoke, Stay, Probation	2	0	1	1	4
Revoke, Stay, Suspend/Prob	2	12	6	23	43
Revocation, Stay w/ Suspend	0	0	0	0	0
Probation Only	0	0	0	0	0
Suspension Only	0	0	0	0	0
Suspension & Probation	0	0	0	0	0
Suspension, Stay, Probation	5	6	3	3	17
Surrender of License	2	1	2	4	9
Public Reprimands	0	0	0	0	0
License Denied	0	0	0	0	0
Other	0	0	0	0	0
Total	17	29	20	35	101
PROBATION					
Active	164	161	148	140	148
	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun*	YTD
CITATIONS					
Establishments	2700	2098	2358	1606	8762
Barber	218	175	136	62	591
Barber Apprentice	22	10	172	140	344
Cosmetologist	1130	782	11	3	1926
Cosmetologist Apprentice	17	7	1097	675	1796
Electrologist	0	0	19	8	27
Electrologist Apprentice	0	0	1	0	1
Manicurist	767	523	0	0	1290
Esthetician	67	67	578	375	1087
Unlicensed Est.	124	62	68	51	305
Unlicensed Individual	114	114	114	93	435
Total	5159	3838	4554	3013	16564
INSPECTIONS					
Establishments w/ violations	3247	2479	2644	1919	10289
Establishments w/o violations	693	669	733	566	2661
Total	3940	3148	3377	2485	12950

*Citations and Inspections statistics are for April 1, 2015 through May 31, 2015



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BOARD OF BARBERING AND COSMETOLOGY

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Budget Updates

Constraints:

On April 26, 2011, the Governor issued Executive Order B-06-11 prohibiting in state or out-of-state travel unless it is mission critical or there is no cost to the state. The Board prepared a reduction plan for FY 2015-16. The plan included reducing the amount of staff who travel to Southern California to conduct disciplinary review hearings from three (3) staff to two (2) staff. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

1. Budget 2015/16 Fiscal Year (July 2015 - June 2016):

Attachment 1 displays projected expenditures for end of the year.

Board of Barbering and Cosmetology
Fiscal Year 2014/2015
Projected Expenditures 05/31/15

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,009,443	3,824,821	184,622
Expert Examiners	452,554	362,501	90,053
Temporary	134,000	259,696	(125,696)
BL 12-03 Blanket	0	167,408	167,408
Statutory-Exempt	106,716	108,852	(2,136)
Board Member Commission	0	19,600	(19,600)
Overtime	0	12,000	(12,000)
Total Salary & Wages	4,702,713	4,754,878	282,651
Net Salary & Wages	4,702,713	4,754,878	(52,165)
Staff Benefits	2,240,480	2,251,341	(10,861)
Total of Personnel Services	6,943,193	7,006,219	(63,026)
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	191,511	211,000	(19,489)
Printing	231,584	400,000	(168,416)
Communication	40,605	40,000	605
Postage	283,384	150,000	133,384
Insurance	4,489	5,775	(1,286)
Travel In State	82,789	130,000	(47,211)
Travel, Out-of-State	0	770	(770)
Training	10,513	403	10,110
Facilities Operations	1,288,599	942,324	346,275
Utilities	0	12,992	(12,992)
Consultant & Professional Svs. - Interdept.	125,781	0	125,781
Consultant & Professional Svs. - External	473,506	477,111	(3,605)
Depart. and Central Admin. Services	7,252,875	7,258,850	(5,975)
Consolidated Data Center	68,468	4,700	63,768
DP Maintenance	38,376	50,000	(11,624)
Central Admin Pro Rata	1,068,771	1,068,771	0
Examinations	1,394,177	2,432,159	(1,037,982)
Major Equipment	72,200	155,438	(83,238)
Minor Equipment	16,200	16,200	0
Other Items of Expense	7,288	0	7,288
Vehicle Operations	37,784	56,000	(18,216)
Enforcement	1,951,372	1,080,576	870,796
Special Items of Expenses	0	0	0
Total Operating Expenses & Equipment	14,640,272	14,493,069	147,203
Total Personal Services Expenses	21,583,465	20,411,349	(63,026)
Total reimbursements	(57,000)		
Total	21,526,465	21,165,726	84,177



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FY 14-15 Outreach/Industry Events

Participated:

- August 23, 2014 San Jose Face & Body (San Jose)
Speakers: Kristy Underwood, Tami Guess and Marcene Melliza
- August 29, 2014 Telemundo 52 Interview (La Habra)
Topic: Safe Sandal Season
Speaker: Julie Espinosa
- September 8, 2014 Vietnamese Town Hall Meeting (Westminster)
Attendees: Kristy Underwood, Tami Guess, Marcene Melliza and Patricia Garcia
- September 21, 2014 Nail Pro Show (Sacramento)
Attendees: Marcene Melliza and Patricia Garcia
- December 12, 2014 Parlier High School Career/College Faire (Parlier)
Attendees: MaryLou Amaro
- January 24 – 26, 2015 ISSE – Long Beach Convention Center
Attendees: Marcene Melliza, Tami Guess and Patricia Garcia
- May 12, 2015 KCBS (Boston Radio Station) – Safe Salon Practices
Speaker: Kristy Underwood
- June 25, 2015 KLOVE (Sacramento Radio Station) – Safe Salon Campaign
Speaker: Kristy Underwood



FY 15-16 Outreach/Industry Events

Participated:

- July 7, 2015 Sacramento and Company News 10 – Safe Salon
Speaker: Kristy Underwood

Tentatively Scheduled:

- July 28, 2015 Regis Manager Meeting – New Regulation Update (Orange County)
Attendees: Kristy Underwood, Tami Guess and Marcene Melliza
- August 9, 2015 Electrologist Association – New Regulation Update (Sacramento)
Attendees: Kristy Underwood, Tami Guess and Marcene Melliza
- August 22-24, 2015 San Jose Face & Body Show (San Jose)
Attendees: Kristy Underwood, Tami Guess and Patricia Garcia
- September 20, 2015 Nail Pro Show (Sacramento Convention Center)
Attendees: Kristy Underwood, Tami Guess, Marcene Melliza and Patricia Garcia



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Board of Barbering and Cosmetology-Department of Consumer Affairs

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2015 BOARD COMMITTEES

LICENSING AND EXAMINATION COMMITTEE

- Joseph Federico (Chairperson)
- Mary Lou Amaro
- Richard Hedges
- Dr. Kari Williams

ENFORCEMENT AND INSPECTIONS COMMITTEE

- Richard Hedges (Chairperson)
- Andrew Drabkin
- Joseph Federico
- Dr. Kari Williams

LEGISLATIVE AND BUDGET COMMITTEE

- Richard Hedges (Chairperson)
- Mary Lou Amaro
- Bobbie Anderson
- Joseph Federico

EDUCATION AND OUTREACH COMMITTEE

- Mary Lou Amaro (Chairperson)
- Andrew Drabkin
- Dr. Kari Williams

DISCIPLINARY REVIEW COMMITTEE

- Mary Lou Amaro
- Bobbie Anderson
- Andrew Drabkin
- Joseph Federico
- Richard Hedges
- Dr. Kari Williams



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**CALIFORNIA STATE BOARD OF
 BARBERING AND COSMETOLOGY
 BOARD MEETING**

MINUTES OF APRIL 20, 2015

Department of Consumer Affairs
 1747 North Market Blvd
 HQ2 Hearing Room 186, 1st Floor
 Sacramento, CA 95834

BOARD MEMBERS PRESENT

Dr. Kari Williams, President
 Richard Hedges, Vice President
 Mary Lou Amaro
 Bobbie Anderson
 Polly Codorniz
 Andrew Drabkin
 Joseph Federico

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
 Heather Berg, Assistant Executive Officer
 Tami Guess, Board Analyst
 Marcene Melliza, Board Analyst
 Gary Duke, Legal Counsel
 Rebecca Bon, Legal Counsel
 Carris Harris, Enforcement Manager
 Sandra Torres, Board Analyst

1. Agenda Item #1, CALL TO ORDER/ESTABLISHMENT OF A QUORUM

Dr. Williams, Board President, called the meeting to order at 1:19 p.m. The Board members and staff introduced themselves.

Gary Duke, Legal Counsel, advised there have been reassignments made in the legal office, and the Board now has a new legal counsel, Rebecca Bon. Ms. Bon is from the Sacramento area and has been with DCA since 2012, representing BAR and the Veterinary Medical Board. She attended UC San Diego and University of Pacific, McGeorge School of Law.

Ms. Underwood, Executive Officer, publicly thanked Mr. Duke for his work for the Board.

2. Agenda Item # 2, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Fred Jones, Professional Beauty Federation of California, wanted to report on their 15th annual WOW event which was held on April 13th 2015. It turned out to be a beautiful event; some members of the board were there, as well as Board staff. They had one Legislator that had never been before and he told Mr. Jones, it was one thing to talk to a lobbyist about an industry that they represent, but to hear things direct from an industry professional was great.

Mirela Marinescu, International School of Beauty, would like the issue of dermaplaning, shaving, and the removal of unwanted hair on all parts of the body by barbers, estheticians and cosmetologist on the next Board's meeting agenda.

Denise Frintner, Marinello Schools of Beauty, shared their schools concerns with the tripods and the additional expense to the students who will be taking the exam. They are concerned with the expense, the time frame of which their company would be able to put the new tripod into their kits, and making sure their instructors are properly trained to be training their students. They, as a company, would like more advance notice when it comes to an equipment change. It has been very difficult to have their students prepared by May 1st. Marinello Schools would consider donating the tripods to the Board, so that they could reduce the cost to their students.

Mr. Hedges asked Ms. Fritner since there is a certain cost associated with transporting of the model and paying for their time, and there is a cost for the kit, is there a net positive or negative between the two?

Ms. Frinter said there is up to a \$70.00 increase to the cost of the kit, and what they see now is that the students are receiving the tripod in their kit at the beginning of school and by the time they are ready to take the exam, they have either lost the tripod or it is useless and then the student is burdened with purchasing another tripod. She does not have any information on how much a model would charge for their time.

Paul Steiger, Rent A Kit, wanted to clarify right now that most candidates don't even bring a model, most candidates bring a mannequin to take the exam. The only candidates left currently using models are barbers, and that's only during a portion of their exams. The changes that are happening May 1st are the chairs are being removed and the tripods are being required. He shared that an inexpensive tripod can be found on EBAY for about \$75.00. His company will rent tripods to their customers.

Rene Parker, Cosmebar, shared her concerns about the stability of the tripods, as she has observed students working with a tripod and the tripods are falling over. She feels this makes the candidates who are already anxious about the exam, even more disconcerted during the exam.

3. Agenda Item #3, BOARD PRESIDENT'S REPORT

Dr. Williams reported that she attended the Board's Sunset Hearing on March 18, 2015 along with Ms. Underwood and Mr. Hedges and it was very successful. She thanked Mr. Fred Jones, Professional Beauty Federation of California, for his continuous support of the Board at meetings, as well as attending the Sunset Review, and providing additional testimony regarding Freelance licensure, Early Testing, as well as Industry Certification.

Dr. Williams acknowledged former Board Members, Ms. Christie Tran and Ms. Wen Ling Cheng who are no longer with the Board. They were both valuable members of the Board. Dr. Williams had the opportunity to work very closely with Ms. Tran, who was an advocate for the Vietnamese community and they both will be greatly missed.

Dr. Williams welcomed the newest Board Member, Polly Cordoniz to the Board.

4. **Agenda Item #4, EXECUTIVE OFFICER REPORT**

Ms. Underwood reported that the Board continues to operate with no back log in the licensing unit and that BreEZe is still a benefit with receiving over 1000 online transactions.

She said the Board is looking closely at the Spanish examination pass rate for the cosmetology exam, which is at 32% for the first quarter of this calendar year. The Board did find after collecting statistical data, it appears that these students are not learning in Spanish, that they are not coming from specific schools, but in fact they are coming from all over the State. They are attending English speaking schools and then taking the exam in Spanish and failing. The Board thinks this may be a factor. Unlike Vietnamese students, who are taking instruction in Vietnamese and testing in Vietnamese, they have a much higher passing rate. The Board has added a note to the examination application that says, "The exams are translated into the most universal or neutral version of each language to be acceptable to the widest possible audience". Ms. Underwood said the Board will be sharing these findings with the schools, in hopes that the schools can advised their students that the exams are being translated in the most universal or neutral manner. The Board did find out from schools, that these students speak conversational Spanish, and when given the exam in Spanish, they are having a hard time understanding the text.

Mr. Drabkin, inquired if the Board knows what the education backgrounds of the applicants are. He wonders if an oral exam would benefit these applicants and if that is even an option for the Board. Could the Board create a sample oral exam and give to these students that had failed, and see if their scores would increase.

Mr. Federico wanted to confirm that when these reports were run, was the Board able to find what schools the students had attended and if the students were apprentices or regular applicants.

Ms. Amaro said she feels a lot of the Hispanic students do come from across the border for a better life in this country. They generally are very poor and probably don't have much of a formal education. She has spoken to some individuals that say they have taken the exam in English because it is easier to understand than trying to figure out the proper Spanish being used on the Spanish exam. She thinks an audio test would be a better option.

Mr. Hedges suggested doing a pilot project on an oral exam.

Ms. Underwood said they could look into this, but doesn't know what the cost involved would be. The Board contracts with a computer based testing vendor and the National Interstate Council. She said the Board has committed to the Legislature to improve these pass rates by 2017, so one of the next steps we want to do is speak with these students and see how we can help them.

5. **Agenda Item #5, APPROVAL OF BOARD MEETING MINUTES**

Upon motion by Mr. Hedges, seconded by Mr. Drabkin the minutes from the January 12, 2015 Board Meeting were approved by a 6-0 vote. Ms. Cordoniz abstained.

6. **Agenda Item #6, UPDATE ON SUNSET REVIEW**

Ms. Underwood reported that the Board's Background Paper from the Committee, and the Board's responses have been submitted to the Committee staff last week. There is a lot of

work for the Board to do. Staff will be working on these items and will keep the Board updated on the progress.

Mr. Hedges said he appreciated the leadership Dr. Williams gave the Board during the Sunset Review Hearing and that she did a wonderful job. He also acknowledged Ms. Underwood for hard work and her organization as well.

Dr. Williams also thanked staff for all their work with the Sunset Review.

7. Agenda Item #7, COMMITTEE REPORTS, CONSIDERATION OF COMMITTEE RECOMMENDATIONS AND POSSIBLE ACTION:

A. Update from the Enforcement Committee Meeting on April 20, 2015

Mr. Hedges, Committee Chairperson, asked Ms. Underwood to report on the committee's meeting early in the day.

- **Update on the Progress of the Implementation of SB1159.**
 - **SB 1159 allows the Board to accept an Individual Taxpayer Identification Number (ITIN) in lieu of a Social Security Number (SSN).**

Ms. Underwood reported that SB 1159 is fully implemented and the Board has processed 75 applications using the Individual Taxpayer Identification Number since implementation.

- **Update on the Progress of Compiling the Medical Services Task Force to Address Services that can be performed by Board Licensees.**

Ms. Underwood reported that the Task Force will be meeting on May 4, 2015. Staff will be bringing back recommendations from that meeting to the next Enforcement Committee.

- **Discussion of Proposed Regulatory Language to Define "Demonstrating" for Purposes of BPC §7319(e) Exemptions.**

Ms. Underwood reported that the committee would like a motion from the full Board to approve the sample language proposed to the committee by staff and allow the Board to start the regulatory process. This would still require lots of public input and steps. She encouraged the public to watch the Board's website and social media. When the Board publicly notices the language it will be sent to the Board's Interested Parties list and be posted on the Board's website. This gives the public a chance to participate in the process.

Upon motion by Mr. Hedges, seconded by Ms. Amaro, the Board approved the proposed regulatory language to define demonstrating, by a 7-0 vote.

- **Discussion and Recommendations on How to Prevent False and Misleading Advertising with Regard to Beauty Services.**

Ms. Underwood reported that this was the first time the issue of misleading advertising was brought to the committee, and it will also be taken to the Medical Services Task Force next month. She encouraged the public to continue to watch the website for any updates so they can participate in any of these decisions.

B. Update from the Licensing and Examination Committee Meeting on April 20, 2015.

Mr. Federico, Committee Chairperson, deferred to Ms. Underwood to report on the Licensing and Examination Committee Meeting held early in the day.

- **Review and Discussion of Licensing Requirements for Establishment Owners and Determination if Additional Requirements are Needed.**

Ms. Underwood reported that committee did feel they should be looking at additional requirements for establishment owners and asked staff to bring back recommendations to their next committee meeting.

C. Update from the Legislative and Budget Committee Meeting on April 20, 2015.

Mr. Hedges, Committee Chairperson, deferred to Ms. Underwood to report on the Legislative and Budget Committee Meeting held early today.

- **Status of the Board's Budget**

Ms. Underwood reported that the budget is fine, however the Board is watching the budget very closely as the fiscal year is coming to an end. The Board is purchasing several vehicles to replace vehicles that are being surveyed out from our inspectors, and we are looking at splitting those cost between this fiscal year and next fiscal year.

- **Update on Sunset Review**

Ms. Underwood reported that the Board's responses have been provided to the legislature.

- **Update and Discussions of Proposed Bills that could impact BBC:**

Ms. Underwood reported that the committee discussed two bills that could impact BBC.

The first bill discussed was AB 181, the Board's Sunset Review Bill, which would extend the Board's provisions. The Committee recommends that the Board take a position of support.

Upon motion by Mr. Hedges, seconded by Mr. Drabkin, the Board accepts the committee's recommendation to take a position of support, with a 7-0 vote.

The second bill, AB 1322, Allowing Alcohol in Establishments, the committee recommends to the Board to watch the bill.

Upon motion by Mr. Hedges, seconded by Mr. Federico, the Board accepts the committee's recommendation to watch AB 1322 with a 7-0 vote.

D. Update from the Education and Outreach Committee Meeting on April 20, 2015.

Ms. Amaro, Committee Chairperson, deferred to Ms. Underwood to provide the updates from the Education and Outreach Committee meeting held early in the day.

Ms. Underwood reported that the committee discussed new outreach items, which the Board is working on internally to promote; the Individual Taxpayer Identification Number (ITIN), Lash/Brow Tinting, and the Health and Safety Regulatory Changes.

The committee discussed outreach avenues available to the Board to reach out to licensees and consumers. Due to the Executive Order limiting travel, the committee came up with an idea of using YouTube and also to contact show promoters throughout the State and see if the Board can send publications to the shows that can be distributed to attendees.

Lastly, staff shared with the committee that they are working on updating the required Health and Safety Curriculum for Professionals, which is required by statute. This is a health and safety course for the professional and how to keep themselves and customers safe. Staff plans on having this completed by January 2017.

8. **Agenda Item #8, PROPOSED REGULATIONS UPDATES:**

Dr. Williams deferred to Ms. Underwood to provide updates on the follow items.

- **Relating to Health and Safety Title 16, Division 9, Article 12 of the California Code of Regulations Sections: 977, 978, 979, 980.1, 980.2, 980.3, 981, 982, 983, 987, 991, and 992.**

Ms. Underwood stated the Office of Administrative Law (OAL) has approved these regulations. They will go into effect on July 1, 2015.

- **Relating to the Apprenticeship Program Title 16, Division 9, Article 3 of the California Code of Regulations Sections: 914, 918, 921, 921.1 and 921.2**

Ms. Underwood stated the Office of Administrative Law (OAL) has approved these regulations. They will go into effect on July 1, 2015.

- **Relating to the Cross Over and Transfer of Credit of Barbering and Cosmetology Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8 and 950.9**

Ms. Underwood stated the Office of Administrative Law (OAL) has approved these regulations. They will go into effect on July 1, 2015.

- **Relating to Text book Approval Title 16, Division 9, Article 7 of the California Code of Regulations Section: 961**

Ms. Underwood stated the rulemaking file is under review by the Business Consumer Services and Housing Agency. The next step will be to file with the OAL.

- **Relating to Military Training Title 16, Division 9, Article 2 of the California Code of Regulations Section: 910**

Ms. Underwood stated that the documents necessary to file the notice of proposed rulemaking with OAL have been produced. The notice will be mailed to the Board's Interested Parties list along with the notice of proposed rulemaking concerning the administrative fine schedule.

- **Relating to the Administrative Fine Schedule Title 16, Division 9, Article 11 of the California Code of Regulations Section : 974**

Ms. Underwood stated that with the approval by OAL of the Board's health and safety regulations, staff can now proceed with updating the administrative fine schedule. The documents necessary to file the notice of proposed rulemaking with OAL have been produced. The notice will be mailed to the interested parties lists along with the military training rulemaking notice.

9. Agenda Item #9, DISCUSSION AND POSSIBLE ACTION IF THE BOARD SHOULD CONSIDER CONTINUING FOR LICENSEES

Dr. Williams said the Board has had conversations about this issue since she has joined the board and also in the industry it has been a concern with licensees.

Mr. Hedges said that the legislature has not been very receptive to continuing education and he would like to start pushing harder to get some certification classes set up for licensees, so they can continue their learning and education and for the licensees to display these documents in their establishments for their customers to see. He feels it would be very valuable to have a certification on the disinfection processes. He knows that we won't be able to get formal education; so this would be a way to do it.

Dr. Williams commented that with this ever changing industry and the Board wanting to offer licensees an option of getting these classes, it would be great to be able to distinguish themselves and display to their customers that they are keeping up to date with changes in the industry and they are constantly improving upon their craft. But how would the Board go about this?

Mr. Underwood shared that the Board did ask for Industry Certification during the Sunset Review. The Board responded to the Committee, that the Board does feel it would increase consumer protection because the licensees would have more education, therefore they would be better at their licensed profession.

Mr. Federico asked if certification requires statute.

Ms. Underwood said not necessarily, but the belief is that if it is a Board approved certification, it would be more desirable to a licensee, as opposed to them getting certified in a specific skill, from an entity that the consumer may not recognized.

Mr. Federico asked that if the Board wanted to create a board certified course, then that would require statutory change. Ms. Underwood confirmed yes.

Public Comment

Fred Jones, PBFC, thinks the Board can make a strong argument, that an industry certification, in which the Board sets the parameters and standards, and then provides official recognition, those and only those programs that meet those standards, should be allowed. He shares that it consistent with the Board's mission of protecting consumers of barbering and beauty services. He has always considered this Plan B.

Plan A is the more above the Board seeking from the policy maker's specific statutory authority to do this, but if for any reason policy makers balked on this, he doesn't think it precludes the Board from proceeding with an industry certification recognition program. He thinks if the Board requires mandatory continued education that this would trigger licensing, and that would require statutory change, because if someone didn't conform to the continuing education, their

license would be in jeopardy. He feels there is enough of a grey area in this, and right now his association is trying to play out the Sunset Review process, and trying to use AB 181 or another vehicle to incorporate the industry certification to give the Board clear statutory authority. If that fails, then he thinks we should have a meeting with the attorneys a to legal argument.

Mrs. Underwood clarified further questions from Mr. Drabkin, by saying "Board certified" means if there was an industry organization that offered advanced or continuing education, the Board would make sure it meets the Board's standards and then the licensees could consider themselves Board certified. The Board would not be the providers of the course, or develop the curriculum.

Jaime Schrabek, Precision Nails, feels that the Board would not have control over the quality of the education the licensees are receiving and complaints to the Board would increase from the licensees taking the training if they felt the training was inadequate. She feels the Board would be getting into the endorsement business.

Jean Ogren, Electrologist Association/NC, shared the the National Association of Electrologist does have a certification program and she encouraged the Board to look into the options for continued education.

Mirela Marinescu International School of Beauty, feels continuing education is very important and raises the bar of licensees. Her school offers NACCAS advance education courses in coloring, hair extension and skin care and feels these certification courses raise the level of education. She feels if the Board could recognize NACCAS approved certification classes, it would be an easy way to implement continuing education.

10. Agenda Item #10, AGENDA ITEMS FOR NEXT BOARD MEETING

Mr. Hedges requested reports from all the committees and well as an update from the Medical Services Task Force.

Mr. Drabkin would like to see updates on the Spanish language exams passing rates and also options for media sources available for the Board to use for outreach.

11. Agenda Item #11, PUBLIC COMMENT

Paul Steiger, Rent A Kit, wanted to bring attention to the Board that the spread of C. Diff, which is a bacterial infection, has made its way out of hospitals into areas such as nursing homes and dentist offices. He feels it will eventually reach the beauty industry. The main issue with C. Diff is that handsantizers will not kill it; you have to wash your hands. He feels since the Board had change regulation to only require the use of hand sanitizers that the Board considers requiring hand washing in regulations again.

12. Agenda Item # 12, CLOSED SESSION

13. Agenda Item #13, ADJOURNMENT

With no further business, the meeting was adjourned.



Board of Barbering and Cosmetology
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MEMORANDUM

TO: Members, Board of Barbering and Cosmetology Date: May 28, 2015

FROM: Tami Guess, Board Policy Analyst
Board of Barbering and Cosmetology

SUBJECT: Medical Services Task Force

On May 4, 2015, a task force met comprised of two Board members, Board staff, a dermatologist, a representative from the California Medical Board, estheticians, analysts from the Department of Public Health and representation from various legal and industry associations.

INTENT

The focus of the task force was to discuss regulatory changes that could clarify services that can be performed by Board licensees.

SUMMARY

Items that were discussed included:

- Discussion on how to define the terms "Med Spa" and "Practice of medicine".
- Discussion on the clarification of skin care services, specifically, which skin care services could be considered practice of medicine.
- Discussion on how to prevent false and/or misleading advertising with regard to beauty services.
- Discussion on adding regulatory language to the California Code of Regulations regarding the advertising of practice of medicine.

Results

The task force is continuing to work at clarifying the above mentioned items. The task force will be meeting again in August 2015.



BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Bonilla
 (Co-Author: Senator Hill)

Subject: Sunset Review

Bill Number: AB 181

Version: As Amended June 29, 2015

Existing Law:

Existing law requires that the Board of Barbering and Cosmetology consists of certain members, and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2016. Existing law also contains various obsolete provisions and references.

This Bill:

As amended, this bill would:

- Extend the regulatory authority of the Board until January 1, 2020.
- Require the Board to conduct the following reviews and report its findings to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions, and Economic Development no later than November 1, 2018:
 1. Under the oversight of the Office of Professional Examination Services (OPES), review the 1,600-hour training requirement for cosmetologists; conduct an occupational analysis of the cosmetology profession in California; and conduct a review of the national written examination for cosmetologists and of the California practical examination, in order to evaluate whether the examinations assess critical competencies for California cosmetologists and meet professional testing standards.
 2. Review the Spanish language examination and curriculum requirements if, by January 1, 2016, the pass rate for Spanish speakers does not increase to the average pass rate for all other language examinations during the two-year period prior to January 1, 2016.
- Require the board to issue regulations for a personal service permit, as defined, that would allow a licensee to perform services outside of a licensed establishment. The bill may require an applicant for a personal service permit to have proof of liability insurance, and would authorize fees for the issuance and renewal of a personal service

permit. The bill would require the board to report to the Legislature, on or before July 1, 2017, as specified, regarding the regulatory process and the issuance of personal service permits.

- Require the Board to adopt regulations that establish a protocol for inspecting establishments when an inspector has difficulty understanding or communicating with the owner, manager, or employees of the establishment due to language barriers. The protocol would need to be reviewed every two years to ensure it remains current.
- Require the Board to establish a permanent Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues.
- Make various non-substantive changes to remove obsolete mandates and references in the Barbering and Cosmetology Act.

Fiscal Impact:

Most of the mandates have minor costs for travel and rulemaking expenses that could be absorbed by the Board, or are for tasks that could be performed in-house. There will be more substantial costs to producing the reviews of the 1,600-hour training requirement, the occupational analysis of the cosmetology profession in California, the review of the written and practical examination, and the creation of personal service licenses. A fiscal analysis of these costs is currently being completed.

Registered Support:

N/A

Registered Opposition:

N/A

Board Position:

At its April 20 meeting, the Board adopted a “support” position for the bill as introduced on January 26, 2015.

Current Status of Bill:

As of July 1, 2015, this bill was in the Senate .

AMENDED IN SENATE JUNE 29, 2015
AMENDED IN ASSEMBLY APRIL 23, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 181

Introduced by Assembly Member Bonilla
(~~Coauthor: Senator Hill~~)
(*Principal coauthor: Senator Hill*)

January 26, 2015

An act to amend Sections 7303, 7303.2, 7313, 7395.1, 7401, 7404, and 7407 of, to add ~~Section~~ Sections 7314.3 and 7402.5 to, and to repeal Section 7308 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 181, as amended, Bonilla. Professions and vocations: barbering and cosmetology.

The Barbering and Cosmetology Act provides for the licensure and regulation, including inspection, of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Existing law requires that the board consist of certain members, and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2016.

This bill would extend the operation of these provisions until January 1, 2020.

Existing law also requires the board to conduct specified reviews and reports by various dates in the past.

This bill would delete those requirements and would require the board, no later than November 1, 2018, to conduct specified reviews regarding

training and examinations and report its findings to specified committees of the Legislature. The bill would require the board to ~~adopt regulations that~~ establish a protocol for inspecting establishments when an inspector has difficulty understanding or communicating with the owner, manager, or employees of the establishment due to language ~~barriers: barriers,~~ *and to evaluate the protocol every two years to ensure that it remains current.* The bill would require the board to establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board. *The bill would also require the board to issue regulations for a personal service permit, as defined, that, among other things, may require an applicant for a personal service permit to have proof of liability insurance, and would authorize fees for the issuance and renewal of a personal service permit. The bill would require the board to report to the Legislature, on or before July 1, 2017, as specified, regarding the regulatory process and the issuance of personal service permits.* The bill would also make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7303 of the Business and Professions
2 Code is amended to read:
3 7303. (a) Notwithstanding Article 8 (commencing with Section
4 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
5 Government Code, there is in the Department of Consumer Affairs
6 the State Board of Barbering and Cosmetology in which the
7 administration of this chapter is vested.
8 (b) The board shall consist of nine members. Five members
9 shall be public members, and four members shall represent the
10 professions. The Governor shall appoint three of the public
11 members and the four professional members. The Senate
12 Committee on Rules and the Speaker of the Assembly shall each
13 appoint one public member. Members of the board shall be
14 appointed for a term of four years, except that of the members
15 appointed by the Governor, two of the public members and two
16 of the professions members shall be appointed for an initial term
17 of two years. No board member may serve longer than two
18 consecutive terms.

1 (c) The board may appoint an executive officer who is exempt
2 from civil service. The executive officer shall exercise the powers
3 and perform the duties delegated by the board and vested in him
4 or her by this chapter. The appointment of the executive officer is
5 subject to the approval of the director. In the event that a newly
6 authorized board replaces an existing or previous bureau, the
7 director may appoint an interim executive officer for the board
8 who shall serve temporarily until the new board appoints a
9 permanent executive officer.

10 (d) The executive officer shall provide examiners, inspectors,
11 and other personnel necessary to carry out the provisions of this
12 chapter.

13 (e) This section shall remain in effect only until January 1, 2020,
14 and as of that date is repealed, unless a later enacted statute, that
15 is enacted before January 1, 2020, deletes or extends that date.
16 Notwithstanding any other law, the repeal of this section renders
17 the board subject to review by the appropriate policy committees
18 of the Legislature.

19 SEC. 2. Section 7303.2 of the Business and Professions Code
20 is amended to read:

21 7303.2. The board shall conduct the following reviews, and
22 shall report its findings and recommendations to the Assembly
23 Committee on Business and Professions and the Senate Committee
24 on Business, Professions, and Economic Development no later
25 than November 1, 2018:

26 (a) The board, pursuant to Section 139 and ~~in conjunction with~~
27 *under the oversight of* the Office of Professional Examination
28 Services of the department, shall review ~~the 1,600-hour~~ *1,600-hour*
29 ~~training requirement for cosmetologists.~~ *cosmetologists, conduct*
30 *an occupational analysis of the cosmetology profession in*
31 *California, and conduct a review of the national written*
32 *examination for cosmetologists and of the California practical*
33 *examination, in order to evaluate whether both examinations assess*
34 *critical competencies for California cosmetologists and meet*
35 *professional testing standards.*

36 (b) The board shall review the Spanish language examination
37 and curriculum requirements to determine if, by January 1, 2016,
38 the pass rate for Spanish speakers did not increase to the average
39 pass rate for all other language examinations during the two-year
40 period prior to January 1, 2016.

1 SEC. 3. Section 7308 of the Business and Professions Code is
2 repealed.

3 SEC. 4. Section 7313 of the Business and Professions Code is
4 amended to read:

5 7313. (a) (1) To ensure compliance with the laws and
6 regulations of this chapter, the board's executive officer and
7 authorized representatives shall, except as provided by Section
8 159.5, have access to, and shall inspect, any establishment or
9 mobile unit during business hours or at any time in which
10 barbering, cosmetology, or electrolysis are being performed. It is
11 the intent of the Legislature that inspections be conducted on
12 Saturdays and Sundays as well as weekdays, if collective
13 bargaining agreements and civil service provisions permit.

14 (2) The board shall maintain a program of random and targeted
15 inspections of establishments to ensure compliance with applicable
16 laws relating to the public health and safety and the conduct and
17 operation of establishments. The board or its authorized
18 representatives shall inspect establishments to reasonably determine
19 compliance levels and to identify market conditions that require
20 targeted enforcement. The board shall not reduce the number of
21 employees assigned to perform random inspections, targeted
22 inspections, and investigations relating to field operations below
23 the level funded by the annual Budget Act and described in
24 supporting budget documents, and shall not redirect funds or
25 personnel-years allocated to those inspection and investigation
26 purposes to other purposes.

27 (b) To ensure compliance with health and safety requirements
28 adopted by the board, the executive officer and authorized
29 representatives shall, except as provided in Section 159.5, have
30 access to, and shall inspect the premises of, all schools in which
31 the practice of barbering, cosmetology, or electrolysis is performed
32 on the public. Notices of violation shall be issued to schools for
33 violations of regulations governing conditions related to the health
34 and safety of patrons. Each notice shall specify the section violated
35 and a timespan within which the violation must be corrected. A
36 copy of the notice of violation shall be provided to the Bureau for
37 Private Postsecondary Education.

38 (c) With prior written authorization from the board or its
39 executive officer, any member of the board may enter and visit,
40 in his or her capacity as a board member, any establishment, during

1 business hours or at any time when barbering, cosmetology, or
2 electrolysis is being performed. The visitation by a board member
3 shall be for the purpose of conducting official board business, but
4 shall not be used as a basis for any licensing disciplinary action
5 by the board.

6 (d) The board shall adopt ~~regulations that establish~~ a protocol
7 for inspecting establishments when an inspector has difficulty
8 understanding or communicating with the owner, manager, or
9 employees of the establishment due to language barriers. *The board*
10 *shall evaluate the protocol every two years to ensure the protocol*
11 *remains current.*

12 SEC. 5. Section 7314.3 is added to the Business and Professions
13 Code, to read:

14 7314.3. The board shall establish a Health and Safety Advisory
15 Committee to provide the board with advice and recommendations
16 on health and safety issues before the board.

17 SEC. 6. Section 7395.1 of the Business and Professions Code
18 is amended to read:

19 7395.1. (a) A student who is enrolled in a school of
20 cosmetology approved by the Bureau for Private Postsecondary
21 Education in a course approved by the board may, upon completion
22 of a minimum of 60 percent of the clock hours required for
23 graduation in the course, work as an unpaid extern in a cosmetology
24 establishment participating in the educational program of the school
25 of cosmetology.

26 (b) A person working as an extern shall receive clock hour credit
27 toward graduation, but that credit shall not exceed eight hours per
28 week and shall not exceed 10 percent of the total clock hours
29 required for completion of the course.

30 (c) The externship program shall be conducted in cosmetology
31 establishments meeting all of the following criteria:

32 (1) The establishment is licensed by the board.

33 (2) The establishment has a minimum of four licensees working
34 at the establishment, including employees and owners or managers.

35 (3) All licensees at the establishment are in good standing with
36 the board.

37 (4) Licensees working at the establishment work for salaries or
38 commissions rather than on a space rental basis.

39 (5) No more than one extern shall work in an establishment for
40 every four licensees working in the establishment. No regularly

1 employed licensee shall be displaced or have his or her work hours
2 reduced or altered to accommodate the placement of an extern in
3 an establishment. Prior to placement of the extern, the
4 establishment shall agree in writing sent to the school and to all
5 affected licensees that no reduction or alteration of any licensee's
6 current work schedule shall occur. This shall not prevent a licensee
7 from voluntarily reducing or altering his or her work schedule.

8 (6) Externs shall wear conspicuous school identification at all
9 times while working in the establishment, and shall carry a school
10 laminated identification, that includes a picture, in a form approved
11 by the board.

12 (d) (1) A school participating in the externship program shall
13 provide the participating establishment and the extern with a
14 syllabus containing applicable information specified in Section
15 73880 of Title 5 of the California Code of Regulations. The extern,
16 the school, and the establishment shall agree to the terms of and
17 sign the syllabus prior to the extern beginning work at the
18 establishment. No less than 90 percent of the responsibilities and
19 duties of the extern shall consist of the acts included within the
20 practice of cosmetology as defined in Section 7316.

21 (2) The establishment shall consult with the assigning school
22 regarding the extern's progress during the unpaid externship. The
23 owner or manager of the establishment shall monitor and report
24 on the student's progress to the school on a regular basis, with
25 assistance from supervising licensees.

26 (3) A participating school shall assess the extern's learning
27 outcome from the externship program. The school shall maintain
28 accurate records of the extern's educational experience in the
29 externship program and records that indicate how the extern's
30 learning outcome translates into course credit.

31 (e) Participation in an externship program made available by a
32 school shall be voluntary, may be terminated by the student at any
33 time, and shall not be a prerequisite for graduation.

34 (f) The cosmetology establishment that chooses to utilize the
35 extern is liable for the extern's general liability insurance, as well
36 as cosmetology malpractice liability insurance, and shall furnish
37 proof to the participating school that the establishment is covered
38 by both forms of liability insurance and that the extern is covered
39 under that insurance.

1 (g) (1) It is the purpose of the externship program authorized
2 by this section to provide students with skills, knowledge, and
3 attitudes necessary to acquire employment in the field for which
4 they are being trained, and to extend formalized classroom
5 instruction.

6 (2) Instruction shall be based on skills, knowledge, attitudes,
7 and performance levels in the area of cosmetology for which the
8 instruction is conducted.

9 (3) An extern may perform only acts listed within the definition
10 of the practice of cosmetology as provided in Section 7316, if a
11 licensee directly supervises those acts, except that an extern may
12 not use or apply chemical treatments unless the extern has received
13 appropriate training in application of those treatments from an
14 approved cosmetology school. An extern may work on a paying
15 client only in an assisting capacity and only with the direct and
16 immediate supervision of a licensee.

17 (4) The extern shall not perform any work in a manner that
18 would violate law.

19 SEC. 7. Section 7401 of the Business and Professions Code is
20 amended to read:

21 7401. (a) An individual licensed pursuant to Section 7396
22 shall report to the board at the time of license renewal, his or her
23 practice status, designated as one of the following:

24 (1) Full-time practice in California.

25 (2) Full-time practice outside of California.

26 (3) Part-time practice in California.

27 (4) Not working in the industry.

28 (5) Retired.

29 (6) Other practice status, as may be further defined by the board.

30 (b) An individual licensed pursuant to Section 7396 shall, at the
31 time of license renewal, identify himself or herself on the
32 application as one of the following:

33 (1) Employee.

34 (2) Independent contractor or booth renter.

35 (3) Salon owner.

36 (c) An individual licensed pursuant to Section 7347 shall report
37 to the board at the time of license renewal, whether either of the
38 following is applicable to him or her:

39 (1) He or she has a booth renter operating in the establishment.

1 (2) He or she has an independent contractor operating in the
2 establishment.

3 *SEC. 8. Section 7402.5 is added to the Business and Professions*
4 *Code, to read:*

5 *7402.5. (a) For purposes of this section, a "personal service*
6 *permit" means a permit that authorizes an individual to perform*
7 *professional services, for which he or she holds a license pursuant*
8 *to this chapter, outside of an establishment, as defined in Section*
9 *7346, in accordance with the regulations established by the board.*

10 *(b) The board may issue a personal service permit to an*
11 *individual who meets the criteria for a personal service permit set*
12 *forth in regulation.*

13 *(c) The board shall issue regulations regarding a personal*
14 *service permit. In establishing the regulations, the board shall*
15 *hold, at a minimum, two stakeholder meetings.*

16 *(1) The board shall determine the appropriate licensing*
17 *categories that may apply for a personal service permit in order*
18 *to protect consumer safety.*

19 *(2) The board shall authorize a personal service permit holder*
20 *to perform services outside of a licensed establishment.*

21 *(3) The board shall not exempt a personal service permit holder*
22 *from any of the board's existing regulations or requirements on*
23 *health and safety.*

24 *(4) The board shall not require a personal service permit holder*
25 *to be employed by an establishment, unless the board determines*
26 *that it would be necessary in order to maintain consumer safety.*

27 *(5) The regulations may require an applicant for a personal*
28 *service permit to have proof of liability insurance and to pass a*
29 *criminal background clearance.*

30 *(d) A personal service permit shall be valid for two years and*
31 *shall be renewed prior to expiration. The fee for a personal service*
32 *permit shall be no greater than fifty dollars (\$50). The fee for the*
33 *renewal of a personal service permit shall be no greater than*
34 *eighty dollars (\$80). The delinquency fee shall be 50 percent of*
35 *the renewal fee in effect on the date of the renewal.*

36 *(e) The board shall report on the progress of the regulatory*
37 *process and issuance of personal service permits to the Legislature*
38 *on or before July 1, 2017.*

39 *(1) The report shall be submitted in compliance with Section*
40 *9795 of the Government Code.*

1 (2) *The requirement to report to the Legislature under this*
2 *subdivision is inoperative on July 1, 2021, pursuant to Section*
3 *10231.5 of the Government Code.*

4 ~~SEC. 8.~~

5 *SEC. 9.* Section 7404 of the Business and Professions Code is
6 amended to read:

7 7404. The grounds for disciplinary action are as follows:

8 (a) Unprofessional conduct which includes, but is not limited
9 to, any of the following:

10 (1) Incompetence or gross negligence, including failure to
11 comply with generally accepted standards for the practice of
12 barbering, cosmetology, or electrology or disregard for the health
13 and safety of patrons.

14 (2) Repeated similar negligent acts.

15 (3) Conviction of any crime substantially related to the
16 qualifications, functions, or duties of the licenseholder, in which
17 case, the records of conviction or a certified copy shall be
18 conclusive evidence thereof.

19 (4) Advertising by means of knowingly false or deceptive
20 statements.

21 (b) Failure to comply with the requirements of this chapter.

22 (c) Failure to comply with the rules governing health and safety
23 adopted by the board and approved by the State Department of
24 Public Health, for the regulation of establishments, or any practice
25 licensed and regulated under this chapter.

26 (d) Failure to comply with the rules adopted by the board for
27 the regulation of establishments, or any practice licensed and
28 regulated under this chapter.

29 (e) Continued practice by a person knowingly having an
30 infectious or contagious disease.

31 (f) Habitual drunkenness, habitual use of or addiction to the use
32 of any controlled substance.

33 (g) Obtaining or attempting to obtain practice in any occupation
34 licensed and regulated under this chapter, or money, or
35 compensation in any form, by fraudulent misrepresentation.

36 (h) Failure to display the license or health and safety rules and
37 regulations in a conspicuous place.

38 (i) Engaging, outside of a licensed establishment and for
39 compensation in any form whatever, in any practice for which a
40 license is required under this chapter, except that when the service

1 is provided because of illness or other physical or mental
2 incapacitation of the recipient of the service and when performed
3 by a licensee obtained for the purpose from a licensed
4 establishment.

5 (j) Permitting a license to be used where the holder is not
6 personally, actively, and continuously engaged in business.

7 (k) The making of any false statement as to a material matter
8 in any oath or affidavit, which is required by the provisions of this
9 chapter.

10 (l) Refusal to permit or interference with an inspection
11 authorized under this chapter.

12 (m) Any action or conduct which would have warranted the
13 denial of a license.

14 (n) Failure to surrender a license that was issued in error or by
15 mistake.

16 ~~SEC. 9.~~

17 *SEC. 10.* Section 7407 of the Business and Professions Code
18 is amended to read:

19 7407. The board shall establish by regulation a schedule of
20 administrative fines for violations of this chapter. All moneys
21 collected under this section shall be deposited in the board's
22 contingent fund.

23 The schedule shall indicate for each type of violation whether,
24 in the board's discretion, the violation can be corrected. The board
25 shall ensure that it and the Bureau for Private Postsecondary
26 Education do not issue citations for the same violation.



BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Daley Subject: Alcoholic Beverages in Beauty Salons

Bill Number: AB 1322

Version: As Amended April 15, 2015

Existing Law:

Existing law makes it unlawful for anyone other than a licensee of the Department of Alcoholic Beverage Control to sell, manufacture or import alcoholic beverages in California. There are exceptions, however, such as serving alcohol as part of a limousine or hot air balloon service.

This Bill:

As introduced, this bill would add beauty salons and barbershops to the list of businesses which may serve alcoholic beverages to clients ages 21 and over without a license or a permit, provided there is no extra fee charged for those beverages. The bill has since been amended to add the following provisions:

- The salon or barbershop's establishment license must be in good standing with the Board of Barbering and Cosmetology;
- No more than 12 ounces of beer or 6 ounces of wine may be served to any one client;
- Beer or wine can be provided only during the establishment's business hours and in no case later than 10 p.m.

Fiscal Impact:

This bill has no identifiable fiscal impact to the Board of Barbering and Cosmetology.

Analysis:

According to the author, many beauty salons and barbershops throughout California offer complementary alcoholic beverages to their customers at no charge. However, by providing such beverages without possessing a liquor license from the Department of Alcoholic Beverage Control, these establishments are in conflict with state and municipal regulations.

Registered Support:

- Drybar Inc. — Drybar is a franchise operating in Washington D.C. and seven states, including California. It specializes in blowouts (its trademarked catchphrase is “No Cuts, No Color – Just Blowouts for Only \$40”). According to its Web site, Drybar also hosts parties where it provides “the drinks and blowouts”.
- Lee Short, franchise owner, 18/8 Fine Men’s Salon of Playa Vista

Registered Opposition:

California Council on Alcohol Problems

Board Position:

The Board adopted a “watch” position at its April 20 meeting.

Current Status of Bill:

As of July 1, 2015, this bill is in the Senate.

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1322

Introduced by Assembly Member Daly
(Coauthor: Assembly Member Wilk)

February 27, 2015

An act to amend Section 23399.5 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1322, as amended, Daly. Alcoholic beverages: licenses: beauty salons: *salons and barber shops*.

Existing law makes it unlawful for any person other than a licensee of the Department of Alcoholic Beverage Control to sell, manufacture, or import alcoholic beverages in this state. Existing law allows the serving of alcohol without a license or permit in a limousine or as part of a hot air balloon ride service, provided there is no extra charge or fee for the alcoholic beverages.

This bill would additionally allow the serving of alcoholic beverages *beer or wine* without a license where the serving of alcoholic beverages is *as part of a beauty salon or barber shop service, provided there is service if specified requirements are met, including that there be no extra charge or fee for the alcoholic beverages: beer or wine, the license of the establishment providing the service is in good standing, and the servings are limited to specified amounts.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23399.5 of the Business and Professions
2 Code is amended to read:

3 23399.5. (a) (1) A license or permit is not required for the
4 serving of alcoholic beverages in a limousine by any person
5 operating a limousine service regulated by the Public Utilities
6 Commission, provided there is no extra charge or fee for the
7 alcoholic beverages.

8 (2) For purposes of this subdivision, there is no extra charge or
9 fee for the alcoholic beverages when the fee charged for the
10 limousine service is the same regardless of whether alcoholic
11 beverages are served.

12 (b) (1) A license or permit is not required for the serving of
13 alcoholic beverages as part of a hot air balloon ride service,
14 provided there is no extra charge or fee for the alcoholic beverages.

15 (2) For purposes of this subdivision, there is no extra charge or
16 fee for the alcoholic beverages when the fee charged for the hot
17 air balloon ride service is the same regardless of whether alcoholic
18 beverages are served.

19 (c) ~~(1)~~ A license or permit is not required for the serving of
20 ~~alcoholic beverages~~ *beer or wine* as part of a beauty salon service,
21 ~~provided there service or barber shop service if the following~~
22 ~~requirements are met:~~

23 (1) ~~There is no extra charge or fee for the alcoholic beverages.~~

24 ~~(2) beer or wine.~~ For purposes of this subdivision, *paragraph*,
25 there is no extra charge or fee for the ~~alcoholic beverages when~~
26 *beer or wine* if the fee charged for the beauty salon service *or*
27 *barber shop service* is the same regardless of whether ~~alcoholic~~
28 ~~beverages are beer or wine~~ is served.

29 (d) ~~(1)~~ A license or permit is not required for the serving of
30 ~~alcoholic beverages as part of a barber shop service, provided there~~
31 ~~is no extra charge or fee for the alcoholic beverages.~~

32 (2) ~~For purposes of this subdivision, there is no extra charge or~~
33 ~~fee for the alcoholic beverages when the fee charged for the barber~~
34 ~~shop service is the same regardless of whether alcoholic beverages~~
35 ~~are served.~~

36 (2) *The license of the establishment providing the beauty salon*
37 *service or barber shop service is in good standing with the State*
38 *Board of Barbering and Cosmetology.*

- 1 (3) *No more than 12 ounces of beer or six ounces of wine by*
- 2 *the glass is offered to a client.*
- 3 (4) *The beer or wine is provided only during business hours*
- 4 *and in no case later than 10 p.m.*

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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Low

Subject: Retired License Category

Bill Number: AB 750

Version: As Amended April 16, 2015

Existing Law:

Existing law provides for boards, bureaus, commissions, or programs within the Department of Consumer Affairs (DCA) to administer the licensing and regulation of various businesses and professions.

This Bill:

This bill would authorize any of the boards, bureaus, commissions, or programs within DCA to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. The bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

Fiscal Impact:

According to the Assembly Appropriations Committee, the requirements of this bill would be addressed under the existing BreEze maintenance and operation contract with the project vendor and there would be negligible state costs for Release 1 bureaus and boards, such as the Board of Barbering and Cosmetology.

Analysis:

According to the author, "An occupational license can be sent to 'inactive' for various reasons, including violations and non-renewal. The same is done for those individuals who decided to

retire - a troublesome label, as an 'inactive' status holds negative connotations and does not appropriately illustrate the decades of service from the license holder. Some licensees disfavor the inactive license designation and would prefer a retired license designation." Because existing law only provides for a system of inactive licenses, many boards have sought legislation that would permit them to also create a retired license category. By allowing any of the boards, bureaus, commissions, or programs within DCA to establish a system for a retired category of licensure, this bill seeks to provide uniformity to licensing designation at the DCA.

Registered Support:

N/A

Registered Opposition:

N/A

Board Position:

N/A.

Current Status of Bill:

As of July 1, 2015, this bill was held under submission in the Assembly Appropriations Committee.

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 750

Introduced by Assembly Member Low

February 25, 2015

An act to add Section 463 to the Business and Professions Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

AB 750, as amended, Low. Business and professions: retired category: licenses.

Existing law provides for numerous boards, bureaus, commissions, or programs within the Department of Consumer Affairs that administer the licensing and regulation of various businesses and professions. Existing law authorizes any of the boards, bureaus, commissions, or programs within the department, except as specified, to establish by regulation a system for an inactive category of license for persons who are not actively engaged in the practice of their profession or vocation. Under existing law, the holder of an inactive license is prohibited from engaging in any activity for which a license is required. Existing law defines "board" for these purposes to include, unless expressly provided otherwise, a bureau, commission, committee, department, division, examining committee, program, and agency.

This bill would additionally authorize any of the boards, bureaus, commissions, or programs within the department to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation,

and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. The bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 463 is added to the Business and
- 2 Professions Code, to read:
- 3 463. (a) Any of the boards, bureaus, commissions, or programs
- 4 within the department may establish, by regulation, a system for
- 5 a retired category of licensure for persons who are not actively
- 6 engaged in the practice of their profession or vocation.
- 7 (b) The regulation shall contain the following:
- 8 (1) The holder of a retired license issued pursuant to this section
- 9 shall not engage in any activity for which a license is required,
- 10 unless the board, by regulation, specifies the criteria for a retired
- 11 licensee to practice his or her profession or vocation.
- 12 (2) The holder of a retired license shall not be required to renew
- 13 that license.
- 14 (3) In order for the holder of a retired license issued pursuant
- 15 to this section to restore his or her license to an active status, the
- 16 holder of that license shall meet all the following:
- 17 (A) Pay a fee established by regulation.
- 18 (B) ~~Not have~~ *Certify, in a manner satisfactory to the board, that*
- 19 *he or she has not* committed an act or crime constituting grounds
- 20 for denial of licensure.
- 21 (C) Comply with the fingerprint submission requirements
- 22 established by regulation.
- 23 (D) If the board requires completion of continuing education
- 24 for renewal of an active license, complete continuing education
- 25 equivalent to that required for renewal of an active license, unless
- 26 a different requirement is specified by the board.
- 27 (E) Complete any other requirements as specified by the board
- 28 by regulation.

1 (c) A board may upon its own determination, and shall upon
2 receipt of a complaint from any person, investigate the actions of
3 any licensee, including a person with a license that either restricts
4 or prohibits the practice of that person in his or her profession or
5 vocation, including, but not limited to, a license that is retired,
6 inactive, canceled, revoked, or suspended.

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and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. The bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 463 is added to the Business and
- 2 Professions Code, to read:
- 3 463. (a) Any of the boards, bureaus, commissions, or programs
- 4 within the department may establish, by regulation, a system for
- 5 a retired category of licensure for persons who are not actively
- 6 engaged in the practice of their profession or vocation.
- 7 (b) The regulation shall contain the following:
- 8 (1) The holder of a retired license issued pursuant to this section
- 9 shall not engage in any activity for which a license is required,
- 10 unless the board, by regulation, specifies the criteria for a retired
- 11 licensee to practice his or her profession or vocation.
- 12 (2) The holder of a retired license shall not be required to renew
- 13 that license.
- 14 (3) In order for the holder of a retired license issued pursuant
- 15 to this section to restore his or her license to an active status, the
- 16 holder of that license shall meet all the following:
- 17 (A) Pay a fee established by regulation.
- 18 (B) ~~Not have~~ *Certify, in a manner satisfactory to the board, that*
- 19 *he or she has not* committed an act or crime constituting grounds
- 20 for denial of licensure.
- 21 (C) Comply with the fingerprint submission requirements
- 22 established by regulation.
- 23 (D) If the board requires completion of continuing education
- 24 for renewal of an active license, complete continuing education
- 25 equivalent to that required for renewal of an active license, unless
- 26 a different requirement is specified by the board.
- 27 (E) Complete any other requirements as specified by the board
- 28 by regulation.

1 (c) A board may upon its own determination, and shall upon
2 receipt of a complaint from any person, investigate the actions of
3 any licensee, including a person with a license that either restricts
4 or prohibits the practice of that person in his or her profession or
5 vocation, including, but not limited to, a license that is retired,
6 inactive, canceled, revoked, or suspended.

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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Bloom Subject: Microbeads in Personal Care Products

Bill Number: AB 888

Version: As Amended April 22, 2015

Existing Law:

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) prohibits any person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without giving a specified warning, or from discharging or releasing such a chemical into any source of drinking water, except as specified. Existing law prohibits the sale of expanded polystyrene packaging material by a wholesaler or manufacturer. Existing law prohibits a person from selling a plastic product in this state that is labeled with the term “compostable,” “home compostable,” or “marine degradable” unless, at the time of sale, the plastic product meets the applicable ASTM International standard specification.

This Bill:

Beginning January 1, 2020, prohibits a person from selling or offering for promotional purposes a personal care product containing plastic microbeads that is used to exfoliate or cleanse in a rinse-off product. It also specifies that this provision does not apply to products that contain plastic microbeads in an amount less than one part per million or products containing natural exfoliants. The bill also establishes enforcement provisions, including civil penalties not to exceed \$2,500 per day for each violation, as specified. It also authorizes the Attorney General, a district attorney, a city attorney, or a city prosecutor to enforce the requirements of this bill and specifies that penalties collected be retained by the office that brought the action.

Fiscal Impact:

This bill has no identifiable fiscal impact to the Board of Barbering and Cosmetology. According to the Assembly Appropriation Committee, the bill has negligible state costs and

provides for enforcement through civil penalties collected and retained by the enforcing agency.

Analysis:

According to the author:

“Microplastic beads are sold in consumer products as abrasives and exfoliants (such as in soaps, facial scrubs, etc.) In some products there are over 350,000 microbeads in one tube alone. They are directly washed down the drain and too small to be captured by water treatment facilities. Recent studies have shown microbeads to be a pervasive marine pollutant, and have been found in alarming quantities everywhere from the garbage gyres in the Pacific Ocean to the Great Lakes to the Los Angeles River. Research has also shown that these beads absorb toxins and are being ingested by marine life, posing a threat to our marine ecosystems. Currently there is no law banning their use in consumer products. While some larger companies such as Unilever, Proctor & Gamble, and Johnson & Johnson have pledged to phase microbeads out of their products and replace them with natural alternatives, the proposed phase-out dates [are inconsistent] and in some cases are only 50% by a certain date. [AB 888] would provide a hard phase out date to ensure that plastic microbeads from personal care products are no longer entering our waters.”

Registered Support:

Californians Against Waste (sponsor)
California Association of Sanitation Agencies (sponsor) Clean Water Action (sponsor)
The Story of Stuff Project (sponsor)
5 Gyres Institute (sponsor)
Azul
Breast Cancer Fund
California Coastkeeper Alliance
California League of Conservation Voters
Campaign for Safe Cosmetics
Carpinteria Sanitary District
Center for Biological Diversity
Center for Environmental Health
Center for Oceanic Awareness Research and Education
Central Contra Costa Sanitary District
Central Marin Sanitation Agency
City of Palo Alto
City and County of San Francisco
Clean Oceans Competition
Cleanups For Change
Coachella Valley Water District
Community Environmental Council
Councilmember Paul Koretz, City of Los Angeles
Costa Mesa Sanitary District
Defenders of Wildlife
Delta Diablo
East Bay Municipal Utility District
Environment California
Environmental Action Committee of West Marin

Environmental Working Group
Goleta Sanitary District
Green Sangha
Green Science Policy Institute
Heal the Bay
Health Care Without Harm
Hidden Resources
Klean Kanteen
Las Gallinas Valley Sanitary District
Las Virgenes - Triunfo Joint Powers Authority
Leucadia Wastewater District
LA City Councilmember Paul Koretz
LA Waterkeeper
Lunch Skins
LUSH Cosmetics
Manduka
Napa Recycling and Waste Services
Natural Resources Defense Council
Ocean Conservancy
Physicians for Social Responsibility, SF Bay Chapter
Plastic Pollution Coalition
Plastic Soup Foundation
Ross Valley Sanitary District
San Francisco Public Utilities Commission
San Francisco Water Power Sewer
Save Our Shores
Save The Bay
Seventh Generation Advisors
Sierra Club California
Surfrider Foundation
Team Marine, Santa Monica High School
Turtle Island Restoration Network
Victor Valley Wastewater Reclamation Authority
World Centric

Registered Opposition:

American Chemistry Council
Biocom
California Manufacturers & Technology Association
California Retailers Association
Chemical Industry Council of California
Consumer Healthcare Products Association
International Fragrance Association, North America
Personal Care Products Council

Board Position:

N/A.

Current Status of Bill:

As of July 1, 2015, this bill was referred to the Senate Judiciary Committee.

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 888

Introduced by Assembly Member Bloom

February 26, 2015

An act to add Chapter 5.9 (commencing with Section 42360) to Part 3 of Division 30 of the Public Resources Code, relating to waste management.

LEGISLATIVE COUNSEL'S DIGEST

AB 888, as amended, Bloom. Waste management: plastic microbeads.

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) prohibits any person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without giving a specified warning, or from discharging or releasing such a chemical into any source of drinking water, except as specified. Existing law prohibits the sale of expanded polystyrene packaging material by a wholesaler or manufacturer. Existing law prohibits a person from selling a plastic product in this state that is labeled with the term "compostable," "home compostable," or "marine degradable" unless, at the time of sale, the plastic product meets the applicable ASTM International standard specification.

This bill would prohibit, on and after January 1, 2020, a person, as defined, from selling or offering for promotional purposes in this state a personal care product containing ~~intentionally~~ added plastic microbeads *that are used to exfoliate or cleanse in a rinse-off product,*

as specified. The bill would exempt from those prohibitions the sale or promotional offer of a product containing less than 1 part per million (ppm) by weight of plastic microbeads, as provided.

The bill would make a violator liable for a civil penalty not to exceed \$2,500 per day for each violation. The bill would authorize the penalty to be assessed and recovered in a civil action brought in any court of competent jurisdiction by the Attorney General or local officials. The bill would require the civil penalties collected in an action brought pursuant to the act to be retained by the office that brought the action.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.9 (commencing with Section 42360)
2 is added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

4
5 CHAPTER 5.9. PLASTIC MICROBEADS NUISANCE PREVENTION
6 LAW
7

8 42360. The Legislature finds and declares all of the following:

9 (a) Plastic does not biodegrade into elements or compounds
10 commonly found in nature like other organic materials, but, instead,
11 upon exposure to the elements photodegrades into smaller pieces
12 of plastic causing land and water pollution that is virtually
13 impossible to remediate.

14 (b) Plastic pollution is the dominant type of anthropogenic debris
15 found throughout the marine environment.

16 (c) Plastic pollution is an environmental and human health
17 hazard and a public nuisance.

18 (d) Microplastics that are five millimeters or less in diameter
19 become bioavailable as soon as they enter the marine environment
20 and are ingested by marine organisms.

21 (e) Microplastics are persistent organic compounds that attract
22 other pollutants commonly present in the environment, many of
23 which are recognized to have serious deleterious impacts on human
24 health or the environment, including DDT, DDE, PCBs, and flame
25 retardants.

1 (f) PAHs, PCBs, and PBDEs from plastic transfer to fish tissue
2 when ingested and bioaccumulate.

3 (g) Fish that humans consume have been found to ingest
4 microplastics, which are then ingested by the humans who consume
5 these fish.

6 (h) Consumer personal care products such as facial scrubs,
7 soaps, and toothpaste increasingly contain thousands of
8 microplastics in the form of plastic microbeads that are flushed
9 down drains or make their way into the environment by other
10 means as part of their intended use.

11 (i) Plastic microbeads in personal care products are generally
12 not recoverable through ordinary wastewater treatment and can
13 be released into the environment.

14 (j) Plastic microbeads have been found in surface waters within
15 the United States, as well as in fish, marine mammals, reptiles,
16 mussels, and worms.

17 (k) There are economically feasible alternatives to plastic
18 microbeads used in personal care products, as evidenced by the
19 current use of biodegradable, natural, abrasive materials in personal
20 care products such as beeswax, shells, nuts, seeds, and sand.

21 42361. As used in this chapter, the following terms have the
22 following meanings:

23 (a) “Natural ~~Exfoliant~~ *exfoliant*” means a substance occurring
24 in and generated by the natural environment and includes, but is
25 not limited to, the following substances: walnut shells, apricot
26 hulls, sand, clay, or beeswax.

27 (b) “Person” means an individual, business, or other entity.

28 (c) (1) “Personal care product” means an article intended to
29 be rubbed, poured, sprinkled, or sprayed on, introduced to, or
30 otherwise applied to, the human body or any part thereof for
31 cleansing, beautifying, promoting attractiveness, or altering the
32 appearance, and an article intended for use as a component of that
33 type of article.

34 (2) “*Personal care product*” does not include a prescription
35 drug, as defined in Section 110010.2 of the Health and Safety
36 Code.

37 (d) “Plastic microbead” means an intentionally added *solid*
38 plastic particle measuring five millimeters or less in every
39 dimension.

1 42362. On and after January 1, 2020, a person shall not sell or
2 offer for promotional purposes in this state any personal care
3 products containing plastic microbeads *that are used to exfoliate*
4 *or cleanse in a rinse-off product, including, but not limited to,*
5 *toothpaste.*

6 42363. Section 42362 shall not apply to either of the following:

7 (a) A person that sells or offers for promotional purposes a
8 personal care product containing plastic microbeads in less than
9 1 part per million (ppm) by weight.

10 (b) A product containing natural exfoliants that does not contain
11 plastic microbeads.

12 42364. (a) A person who violates or threatens to violate Section
13 42362 may be enjoined in any court of competent jurisdiction.

14 (b) (1) A person who has violated Section 42362 is liable for
15 a civil penalty not to exceed two thousand five hundred dollars
16 (\$2,500) per day for each violation in addition to any other penalty
17 established by law. That civil penalty may be assessed and
18 recovered in a civil action brought in any court of competent
19 jurisdiction.

20 (2) In assessing the amount of a civil penalty for a violation of
21 this chapter, the court shall consider all of the following:

22 (A) The nature and extent of the violation.

23 (B) The number of, and severity of, the violations.

24 (C) The economic effect of the penalty on the violator.

25 (D) Whether the violator took good faith measures to comply
26 with this chapter and when these measures were taken.

27 (E) The deterrent effect that the imposition of the penalty would
28 have on both the violator and the regulated community as a whole.

29 (F) Any other factor that justice may require.

30 (c) Actions pursuant to this section may be brought by the
31 Attorney General in the name of the people of the state, by a district
32 attorney, by a city attorney, or by a city prosecutor in a city or city
33 and county having a full-time city prosecutor.

34 (d) Civil penalties collected pursuant to this section shall be
35 paid to the office of the city attorney, city prosecutor, district
36 attorney, or Attorney General, whichever office brought the action.

37 42366. This chapter does not alter or diminish any legal
38 obligation otherwise required in common law or by statute or
39 regulation, and this chapter does not create or enlarge any defense
40 in any action to enforce the legal obligation. Penalties and sanctions

- 1 imposed pursuant to this chapter shall be in addition to any
- 2 penalties or sanctions otherwise prescribed by law.

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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Wilke Subject: Open Meetings

Bill Number: AB 85

Version: As Amended April 15, 2015

Existing Law:

The Bagley-Keene Open Meeting Act generally requires all state boards and commissions to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized by the Act to meet in closed session.

The Act defines "state body" to mean each of the following:

- a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.
- b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.
- c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body. Advisory bodies created to consist of fewer than three individuals are not a state body, except that standing committees of a state body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by resolution, policies, bylaws, or formal action of a state body are state bodies for the purposes of this chapter.
- d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds

provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This Bill:

This bill is an urgency measure. It is intended to clarify that, under the Bagley-Keene Open Meeting Act, a two-member advisory committee of a state body is a "state body" if a member of that state body sits on the advisory committee and the committee receives funds from the state body.

Fiscal Impact:

The Assembly Appropriations Committee found potentially significant General Fund costs, in excess of \$750,000, to state agencies for complying with notice and open meeting requirements in instances currently not subject to those requirements.

Analysis:

According to the author, the current definition of "state body" in the Bagley-Keene Act contains an ambiguity with respect to whether standing committees composed of fewer than three members need to comply with the public notice and open meeting requirements of the Act. The author contends this ambiguity has been interpreted by certain state agencies to allow standing committees to hold closed-door meetings so long as those committees contain fewer than three members and do not vote on action items. AB 85 would clarify that all standing committees, including two-member advisory committees, are subject to the transparency of open meeting regulations. A similar measure by Assembly Member Wilk was vetoed last year by Governor Brown. The Governor's veto message stated, "This bill expands the definition of a state body, under the Bagley-Keene Open Meeting Act, to standing advisory committees with one or two members. Any meeting involving formal action by a state body should be open to the public. An advisory committee, however, does not have authority to act on its own and must present any findings and recommendations to a larger body in a public setting for formal action. That should be sufficient."

Registered Support:

The California Association of Licensed Investigators

Registered Opposition:

California Board of Accountancy (CBA)

Board Position:

N/A.

Current Status of Bill:

As of July 1, 2015, this bill has been referred to the Senate Committee on Governmental Organization

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 85

Introduced by Assembly Member Wilk

January 6, 2015

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 85, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

~~This bill would make legislative findings and declarations, including, but not limited to, a statement of the Legislature's intent that this bill is declaratory of existing law.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. The Legislature finds and declares all of the~~
2 ~~following:~~

3 ~~(a) The unpublished decision of the Third District Court of~~
4 ~~Appeals in Funeral Security Plans v. State Board of Funeral~~
5 ~~Directors (1994) 28 Cal. App.4th 1470 is an accurate reflection of~~
6 ~~legislative intent with respect to the applicability of the~~
7 ~~Bagley-Keene Open Meeting Act (Article 9 (commencing with~~
8 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~
9 ~~the Government Code) to a two-member standing advisory~~
10 ~~committee of a state body.~~

11 ~~(b) A two-member committee of a state body, even if operating~~
12 ~~solely in an advisory capacity, already is a "state body," as defined~~
13 ~~in subdivision (d) of Section 11121 of the Government Code, if a~~
14 ~~member of the state body sits on the committee and the committee~~
15 ~~receives funds from the state body.~~

16 ~~(c) It is the intent of the Legislature that this bill is declaratory~~
17 ~~of existing law.~~

18 ~~SEC. 2.~~

19 ~~SECTION 1.~~ Section 11121 of the Government Code is
20 ~~amended to read:~~

21 11121. As used in this article, "state body" means each of the
22 ~~following:~~

23 ~~(a) Every state board, or commission, or similar multimember~~
24 ~~body of the state that is created by statute or required by law to~~
25 ~~conduct official meetings and every commission created by~~
26 ~~executive order.~~

27 ~~(b) A board, commission, committee, or similar multimember~~
28 ~~body that exercises any authority of a state body delegated to it by~~
29 ~~that state body.~~

30 ~~(c) An advisory board, advisory commission, advisory~~
31 ~~committee, advisory subcommittee, or similar multimember~~
32 ~~advisory body of a state body, if created by formal action of the~~
33 ~~state body or of any member of the state body, and if the advisory~~

1 body so created consists of three or more persons, except as in
2 subdivision (d).

3 (d) A board, commission, committee, or similar multimember
4 body on which a member of a body that is a state body pursuant
5 to this section serves in his or her official capacity as a
6 representative of that state body and that is supported, in whole or
7 in part, by funds provided by the state body, whether the
8 multimember body is organized and operated by the state body or
9 by a private corporation.

10 ~~SEC. 3:~~

11 *SEC. 2.* This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 In order to avoid unnecessary litigation and ensure the people's
16 right to access the meetings of public bodies pursuant to Section
17 3 of Article 1 of the California Constitution, it is necessary that
18 *this act take effect ~~immediately~~ immediately.*

No Attachment



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MEMORANDUM

DATE	July 26, 2015
TO	Members, Board of Barbering and Cosmetology
FROM	Kristy Underwood, Executive Officer
SUBJECT	Regulations Update

- **Text and Reference Books for Students:** This rulemaking has been approved by the Office of Administrative Law and will go into effect on October 1.

The following rulemaking documents require approval by the Board:

- **Military Training:** The Board held a public hearing on this rulemaking on June 17, 2015. The final language and the final statement of reasons are being presented to the Board for approval. The file will then go to the Department of Consumer Affairs for review.
- **Administrative Fine Schedule:** The Board held a public hearing on this rulemaking on June 17, 2015. The final language and the final statement of reasons are being presented to the Board for approval. The file will then go to the Department of Consumer Affairs for review.
- **Demonstration of Products:** Staff had to make some changes to the language of this proposed rulemaking and is re-submitting it for Board approval.

BOARD OF BARBERING AND COSMETOLOGY

FINAL STATEMENT OF REASONS

Hearing Date: June 17, 2015

Subject Matter of Proposed Regulations: Military Training

Sections Affected: Section 910(c), California Code of Regulations

Updated Information

There is no update to the initial statement of reasons.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

There is no significant impact to small business.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy on other provision of law.

Summary of, and Responses to, Comments Received During the 45-day Comment Period

No comments were received.

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

SPECIFIC LANGUAGE

LEGEND

<u>Underlined</u>	Indicates proposed amendments or additions to the existing regulation.
Strikeout	Indicates proposed deletions to the existing regulation.

- **Amend Section 910, Title 16, California Code of Regulations, as follows:**

§ 910. Out-of-State Applicants.

(a) An applicant who desires to establish eligibility for examination for a license in this state upon the basis of practice, study or training outside this state, or supplementary training in a licensed school in this state, or any combination thereof, shall furnish proof of his or her qualifications to the board as follows:

(1) An applicant who desires credit for practices in another state or country shall file with the board, on the form prescribed by it (Form #03E-145, Affidavit of Experience-Form C, Rev1/91), an affidavit from a disinterested person verifying such practice, together with an authenticated statement from the licensing agency in the state or country where such practice took place showing that the applicant was licensed to engage in such practice, if a license was required therefor.

(2) An applicant who has completed any number of hours of study and training in a school in another state or country, and who desires credit for such hours toward study and training in this state, shall file with the board, on the form prescribed by it (Form #03B-144, Out-of-State Beauty School Training Record-Form B, Rev. 8/94), an authenticated statement from the school or the training took place showing the number of hours of study and training completed in each subject and when such study and training occurred.

(3) An applicant who desires credit for supplementary training completed in a licensed school in this State shall file with the board an authenticated statement from such school showing the number of hours of such training successfully completed in each subject.

(b) An applicant for examination who is employed on a military reservation to practice any profession licensed under Chapter 10 of Division 3 of the Business and Professions Code must present an authenticated statement from the military reservation verifying the employment and may use the practice obtained to qualify for examination.

(c) An applicant for examination who has comparable training learned while on duty in the United States armed services shall submit to the Board his or her Verification of Military Experience and Training (V-Met) records.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 35, 7321, 7321.5, 7324, 7326, 7330, 7331, 7337 and 7391, Business and Professions Code.

BOARD OF BARBERING AND COSMETOLOGY

FINAL STATEMENT OF REASONS

Hearing Date: June 17, 2015

Subject Matter of Proposed Regulations: Schedule of Administrative Fines

Sections Affected: Section 974, Title 16 of the California Code of Regulations (CCR)

Updated Information

During the course of this rulemaking, the Department of Consumer Affairs' Division of Legislation and Regulatory Review asked the Board of Barbering and Cosmetology (Board) to clarify the rationale behind the fines for 980.4 and 980.4(a)(2), which concern the disinfection of simple foot spa tubs or basins used in conjunction with disposable plastic liners. The Board has clarified this rationale as follows:

980.4 — The fine for improper disinfection of simple foot spa tubs or basins in which liners are not used (980.3) is \$100, \$150 and \$200, depending on whether the violation is a first, second or third offense. These fines are much smaller than the \$500 levied for improperly disinfecting whirlpool pedicure chairs (980.1) or pipe-less foot spas (980.2). The Board has determined that the fines for improperly disinfecting tubs or basins that use liners should be at the same level as those levied for whirlpool and pipe-less foot spa violations (\$500) in order to discourage any cutting of corners with regard to disinfection. In the Board's experience, licensees are sometime tempted to skip some disinfection steps when they are busy. In the case of whirlpool foot spas, a licensee might forgo running disinfectant through the machine for 10 minutes; in the case of pipe-less foot spas, a licensee might fail to remove and separately clean removable components to save time; salons that use basins or tubs with disposable liners might be tempted to forgo scrubbing the tub with a clean brush and liquid soap on the assumption that the tub is likely still clean because a liner was used. The Board believes the higher penalties for improper disinfection will mitigate the temptation.

980.4(a)(2) — The Board has determined that because there is less information that must be recorded in the pedicure-equipment log when simple pedicure tubs or basins are used, whether disposable liners are used or not (as opposed to whirlpool and pipe-less foot spas), the fine should be the same whether disposable liners are used or not.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

There is no significant impact to small business.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy on other provision of law.

Summary of, and Responses to, Comments Received During the 45-day Comment Period

Nghi Tran — San Jose, CA

Ms. Tran asks that the Board consider removing the requirements that licensees keep written logs of when a pedicure station is cleaned and that stations that are not in service display a sign to that effect. She also asks that no fines be levied for violations of Section 980.1(g) "and the likes."

Board response:

The Board rejects these comments. California has had several well-publicized mycobacterial outbreaks over the years that were traced to dirty foot spas. While a properly maintained log is not in itself a guarantee that a shop is disinfecting its pedicure equipment properly, the Board believes that if the shop is diligently filling out the log and its equipment appears clean, then it more likely than not is following the proper foot spa cleaning procedures and schedule. This helps protect the public, which is the Board's primary goal. As for spas that are not in service, the Board believes it is vital that a sign be affixed to the pedicure station so that in the event the log is incomplete or lost, the shop cannot explain away the lost or incomplete log by simply telling the inspector the chair isn't being used. Ms. Tran appears to believe that posting a "Not in Service" sign allows a shop to maintain a pedicure station in an unsanitary condition. But this is not the case. Section 980.1(g) specifically states that pedicure stations that are not in service must be "kept in a sanitary condition."

Finally, the ability to levy fines against licensees who violate the Board's regulations is vital to the Board's enforcement effort because the fines help motivate licensees to follow the rules.

BOARD OF BARBERING AND COSMETOLOGY
Division 9 of Title 16 of the California Code of Regulations.
SPECIFIC LANGUAGE

LEGEND

Underlined Indicates proposed amendments or additions to the existing regulation.

~~Strikeout~~ Indicates proposed deletions to the existing regulation.

974. Schedule of Administrative Fines

(a) An administrative fine may be assessed for violations of the specified sections of the Business and Professions Code and Division 9 of Title 16 of the California Code of Regulations as follows:

Section	1 st Violation	2 nd Violation	3 rd Violation	Waivable
7313. Access to Establishment for Inspection	250	500	750	No
7317. Unlicensed Establishment	500	1,000	1,000	No
7317. Unlicensed Individual	1,000	1,000	1,000	No
7317. Expired Establishment License	250	300	500	No
7317. Expired Individual License	250	300	500	No
7317. Individual Working in an Expired Establishment	25	50	100	No
7317. Individual Working in an Unlicensed Establishment	250	300	500	No
7320. Practice of Medicine	1,000	1,000	1,000	No
7320.1. Use of Illegal Metal Instruments Tools	250	500	500	No
7320.2. Illegal Treatment Methods	500	500	500	No
7336. No Supervision of Apprentice	100	150	200	No
7348. No Licensee in Charge of Establishment	100	150	200	No
7349. Employing Unlicensed Persons	1,000	1,000	1,000	No
7349.1. Illegal Use of a Barber Pole	25	50	100	No
7350. Establishment – Residential Use/Entrance/Prohibited Use	50	100	150	No

7351. Restroom Requirement – Clean/Storage/Floor/Vented	50	100	150	No
7352. No Soap/Towels or Air Hand Dryers in Hand Washing Facilities	50	100	150	No
7358. No Licensee in Charge of Mobile Unit	100	150	200	No
7359. Employing Unlicensed Person in Mobile Unit	1,000	1,000	1,000	No
7360. Mobile Unit – Residential/Prohibited Use	50	100	150	No
7400. No Change of Address Notice Filed	50	100	150	No
7404(l). Interference with Inspection	200	300	500	No
904(d). No Photographic Identification Available	50	100	150	No
905. Consumer Info. Not Posted/Incorrect Size of Print (Health & Safety)	50	100	150	No
920. Apprentice Training Records Not Available/Incomplete	100	150	200	No
965. Display of Licenses	50	100	150	No
978(a)(1), (a)(2),(a)(3),(a)(4). Receptacles, Cabinets and Containers	50	100	150	No
978(a)(5). Insufficient Disinfectant in Container for Total Immersion	100	150	200	No
978(a)(6). No Steam/Dry Heat Sterilizer for Electrology <u>Instruments-Tools</u>	500	1,000	1,500	No
978(b). No Disinfectant Solution Available for Use	250	300	500	No
978(c). No Manufacturer-Labeled Container for Disinfectant	250	300	500	No
979. Disinfecting Non-Electrical <u>Instruments Tools</u> and Equipment	100	250	500	No
980(a). Incorrect Disinfection of Electrical Items	100	250	500	No
980(b). Incorrect Storage of Electrical Disinfected Items	50	100	150	No
<u>980(c). Incorrect Storage of Soiled Electrical Tools</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
980.1. Incorrect Disinfection of Pedicure Spas (Per Chair)	500	500	500	No
980.1(c)(7). 980.1(d)(8). Incorrect/Missing Log 980.1(e)(4).	100	150	200	No
<u>980.1(g). Failure to List Chair as “Not in Service” in Log; No Sign Displayed on Chair</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
980.2. Incorrect Disinfection of “Pipeless” Footspas (Per Unit)	500	500	500	No
980.2(b)(7). 980.2(c)(6). Incorrect/Missing Log 980.2(d)(3).	100	150	200	No
<u>980.2(f). Failure to List Chair as “Not in Service” in Log; No Sign Displayed on Chair</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>

980.3. Incorrect Disinfection of "Non-Whirlpool Foot Basin" (Per Unit)	100	150	200	No
980.3(b)(6). Incorrect/Missing Log	50	100	150	No
980.3(e). Improper Storage of Basins or Tubs	50	100	150	No
980.4. Incorrect Disinfection of foot basin or tub after use of disposable liner	500	500	500	No
980.4(a)(2). Incorrect/Missing Log	50	100	150	No
980.4(a)(4). Failure to Maintain Supply of Five (5) Disposable Liners per Foot Tub Basin	250	300	500	No
981(a). No Disposal of Non-Disinfected Items	100	150	200	No
981(b). Improper Storage of New Supplies and Disposable tools	50	100	150	No
981(b-c). Carry Instruments <u>Tools</u> or Supplies in or on Garments	50	100	150	No
982. Incorrect Sterilization of Electrology Instruments <u>Tools</u>	100	150	200	No
983. Personal Cleanliness	50	100	150	No
984. Work on Person with Infectious/Communicable Disease	100	250	500	No
985. No Use of Neck Strips or Towel	50	100	150	No
986. Neck Dusters/Brushes Not Clean or Sanitary	50	100	150	No
987. Towels	50	100	150	No
988. Liquids, Creams, Powders and Cosmetics	50	100	150	No
989. Prohibited Hazardous Substance/Use of Product	500	500	500	No
990. Headrests and Treatment Tables	50	100	150	No
991. Performing Invasive Procedures	500	500	500	No
992. Performing Invasive Skin Peeling <u>Exfoliation/Dermis</u>	500	500	500	No
993. Prohibited Instruments <u>Tools</u>	300	400	500	No
994. Cleanliness and Repair	50	100	150	No
995(b),(c),(d),(e). Plumbing Standards	50	100	150	No

(b) A violation indicated in subdivision (a) as not waivable means that the Board, in its discretion, has determined that the violation cannot be corrected pursuant to Business and Professions Code Section 7407, and therefore that the fine for the first violation may not be avoided as provided for in Section 7409 of the Business and Professions Code.

NOTE: Authority cited: Sections 7312, 7406 and 7407, Business and Professions Code. Reference: Sections 7406, 7407 and 7409, Business and Professions Code.

From: Ni Tn <nitn002@gmail.com>
Sent: Thursday, May 07, 2015 4:04 PM
To: Flanagan, Kevin@DCA
Subject: Proposed Regulatory Action for June 17, 2015

Thursday, May 7, 2015

Greetings,

Upon reading the proposed changes labeled under Administrative Fines, I would like my opinions, comments, and suggestion to be included and read in your group meeting scheduled for June 17, 2015.

For 980.1

I ask the board to consider removing any requirements by licensees to keep written logs of timespace when a station is not in service or show records of the nonexistence.

Actions for the removal of fines scheduled for 980.1(g) and the likes.

All stations especially stations that are not in service should be in a sanitary condition. A sign placed in front of a unsanitary station does not make the station an exception.

A station in service is the only exception.

Best Regards,

Nghi Tran
San Jose, CA

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

SPECIFIC LANGUAGE

LEGEND

Underlined Indicates proposed amendments or additions to the existing regulation.

Strikeout Indicates proposed deletions to the existing regulation.

- **Adopt Section 965.1, Title 16, California Code of Regulations, as follows:**

§ 965.1. Persons Exempt from Licensing; Demonstration of Products.

For the purposes of Section 7319, as specified in subdivision (e) of the Business and Professions Code concerning persons exempt from the Barbering and Cosmetology Act, the term "demonstrating" means the following: performing a one-time service on a consumer, without compensation, to show how a product is used or to prove its value or effectiveness, with the intent that the consumer may later apply the product him- or herself, without the help of a licensee or product instructor.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7319(e), Business and Professions Code.

No Attachment



Board of Barbering and Cosmetology-Department of Consumer Affairs
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MEMORANDUM

DATE	July 26, 2015
TO	Board Members, Board of Barbering and Cosmetology
FROM	Marcene Melliza, Board Analyst Board of Barbering and Cosmetology
SUBJECT	Proposed Board Meeting Dates for 2016

January 24, 2016 – Board Meeting – Ontario
 January 25, 2016 – Reinstatement Hearing – Ontario

April 24, 2016 – Board Meeting – Sacramento
 April 25, 2016 – Reinstatement Hearing- Sacramento

July 24, 2016 – Board Meeting – San Diego
 July 25, 2016 – Reinstatement Hearing – San Diego

October 23, 2016 – Board Meeting – San Jose
 October 24, 2016 – Reinstatement Hearing – San Jose

No Attachment

Closed Session

No Attachment