

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



**FEBRUARY 11, 2019
Board Meeting**

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



P.O. Box 944226, Sacramento, CA 94244-2260
P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov

MEMBERS OF THE BOARD

Dr. Kari Williams, President
Lisa Thong, Vice President
Bobbie Jean Anderson
Polly Codorniz
Jacquelyn Crabtree
Andrew Drabkin
Joseph Federico
Steve Weeks

BOARD MEETING
February 11, 2019

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

*Action may be taken on any item
listed on the agenda.*



AGENDA

10:00 A. M.

UNTIL COMPLETION OF BUSINESS

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum **(Dr. Kari Williams)**
2. Board President's Opening Remarks **(Dr. Kari Williams)**
3. Annual Election of Officers
4. Board Member Remarks – Informational only
5. Public Comment on Items Not on the Agenda
Note: The Board may not discuss or take any action on any item 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, 1125.7(a))
6. Department of Consumer Affairs Executive Update
7. Presentation on "Why We Regulate the Beauty Industry" by Leslie Roste
8. Executive Officer's Report **(Kristy Underwood)**
 - a. Licensing Statistics
 - b. Examination Statistics
 - c. Disciplinary Review Committee Statistics
 - d. Enforcement Statistics
 - e. Budget Updates
 - f. Outreach Updates
 - g. Practice Status Survey Results
9. Approval of Board Meeting Minutes
October 22, 2018
10. Discussion and Possible Action Regarding the 2019 Board Member Guidelines and Procedures Manual

11. Appointment of Committee Members to Standing Committees for 2019
 - Disciplinary Review Committee
 - Education and Outreach Committee
 - Enforcement and Inspection Committee
 - Legislative and Budget Committee
 - Health and Safety Advisory Committee
 - Licensing and Examination Committee
12. Update on 2019 Sunset Review Report
13. Discussion and Possible Action Approving Edits of the Health and Safety Course After Pilot Testing (BPC§7389)
14. Discussion and Possible Action on Recommendations from the Spanish Language Examination Task Force
15. Update and Discussion Relating to Certification of Student Hours
16. Legislative Update:
 - Discussion and Possible Action on Proposed Bills:
 - a. AB 193 (Patterson) – Barbering and Cosmetology Scope of Practice Changes
17. Proposed Regulations:
 - Discussion and Possible Action of Proposed Regulatory Changes:
 - a. Title 16, CCR Section 904 (Definition of Access)
 - b. Title 16, CCR Section 950.10 (Transfer of Credit or Training)
 - c. Title 16, CCR Section 961 (National Interstate Council (NIC) Translation Guides)
 - d. Title 16, CCR Sections 962, 962.1 and 962.2 (Externs)
 - e. Title 16, CCR Section 965.2 (Personal Service Permit)
 - f. Title 16, CCR Section 972 (Disciplinary Guidelines)
 - g. Title 16, CCR Section 974 & 974.3 (Fine Schedule and Payment Plan)
18. Agenda Items For the Next Meeting
19. 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. Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. 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 18-19**

Applications Received

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Establishment	1,556	1,739			3,295
Mobile Unit	--	--			
Barber					
Pre-App	212	236			448
Initial Application	327	313			640
Re-Exam	426	666			1,092
Sub-Total	965	1,215			2,180
Reciprocity	39	37			76
Apprentice	179	208			387
Cosmetology					
Pre-App	740	798			1,538
Initial Application	710	805			1,515
Re-Exam	1,301	1,302			2,603
Sub-Total	2,751	2,905			5,656
Reciprocity	323	252			575
Apprentice	136	204			340
Electrology					
Pre-App	5	8			13
Initial Application	7	3			10
Re-Exam	5	6			11
Sub-Total	17	17			34
Reciprocity	--	--			
Apprentice	--	--			
Esthetician					
Pre-App	664	821			1,485
Initial Application	367	414			781
Re-Exam	472	408			880
Sub-Total	1,503	1,643			3,146
Reciprocity	113	78			191
Manicurist					
Pre-App	574	797			1,371
Initial Application	457	473			930
Re-Exam	641	753			1,394
Sub-Total	1,672	2,023			3,695
Reciprocity	101	116			217
Total	9,355	10,437			19,792

Examination Results (October 1, 2018 through December 31, 2018)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate
Barber	668	405	1,073	62%
Cosmetologist	1,930	709	2,639	73%
Electrologist	6	1	7	86%
Esthetician	1,299	102	1,401	93%
Manicurist	1,437	573	2,010	71%
Total	5,340	1,790	7,130	75%

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	415	652	1,067	39%
Korean	0	3	3	0%
Spanish	28	106	134	21%
Vietnamese	4	11	15	27%
TOTAL	447	772	1,219	37%

Cosmo	Passed	Failed	Total	Pass Rate
English	1,338	716	2,054	65%
Korean	15	6	21	71%
Spanish	244	497	741	33%
Vietnamese	76	37	113	67%
TOTAL	1,673	1,256	2,929	57%

Esthetician	Passed	Failed	Total	Pass Rate
English	1,031	330	1,361	76%
Korean	31	3	34	91%
Spanish	5	6	11	45%
Vietnamese	121	14	135	90%
TOTAL	1,188	353	1,541	77%

Manicurist	Passed	Failed	Total	Pass Rate
English	317	121	438	72%
Korean	15	12	27	56%
Spanish	39	25	64	61%
Vietnamese	977	395	1,372	71%
TOTAL	1,348	553	1,901	71%

Electrologist	Passed	Failed	Total	Pass Rate
English	6	4	10	60%
Korean	--	--	--	--
Spanish	--	--	--	--
Vietnamese	--	--	--	--
TOTAL	6	4	10	60%

Licenses Issued FY 2018-2019

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Barber	614	356			970
Barber Apprentice	234	216			450
Cosmetology	1,812	1,587			3,399
Cosmetology Apprentice	211	200			411
Electrology	9	5			14
Electrology Apprentice	-	-			-
Esthetician	1,219	1,152			2,371
Manicurist	1,119	1,189			2,308
Establishment	1,852	1,791			3,643
Mobile Unit	-	-			-
Totals	7,070	6,496			13,566

Licenses Issued Last 5 Years

License Type	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
Barber	1,715	1,950	2,189	2,259	970
Barber Apprentice	397	511	665	885	450
Cosmetology	12,702	10,813	8,389	7,085	3,399
Cosmetology Apprentice	543	650	793	727	411
Electrology	34	35	26	22	14
Electrology Apprentice	-	-	-	1	-
Esthetician	5,059	4,747	4,818	4,007	2,371
Manicurist	5,876	6,298	6,550	3,787	2,308
Establishment	6,654	6,996	6,875	7,609	3,643
Mobile Unit	8	7	7	2	-
Totals	32,988	32,007	30,312	26,384	13,566

License Population

Barber	30,840
Barber Apprentice	1,595
Cosmetology	314,010
Cosmetology Apprentice	1,413
Electrology	1,728
Electrology Apprentice	1
Esthetician	87,021
Manicurist	129,736
Establishment	51,747
Mobile Unit	47
Total	618,138



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**QUARTERLY BARBERING AND COSMETOLOGY
 DISCIPLINARY REVIEW COMMITTEE STATISTICS**

Fiscal Year 18-19

Report Date: December 31, 2018

	October - December	YTD
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NORTHERN

Heard	95	190
Received	61	157
Pending ¹	64	64 ²

SOUTHERN

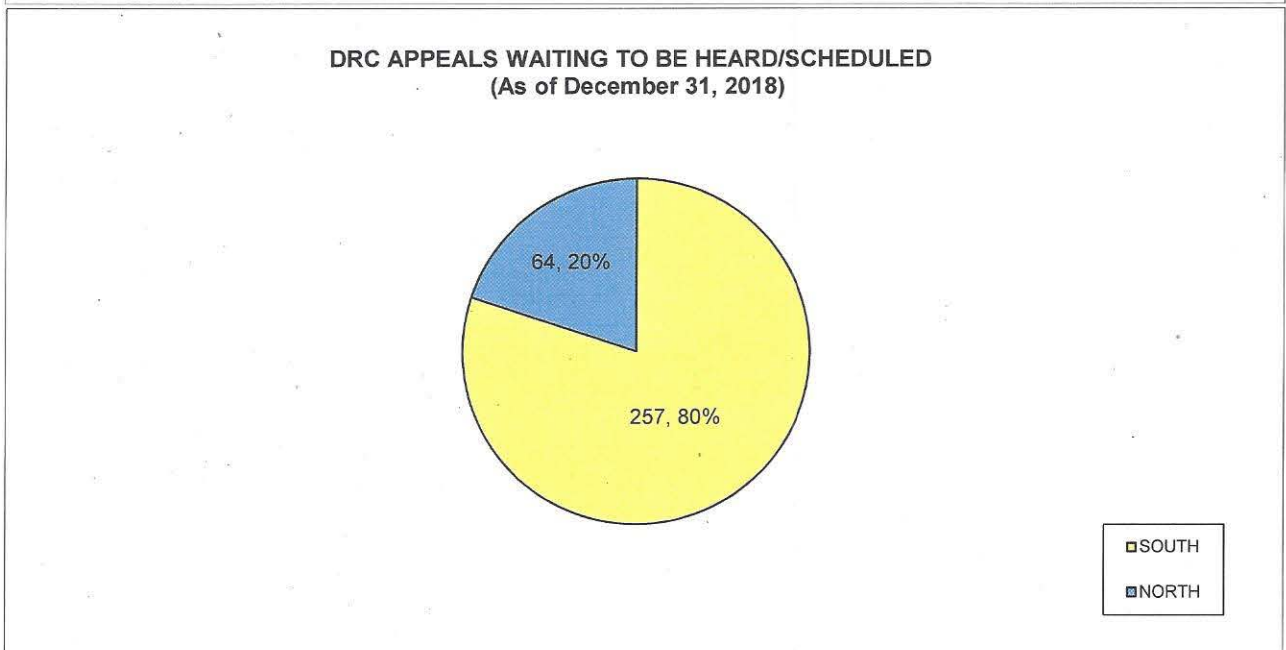
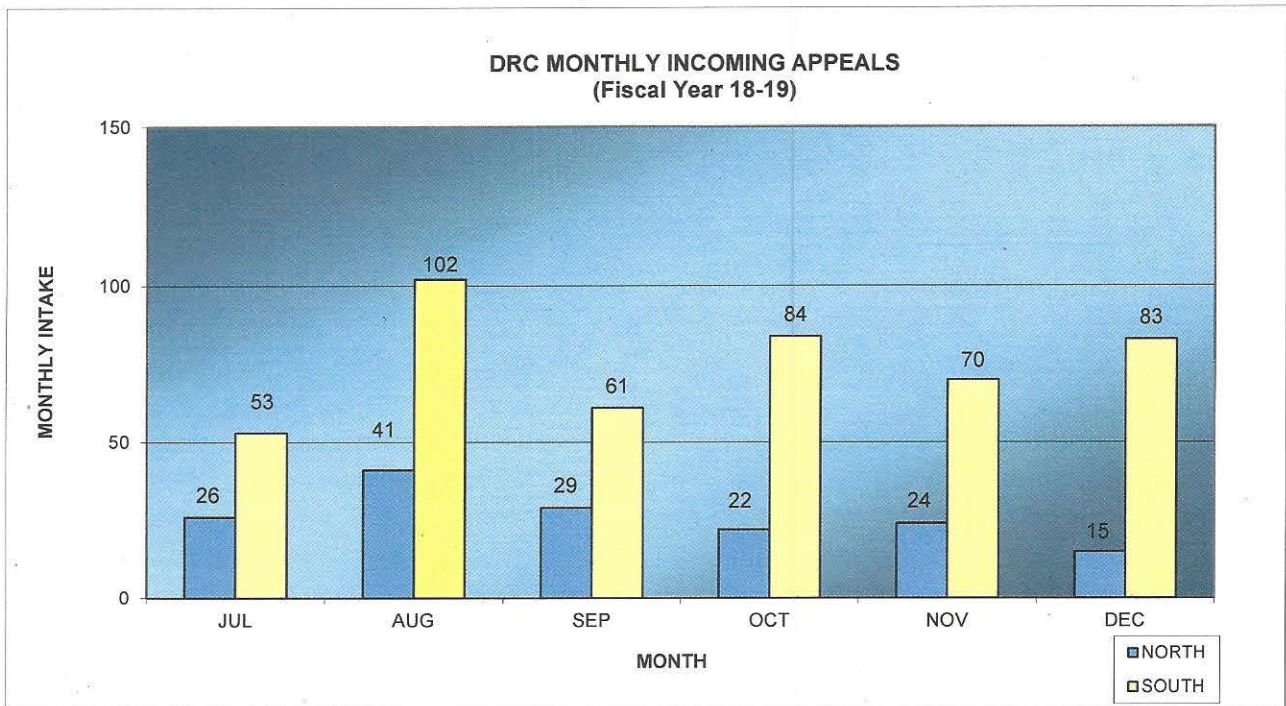
Heard	245	395
Received	237	453
Pending ¹	257	257 ²

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

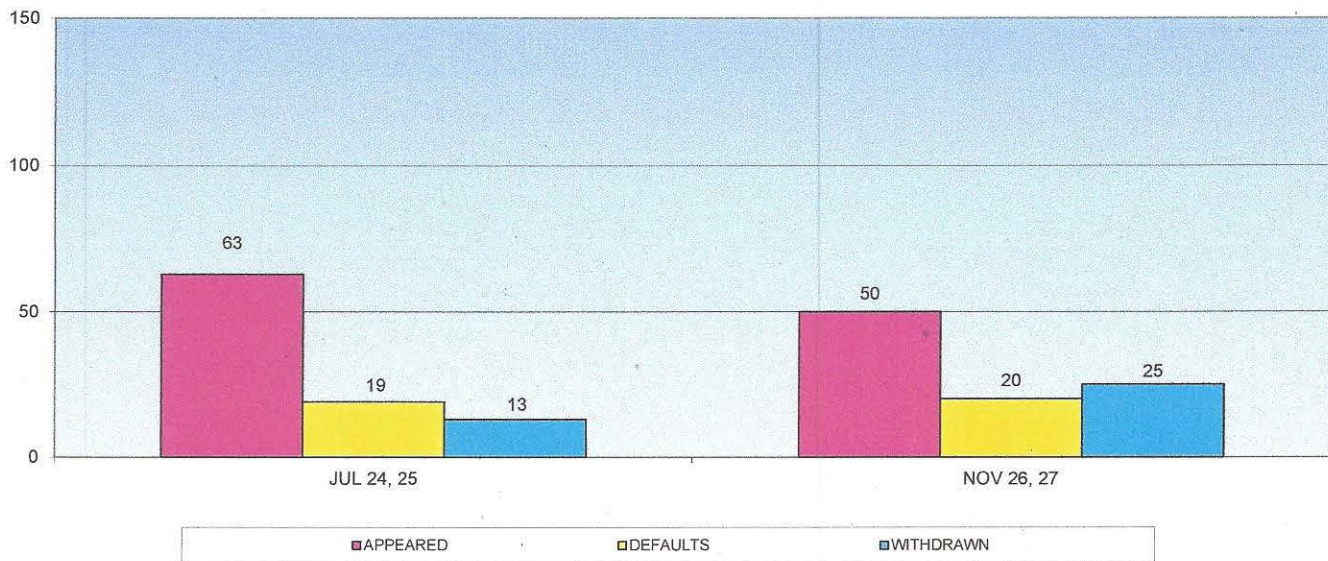
² Figure represents number of pending requests as of report date.

2019 SCHEDULED HEARINGS

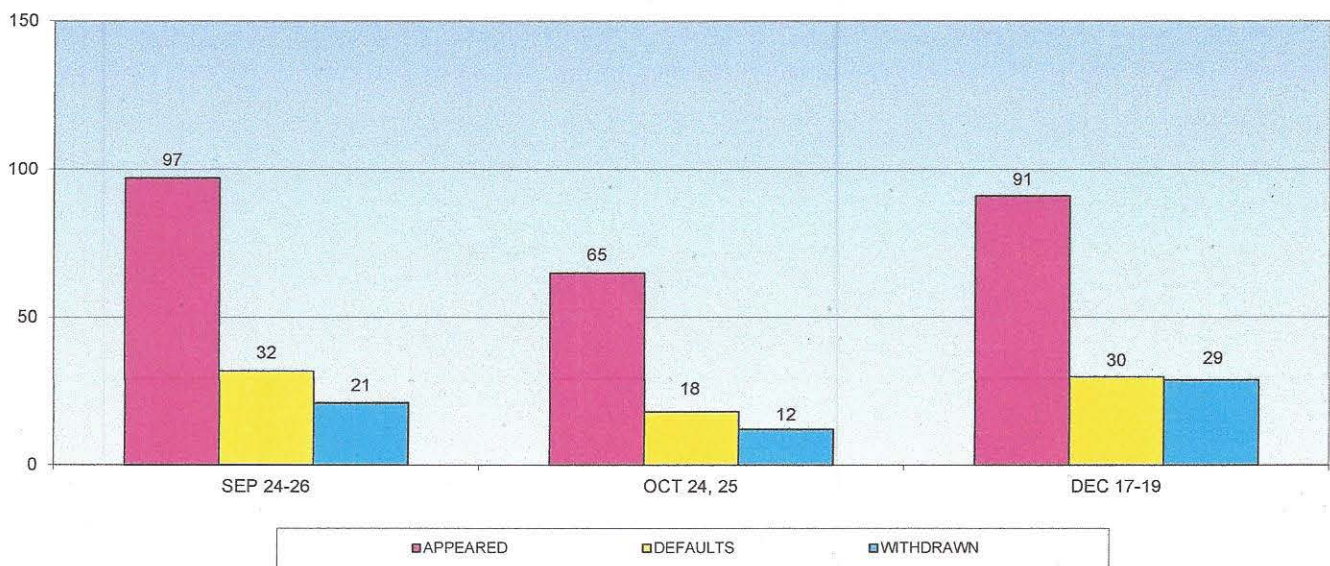
Area	Location	Date
Northern	Sacramento	February 12, 13, 2019
Southern	Burbank	March 18, 19, 20, 2019
Southern	San Diego	April 22, 23, 24, 2019
Southern	Burbank	May 22, 23, 2019
Northern	Sacramento	June 24, 25, 2019



**NORTHERN APPEALS HEARD
(Fiscal Year 18-19)**



**SOUTHERN APPEALS HEARD
(Fiscal Year 18-19)**



DRC Interpreter Services Provided To Date

Month	Spanish	Vietnamese
Aug-16	6	13
Sep-16	7	17
Oct-16	9	6
Nov-16	6	10
Dec-16	7	11
Jan-17	8	8
Feb-17	3	12
Mar-17	4	6
Apr-17	6	0
May-17	3	3
Jun-17	1	7
Jul-17	3	2
Aug-17	0	0
Sep-17	9	10
Oct-17	0	4
Nov-17	9	0
Dec-17	0	15
Jan-18	0	0
Feb-18	0	0
Mar-18	12	5
Apr-18	0	0
May-18	0	6
Jun-18	0	0
Jul-18	3	7
Sep-18	11	4
Oct-18	7	6
Nov-18	4	4
Total	118	156

**QUARTERLY BARBERING AND COSMETOLOGY
ENFORCEMENT STATISTICS Fiscal Year 18-19**

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
COMPLAINTS					
Complaints Received	1039	1038			2077
Referred to DOI	0	2			2
Complaints Closed	1102	1040			2142
Total Complaints Pending	893	876			876
APPLICATION INVESTIGATIONS*					
Received	148	38			186
Pending	54	4			4
Closed	1067	85			1152
ATTORNEY GENERAL					
Referred	11	38			49
Accusations Filed	17	14			31
Statement of Issues Filed	4	4			8
Total Pending	72	90			90
DISCIPLINARY PROCESS					
Proposed Decisions	6	2			8
Default Decision	2	3			5
Stipulation	11	13			24
DISCIPLINARY OUTCOMES					
Revocation	8	5			13
Revoke, Stay, Probation	3	8			11
Revoke, Stay, Suspend/Prob	13	2			15
Revocation, Stay w/ Suspend	0	0			0
Probation Only	0	0			0
Suspension Only	0	0			0
Suspension & Probation	0	0			0
Suspension, Stay, Probation	1	4			5
Surrender of License	1	6			7
Public Reprimands	0	0			0
License Denied	0	0			0
Other	1	0			1
Total	27	25			52
PROBATION					
Active	136	121			121
	Jul-Sept	Oct-Dec*	Jan- Mar	Apr-Jun	YTD
CITATIONS					
Establishments	2296	1593			3889
Barber	268	187			455
Barber Apprentice	49	21			70
Cosmetologist	761	479			1240
Cosmetologist Apprentice	13	7			20
Electrologist	0	0			0
Electrologist Apprentice	0	0			0
Manicurist	851	461			1312
Esthetician	94	62			156
Unlicensed Est.	88	68			156
Unlicensed Individual	139	90			229
Total	4559	2968			7527
INSPECTIONS					
Establishments w/ violations	2240	1389			3629
Establishments w/o violations	769	569			1338
Total	3009	1958			4967

*Oct-Dec stats only have data from October 1, 2018 through November 30, 2018

**Board of Barbering and Cosmetology
Fiscal Year 2018/2019
Projected Expenditures 10/30/18**

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,672,000	4,024,620	647,380
Expert Examiners	453,000	380,815	72,185
Temporary	134,000	131,087	2,913
BL 12-03 Blanket	0	207,176	(207,176)
Statutory-Exempt	104,000	124,296	(20,296)
Board Member Commission	0	18,000	(18,000)
Overtime	0	1,000	(1,000)
Total Salary & Wages	5,363,000	4,886,994	476,006
Net Salary & Wages	5,363,000	4,886,994	476,006
Staff Benefits	2,773,000	2,537,401	235,599
Total of Personnel Services	8,136,000	7,424,395	711,605
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	191,000	186,000	5,000
Printing	168,000	400,000	(232,000)
Communication	41,000	63,000	(22,000)
Postage	283,000	94,000	189,000
Insurance	4,000	15,000	(11,000)
Travel In State	83,000	135,000	(52,000)
Travel, Out-of-State	0	2,700	(2,700)
Training	11,000	1,200	9,800
Facilities Operations	1,289,000	963,000	326,000
Utilities	0	0	0
Consultant & Professional Svs. - Interdept.	126,000	20,000	106,000
Consultant & Professional Svs. - External	373,000	295,000	78,000
Depart. and Central Admin. Services	8,303,700	8,361,074	(15,074)
Consolidated Data Center	68,000	59,000	9,000
Information Technology	38,000	32,000	6,000
Central Admin Pro Rata	0	0	0
Examinations	1,399,000	2,440,000	(1,041,000)
Major Equipment	34,000	34,000	0
Minor Equipment	13,000	13,000	0
Other Items of Expense	0	0	0
Vehicle Operations	38,000	43,000	(5,000)
Enforcement	1,876,000	1,136,000	740,000
Special Items of Expenses	0	0	0
Total Operating Expenses & Equipment	14,338,700	14,292,974	88,026
Total Personal Services Expenses	8,136,000	7,424,395	711,605
Total reimbursements	(57,000)	(57,000)	
Total	22,417,700	21,660,369	799,631

0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition

Prepared 12/10/2018

(Dollars in Thousands)

NOTE: \$21 Million General Fund Repayment Outstanding

2019-20 Governor's Budget

	PY 2017-18	CY 2018-19	BY 2019-20
BEGINNING BALANCE	\$ 20,565	\$ 20,692	\$ 19,304
Prior Year Adjustment	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 20,565	\$ 20,692	\$ 19,304
REVENUES AND TRANSFERS			
Revenues:			
4121200 Delinquent fees	\$ 1,177	\$ 1,113	\$ 1,146
4127400 Renewal fees	\$ 12,342	\$ 12,022	\$ 12,382
4129200 Other regulatory fees	\$ 6,157	\$ 5,101	\$ 5,230
4129400 Other regulatory licenses and permits	\$ 4,547	\$ 4,129	\$ 4,225
4140000 Sales of documents	\$ -	\$ -	\$ -
4143500 Miscellaneous services to the public	\$ -	\$ -	\$ -
4150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -
4163000 Income from surplus money investments	\$ 64	\$ 285	\$ 272
4170400 Sale of fixed assets	\$ -	\$ -	\$ -
4171100 Cost Recovery - Other	\$ -	\$ -	\$ -
4171400 Escheat - unclaimed checks, warrants, bonds, and coupons	\$ 10	\$ 12	\$ 12
4171500 Escheat - unclaimed property	\$ 3	\$ -	\$ -
4172500 Miscellaneous revenues	\$ 13	\$ 12	\$ 12
4173500 Settlements and Judgements	\$ -	\$ -	\$ -
Total Revenues	\$ 24,313	\$ 22,674	\$ 23,279
Transfers from Other Funds			
Proposed GF Loan Repayment (Budget Act of 2008)	\$ -	\$ -	\$ 10,000
Proposed GF Loan Repayment (Budget Act of 2011)	\$ -	\$ -	\$ 11,000
Total Revenues, Transfers, and Other Adjustments	\$ 24,313	\$ 22,674	\$ 44,279
Total Resources	\$ 44,878	\$ 43,366	\$ 63,583
EXPENDITURES			
1111 Department of Consumer Affairs Program Expenditures (State Operations)	\$ 22,561	\$ 22,460	\$ 21,041
8880 Financial Information System for California (State Operations)	\$ 28	\$ 2	\$ -6
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ 134	\$ 316
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 1,597	\$ 1,466	\$ 1,189
Total Disbursements	\$ 24,186	\$ 24,062	\$ 22,540
FUND BALANCE			
Reserve for economic uncertainties	\$ 20,692	\$ 19,304	\$ 41,043
Months in Reserve	10.3	10.3	21.4

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 1.5%.
- D. PY 2017-18 BASED ON BUDGET ACT



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MEMORANDUM

DATE January 22, 2019

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Outreach Update (Communication Plan for Consumer Outreach)

Board staff has been working with DCA's Public Affairs, Office of Public Design and Editing, and Budget units to assist with the development of a consumer outreach plan.

Staff is finalizing details on an advertising plan with DCA called "Look for the License". The campaign is designed to encourage a consumer habit to verify that a barber, cosmetologist, manicurist, esthetician or electrologist is licensed and working in a licensed establishment before receiving services. Our goal is to increase public awareness of that fact, and to suggest the dangers associated with accepting services from unlicensed providers. Educating the consumer that the mission of the Board is to protect the health and safety of all Californians and they can file a complaint with the Board.

To distribute this information to consumers staff plans on the following:

Press releases:

- Press release will be sent by DCA to statewide news media outlets, as well as specific industry blogs and publications gathered by DCA. Currently they have a list of over 600 contacts specific to the beauty industry to target.

Social Media:

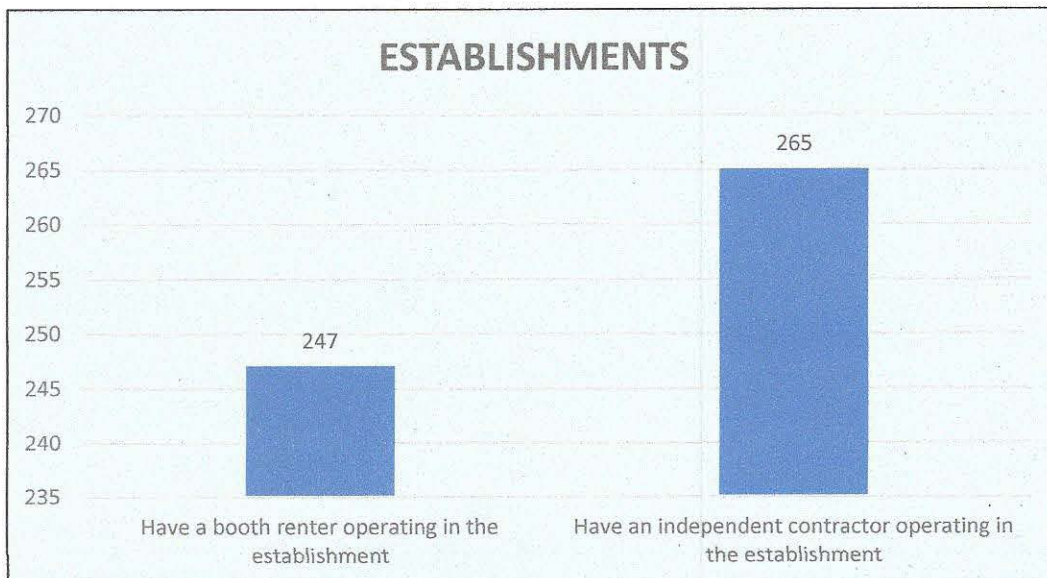
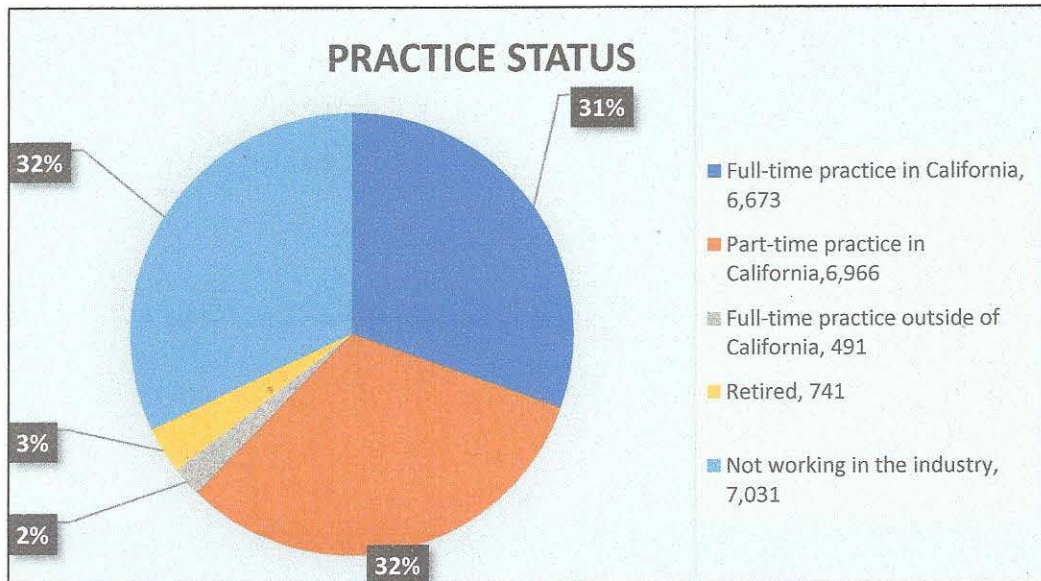
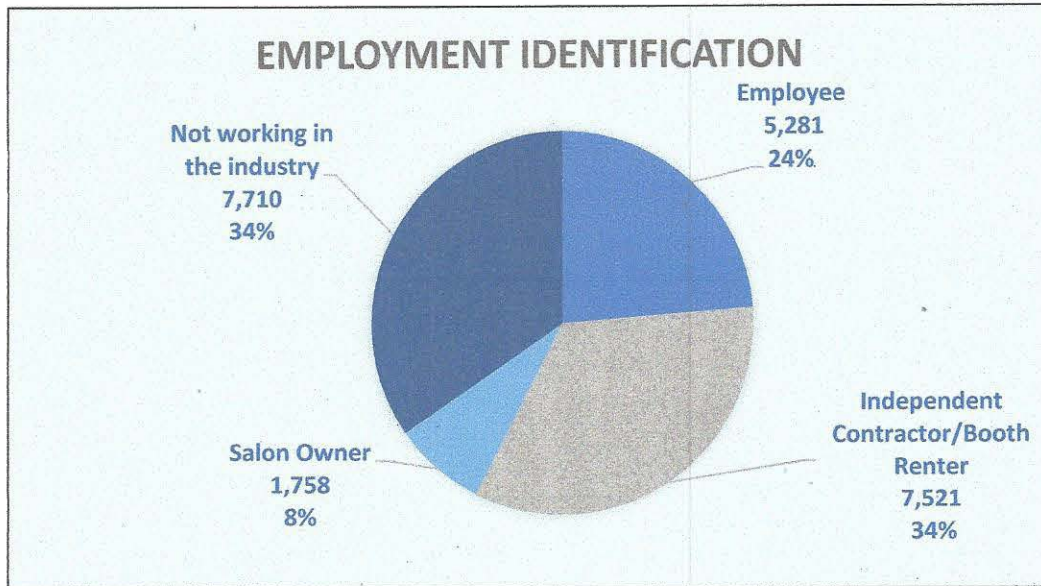
- Instagram account has been created for the Board and a tablet has been approved to purchase for the outreach unit.
- Consumer Facebook Page has been created.
- Priority placement on search engines such as Google and Facebook (pending Budget approval)

Along with the above options, staff will be updating the Consumer page on the Board's website with new trends that the Board may see as to bring awareness to the consumer.

And lastly, staff will continue to look for consumer outreach events, such as Health Expos, Senior Fairs and other events that could benefit from the Board's attendance.

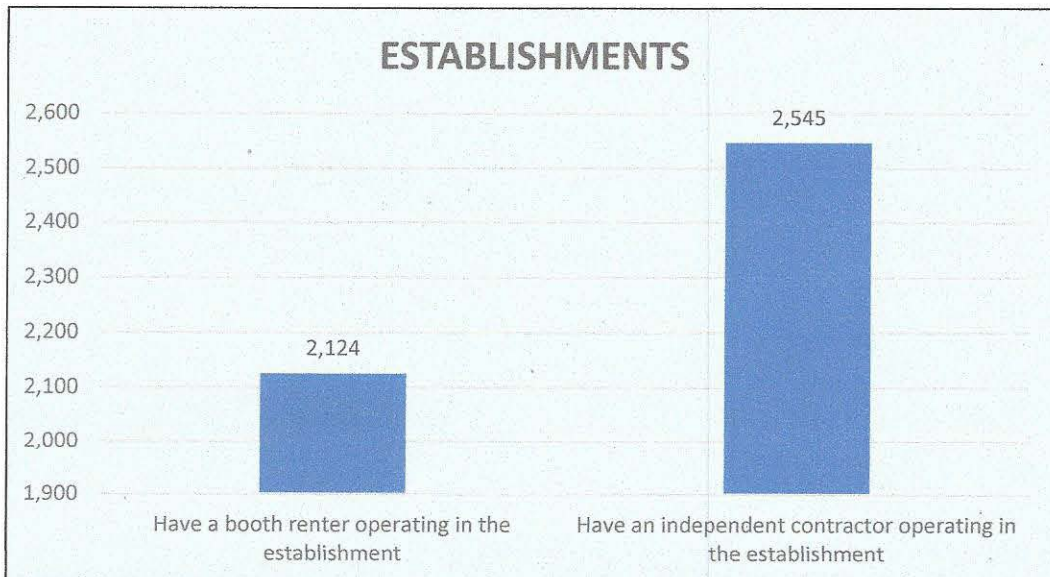
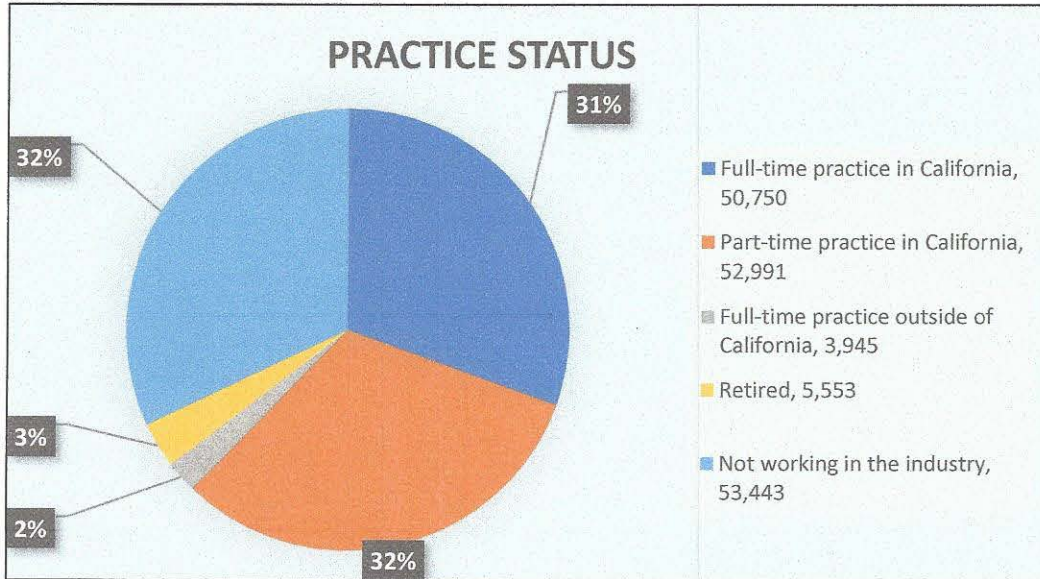
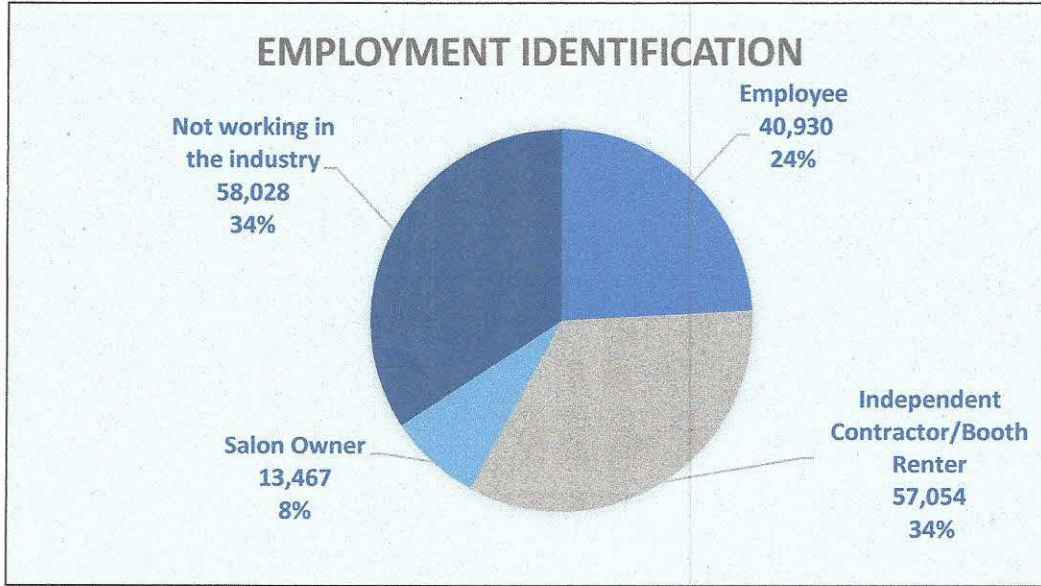
RENEWAL QUESTIONNAIRE

October 1- December 31, 2018



RENEWAL QUESTIONNAIRE

Year to Date





**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

**BOARD MEETING
MINUTES OF October 22, 2018**

Courtyard by Marriott
San Diego Mission Valley
595 Hotel Circle South
San Diego, California

BOARD MEMBERS PRESENT

Dr. Kari Williams, President
Lisa Thong, Vice President
Polly Codorniz
Jacquelyn Crabtree
Andrew Drabkin
Joseph Federico
Coco LaChine
Steve Weeks

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Michael Santiago, Board Legal Representative
Tami Guess, Board Project Manager
Marcene Melliza, Board Analyst

BOARD MEMBERS ABSENT

Bobbie Jean Anderson

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

Dr. Kari Williams, Board President, called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

2. Agenda Item #2, BOARD PRESIDENT'S OPENING REMARKS

Dr. Williams stated today was Tami Guess's last Board meeting prior to her retirement in December. She thanked Ms. Guess for her hard work and dedication and stated she will be missed. On behalf of the Board, Dr. Williams presented Ms. Guess with a resolution in appreciation for her years of service with the Board.

Dr. Williams stated today was also Mr. LaChine's last day on the Board. She thanked Mr. LaChine for his contributions and presented him with a resolution in appreciation for his years of service with the Board. Dr. Williams wished Mr. LaChine all the best in his future endeavors.

3. Agenda Item #3, BOARD MEMBER REMARKS

Mr. LaChine thanked Board Members, staff, and members of the public for their help during his term. He stated he is moving to New York where he was originally from. He

stated his time on the Board has given him a new perspective in life. His service on the Disciplinary Review Committee (DRC) has made him fairer and more patient. He stated Board Members taught him that the DRC is also a good time to educate, encourage, and inspire the industry.

Mr. Federico stated he attended a meeting in Sacramento with DRC staff to explore paperless options for DRC case files. He stated IT demonstrated a Dropbox-style device as a paperless option during the meeting that was well-received. Mr. Federico agreed with Mr. LaChine that the Board tries to use the DRC hearing as a moment to educate. He suggested retaining the photos taken by inspectors for DRC hearings so they can be shared and used as opportunities to educate.

Kristy Underwood, Executive Officer, stated Ms. Guess has been a great asset to the office. She stated Ms. Guess worked on the Sunset Review Report, which is one of the best ever that the Board has put forward. She will be greatly missed.

Ms. Underwood stated Mr. LaChine has been one of the most active Assembly appointees. She thanked him for his work on the Board.

4. Agenda Item #4, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), thanked Ms. Guess and Mr. LaChine for their service to the industry.

Wendy Cochran, Founder, California Aesthetic Alliance (CAA), thanked Ms. Guess and Mr. LaChine for their service to the industry.

Richard Hedges, former Board Member, thanked Ms. Guess and Mr. LaChine for their service to the industry.

5. Agenda Item #5, EXECUTIVE OFFICER'S REPORT

- a. Licensing Statistics**
- b. Examination Statistics**
- c. Disciplinary Review Committee Statistics**
- d. Enforcement Statistics**
- e. Budget Updates**
- f. Outreach Updates**
- g. Practice Status Survey Results**
- h. NIC October 2018 Conference Report**

Ms. Underwood reviewed the statistics and update reports, which were included in the meeting packet. She thanked the Board for their work on the DRC over the last several years. She stated going into the Sunset Review with no DRC hearing backlog will be a huge benefit.

Ms. Underwood updated the Board on recent activities:

- Ms. Underwood attended the National-Interstate Council of State Boards of Cosmetology (NIC) two-day conference in Seattle, Washington. Only 23 states were represented this year. Many states that were in attendance had similar issues to California such as the following:

- Reducing hours for cosmetology to the 1,500- to 1,600-hour range
- Creating smaller license categories such as a lash certificate or a waxing certificate
- Creating licenses similar to the California Personal Service Permit (PSP)
- Staff met last week with the Division of Apprenticeship Standards to discuss apprenticeship programs in California and Spanish pass rates. Apprenticeship programs have an approximate 20 percent pass rate.
 - A Spanish Task Force will be put together by the end of the year and will hopefully include a representative from the Division of Apprenticeship Standards.
- Staff met with the new Department of Consumer Affairs (DCA) Public Information Officer who is assigned to the Board, to ask that his first project with the Board be a consumer campaign. Staff will be working on the campaign with the Public Information Officer over the next few weeks.
- The Mexican Consulate in Los Angeles has invited the Board back to convene a second Town Hall meeting, which is tentatively set for December 4th.
 - Staff has contacted the DCA to try to expand the Town Hall meetings throughout California.
- Mr. Federico has arranged a tour of the Federico Beauty Institute for legislative staff members in order to give individuals who work on bills a different perspective and to see the operations of a cosmetology school.
- As reported at the last Board meeting, emergency decisions were made to close three schools. Eight additional schools have now voluntarily closed due to the pressure from the Board on their operations and fraudulent proofs of training that have come through. Some students knowingly bought hours, while others were misled by the schools. Students were sent deficiency letters to allowed them to withdraw their applications and go to a legitimate school. A formal denial requires students to wait a year before reapplying. The Board formally denied over 400 cosmetologist, manicurist, and esthetician applicants.
 - Staff has had conference calls with the National Accrediting Commission of Career Arts and Sciences (NACCAS) because more and more accredited schools are not teaching the curriculum they were approved to teach.
 - Another issue is individuals trying to get reciprocity in other states by submitting fraudulent certification letters. Staff is combating that by keeping in contact with other states and sharing processes on how they receive and send certification letters.

Questions and Discussion

Mr. Weeks asked for additional statistics relative to the Spanish written pass rate at the next Board meeting. He suggested analytics on the average failing score for first-time-only Spanish written test takers to determine how close they are coming to passing the exam, the percentage of students who failed by 10 points or less, and the average

score for second-time-only Spanish test takers to demonstrate what two exams could mean in a situation like this.

Mr. Federico asked if there has been an increase in apprenticeship programs.

Ms. Underwood stated there has been a significant increase. She stated she will add those statistics to her report at the next Board meeting.

6. Agenda Item #6, APPROVAL OF BOARD MEETING MINUTES

• **August 27, 2018**

MOTION: Mr. Federico moved to approve the August 27, 2018, California State Board of Barbering and Cosmetology Meeting Minutes as presented. Ms. Crabtree seconded. Motion carried 7 yes, 0 no, and 1 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

The following Board Member abstained: LaChine.

7. Agenda Item #7, PROPOSED BOARD MEETING DATES/LOCATIONS FOR 2019

Dr. Williams reviewed the proposed Board meeting dates for 2019, which were included in the meeting packet.

Ms. Thong pointed out that May 12, 2019, is Mother's Day. Ms. Underwood suggested pushing it back a week to May 19th and 20th.

8. Agenda Item #8, FINAL APPROVAL OF THE 2019 SUNSET REVIEW REPORT

Ms. Underwood reviewed the additions, changes, and corrections suggested by the Board and stakeholders at the last meeting to the 2019 Sunset Review Report Draft. The registration of students and internships were added to Volume 1. She presented the amended report along with an Executive Summary for final Board review and stated the report is due to the Legislature on December 1st.

Ms. Crabtree asked if insurance would cover an unlicensed intern providing services for the business owner. Ms. Underwood stated she did not know the answer to that question.

Mr. Drabkin stated the language states the internships are paid positions, not that it is optional. Ms. Underwood stated additional clarifying language will be added.

Ms. Crabtree stated, if clarifying language is added about interns being paid or not paid, then labor laws will need to be reviewed to ensure the salon owner is covered.

Ms. Thong stated there are specific requirements around internships under California Labor Law. The student has to either get school credit or be paid.

Ms. Underwood suggested that internships be limited to accredited schools. That is how the language is currently written.

Mr. Drabkin suggested changing the language under Outcomes Desired from “obtain” to “and/or obtain” so it would read “provide an opportunity for students to earn a wage and/or obtain on-the-job training.”

Mr. Weeks referred to the last sentence in the fourth paragraph of the Executive Summary at the front of Volume 1 and suggested referencing the 1,600 hours of education that are required to obtain a license so individuals in the industry who are reviewing the Executive Summary do not assume that only a few courses are involved.

Mr. Weeks asked if his suggestion from the previous meeting to define PSP to eliminate any possible connection to the establishment license was incorporated. Ms. Underwood stated it was not because the definition of PSP is in statute.

Mr. Weeks asked if it can be mentioned from the establishment side such as “as an establishment, you shall not ...” He stated his concern that, since a PSP is an individual business, they can have an office. His concern was that that office would then turn into an establishment. Ms. Underwood stated it will be addressed in the regulations for the PSP.

Mr. Weeks asked about the timeframe on that. Ms. Underwood stated the Board approved the regulations at the last meeting. Staff is working on the regulatory package that will be submitted to legal within the next two weeks.

Mr. Federico moved to approve the 2019 Sunset Review Report Draft and to allow the executive officer to make non-substantive changes.

Public Comment

Caroline Barboza, Barboza Barber Academy, agreed that the internship/externship program should be limited to accredited schools.

Mr. Hedges suggested that interns should be paid. The interns bring value through their work to the establishment and should be compensated for it.

Ms. Cochran agreed that interns should be paid. It is important that the schools establish the foundation of proper compensation for work done. She questioned the term “mechanic brushes” in the typography section. She offered to send an email to staff with terms for devices.

Ms. Cochran referred to the phrase ‘devises or appliances of any kind or description’ on page 126 under Removing of Hair, and asked if that would mean a mechanical device such as a Dermaflash, which is a vibrating hand tool that estheticians use for removing peach fuzz from the face by single-use disposable razors. She stated, if the marketing campaign and branding is for hair removal, then this device should be able to be used in professional treatment by licensed estheticians.

Ms. Cochran asked if dermaplaning is considered part of hair removal or if it is considered an exfoliation process. Ms. Underwood stated it is not considered within the scope of estheticians.

Ms. Cochran asked if Plasma and Fibroblast will be addressed under the New Trends section. Ms. Underwood stated it is not within the Board's scope. Ms. Cochran agreed.

Jaime Schrabek, Ph.D., Owner, Precision Nails, stated manicuring is one of the big problem areas, but only 27 words have been used to describe the scope of practice for manicuring. She stated the word beautifying has been removed in this draft, but it is concerning, when beautifying is left out and words like manicuring and pedicuring are left in, because it unintentionally suggests that applying extensions and decorating the nails with rhinestones or nail art would not necessarily be license-required. She stated she has submitted a list of verbs that could be used to describe the use of enhancement products to staff. She suggested adding the word decorating or enhancing so individuals will not think that this does not apply to them when using acrylic and gel products and doing nail art.

Dr. Schrabek suggested modernizing the language by replacing the word "tonics" with "products" on page 124. She encouraged, going forward, particularly with the approval of the PSP, that the Board require that all licensees in establishments to advertise and conduct their businesses with their legal names and license numbers. This is information that consumers can look up on the Internet to see if individuals are licensed.

Bill Henderson, Faculty, San Diego City College, Department of Cosmetology, thanked the Board for their approval for a barbering conversion program. He also thanked the Board for including the section on internship and externship in the Sunset Review Report. He asked how internship/externship programs will affect radio, television, and film in terms of the Screen Actors Guild or what might apply to student who would be doing those programs in projects where they would be doing services where it crosses over into that field.

Dr. Williams stated there is an exemption in the law for licensees who work in firm and television.

Mr. Jones stated, the Sunset Review Report is impressive. The problem when dealing with the Legislature is that it will not be read. It is wise to include an Executive Summary. He stated the term "access protocol" was used twice in the bullets on the second page of the Executive Summary.

Mr. Jones stated, as long as there is an internship and an externship, it is appropriate to set a higher bar for the optional paid internship for accredited schools. Optional pay is important because some establishments may not take advantage of an internship if they are forced to pay the interns, but the opportunity for interns to earn while by learn is a great response to the barrier-to-entry argument that is being used against the industry.

Mr. Jones stated the Board's enrollment registration is fantastic; it will stop the selling of hours overnight. He commended staff for their work in shutting down fraudulent schools, which have been undermining the integrity of the license. He

suggested adding the efforts that the Board has undergone on the PSP in the letter.

Mr. Federico stated there are two different hour requirements for cosmetology and barbering. He suggested changing the recommended hours completed in the internship section from 800 hours to 50 percent, so it would read "the students shall have completed a minimum of 50 percent of the course of barbering or cosmetology in the approved school."

Mr. Drabkin stated interns should either be paid or unpaid without the Board's changing tracks later on. He stated part of school tuition is to provide educational training hours. He stated his concern that schools do not earn the money paid for educational hours when students are in an internship program.

Ms. Thong stated she understood Mr. Drabkin's point, but stated the need to clarify what interns can and cannot do by reviewing the clear definition of internship in California Labor Law. She suggested reviewing that prior to moving language forward to ensure that it aligns.

Ms. Underwood agreed with the inclusion of "beautification" in the manicurist scope of practice, adding a brief synopsis of what the Board has done on the PSP into the Executive Summary, changing internship language from 800 hours to 50 percent, and to include that paid internships are optional.

Mr. Federico agreed to make those amendments to his motion.

Ivonne Villalobos, Owner-Operator, Ivonne's Beauty Salon, asked how the internship/externship programs and sponsors of the interns will be regulated. She asked about the percentage rates of success with internship programs.

Dr. Williams stated the internship program is in the discussion phase and has not yet been implemented.

Mr. Federico stated an externship program is currently being implemented, which requires students to complete 60 percent of their education prior to applying for an externship. The externship program allows the student to attend one day per week in a salon to observe.

Ms. Villalobos asked how the salon owners or sponsors are monitored and how the Board is regulating to ensure that these students are being educated in alignment with school curriculum.

Dr. Williams stated there is information about externships on the website. She asked Ms. Villalobos to connect with staff offline.

MOTION: Mr. Federico moved to approve the 2019 Sunset Review Report Draft, to allow the executive officer to make non-substantive changes, to include the word "beautification" in the manicurist scope of practice, to add a brief summary of what the Board has done on the PSP into the Executive Summary, to change the internship language from 800 hours to 50 percent, and to include that paid internships are optional.

Dr. Williams seconded. Motion carried 7 yes, 0 no, and 1 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

The following Board Member abstained: Drabkin.

9. Agenda Item #9, REPORT ON THE AUGUST 28, 2018, HEALTH AND SAFETY ADVISORY COMMITTEE

• Dynamex Decision

Ms. Underwood referred the Board to the discussions on the Dynamex decision from the last Health and Safety Advisory Committee, which were included in the meeting packet. She stated many agencies are discussing the issue but little progress has been made. She stated she recently spoke to the Department of Industrial Relations who assured her that they are trying to come up with a statement that can be linked to website. In the interim, inquiries from the public are being routed to the Labor Commissioner's Office. Until the next legislative session opens, the ramifications of the Dynamex decision remain unclear.

10. Agenda Item #10, LEGISLATIVE UPDATE

Ms. Underwood updated the Board on the following bills:

a. AB 2134 (Rubio) - Externships

This bill was signed into law and will be effective January 1, 2019.

b. AB 2138 (Chiu and Low) Denial of Applications

This bill was amended prior to being signed.

c. AB 2775 (Kalra) Professional Cosmetics Labeling Requirements

This bill was signed into law and will be effective January 1, 2019.

d. SB 984 (Skinner) Board Representation: Women

This bill did not move out of the Assembly.

e. 1492 (Hill) (SBP) Examination Failure Notification

This bill was signed into law and will be effective January 1, 2019.

11. Agenda Item #11, PROPOSED REGULATIONS: DISCUSSION AND POSSIBLE ACTION OF PROPOSED REGULATORY CHANGES

Ms. Underwood stated the following proposed regulations are in process:

The language for this regulations package has been revised and is being resubmitted for approval by the Board. The package is still undergoing internal review at the Department of Consumer Affairs (DCA).

- Title 16, CCR Section 961 (National Interstate Council (NIC) Translation Guides)

The following regulation packages are under internal review at the Department of Consumer Affairs:

- Title 16, CCR Section 904 (Definition of Access)
- Title 16, CCR Section 950.10 (Transfer of Credit or Training)
- Title 16, CCR Section 974 and 974.3 (Fine Schedule and Payment Plan)

Staff is developing the filing documents of these regulation packages:

- Title 16, CCR Section 965.2 (Personal Service Permit)
- Title 16, CCR Section 972 (Disciplinary Guidelines)

Staff is developing the language on the following regulation package:

- Title 16, CCR Sections 977, 978, 979, 980, 980.1, 980.2, 980.3, 980.4, 981, 982, 983, 984, 985, 986, 987, 988, and 989 (Health and Safety Regulations)

12. Agenda Item #12, AGENDA ITEMS FOR THE NEXT MEETING

Mr. Federico suggested a discussion on competency-based education.

Ms. Thong asked for statistics on certified translator use at DRC hearings and the number of remote translators the Board has utilized for inspections.

13. Agenda Item #13, CLOSED SESSION

The Board entered closed session to discuss reconsideration of disciplinary cases.

OPEN SESSION

Dr. Williams reconvened the meeting and stated the Board took no reportable action.

14. Agenda Item #14, ADJOURNMENT

There being no further business, the meeting was adjourned.

No Attachment



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
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Website: www.barbercosmo.ca.gov



2018 BOARD COMMITTEES

DISCIPLINARY REVIEW COMMITTEE

- *Polly Codorniz*
- *Jacquelyn Crabtree*
- *Andrew Drabkin*
- *Joseph Federico*
- *Lisa Thong*
- *Steve Weeks*
- *Dr. Kari Williams*

EDUCATION AND OUTREACH COMMITTEE

- *Jacquelyn Crabtree*
- *Lisa Thong*
- *Dr. Kari Williams*

ENFORCEMENT AND INSPECTIONS COMMITTEE

- *Joseph Federico*
- *Jacquelyn Crabtree*
- *Lisa Thong*
- *Steve Weeks*

HEALTH AND SAFETY ADVISORY COMMITTEE

- *Lisa Thong*
- *Dr. Kari Williams*

LEGISLATIVE AND BUDGET COMMITTEE

- *Andrew Drabkin*
- *Jacquelyn Crabtree*
- *Steve Weeks*

LICENSING AND EXAMINATION COMMITTEE

- *Joseph Federico*
- *Polly Codorniz*
- *Dr. Kari Williams*

No Attachment

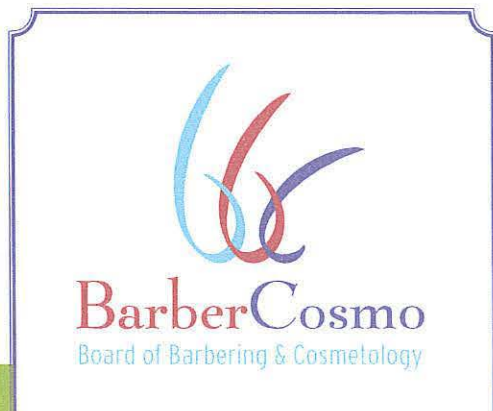
Please review
Health and Safety
Course
online
under the
February 11, 2019
Meeting Materials
at

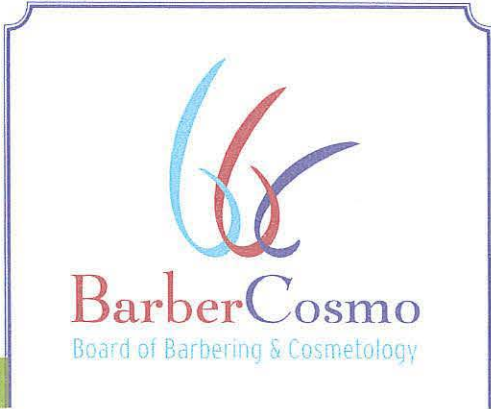
[https://www.barbercosmo.ca.gov/about_us/meetings/
meeting_calendar.shtml](https://www.barbercosmo.ca.gov/about_us/meetings/meeting_calendar.shtml)

**CALIFORNIA STATE
BOARD OF BARBERING AND COSMETOLOGY**

Health and Safety Course Pilot Test

Reviewed by the Board: February 11, 2019





Report to the Members of the California Board of Barbering and Cosmetology

Health and Safety Course Pilot Testing

Purpose

The purpose of pilot testing the 2019 Health and Safety Course was to determine if the material was written and delivered accurately, clearly and concisely and if the material is current and relevant to future professionals. Pilot testing the Health and Safety Course ensures the course is complete, accurate and ready for implementation in the school or apprenticeship environment. Pilot testing of the course is in compliance with Section 7389 of the Business and Professions Code (BP&C).

Background

Assembly Bill 326 (Statutes of 2017, Chapter 312) requires the Board to do the following: Develop or adopt a health and safety course that includes training on hazardous substances, basic labor law and physical and sexual assault awareness. The Board is required to pilot test the course and offer training classes to prepare instructors to effectively use the course prior to July 1, 2019.

Pilot Testing Methodology

During the testing period of August 13, 2018 through October 31, 2018, Board staff utilized a School-Based Evaluation method for the completion of the Health and Safety pilot testing. Course evaluation was completed by three selected Board approved schools and one Board approved apprenticeship sponsor. The compilation of the selected participants comprised a community college, a private school, an electrology school and an apprenticeship sponsor. The Board supplied the participating schools and the apprentice sponsor with all Health and Safety Course textbooks, Instructor Guides, Exam booklets (in text and CD format) and evaluation forms needed to complete the pilot testing. One selected school was asked to teach the entire course only using electronic methods (paperless). This school was only provided the course materials in a CD format.

Participating Instructors selected between five and ten students for participation. Instructors were encouraged to use the same student participants throughout the entire pilot testing period and to vary the selected participants as much as possible regarding length of time in the school, preferred learning methods, and cultural variety. Due to student confidentiality agreements, the Board is unable to provide specific, identifying, student data, other than the information provided in the following chart. The chart represents the compilation of the selected participants:

Pilot Test Participant Compilation	
GENDER	NUMBER OF PARTICIPANTS
Male	6
Female	24
AGE	
17-25	13
26-35	10
36-50	6
Over 51	1
LENGTH OF TRAINING AT EDUCATIONAL FACILITY	
1-3 months	22
4-7 months	4
8-12 months	4
ADDITIONAL LANGUAGE(S) SPOKEN BY THE PARTICIPANT(S)	
Spanish	8
Russian	1
Korean	1
Japanese	3
Armenian	1
Tagalog	1

Participating instructors evaluated the course content, design, and practical operation of the training course. Each school/sponsor developed a syllabus and lesson plans for the course prior to starting classroom instruction and submitted these items to Board staff for review and for use by Board staff in drafting a sample Board syllabus and lessons plans that can be posted to the Board's website for use by Board approved schools and apprenticeship sponsors when teaching the Health and Safety Course (See appendix A for the Board's sample Syllabus, see Appendix B for the Board's sample of the Section 1 Lesson Plan).

At the conclusion of each course class, Instructors had the participating students fill out a *Student Course Evaluation form*. Additionally, the Instructor completed an *Instructor Course Evaluation form*. The evaluation forms requested specific input on various perimeters, as listed below and required the participant use a rating scale of satisfaction. These evaluation forms were returned to Board staff for course evaluation.

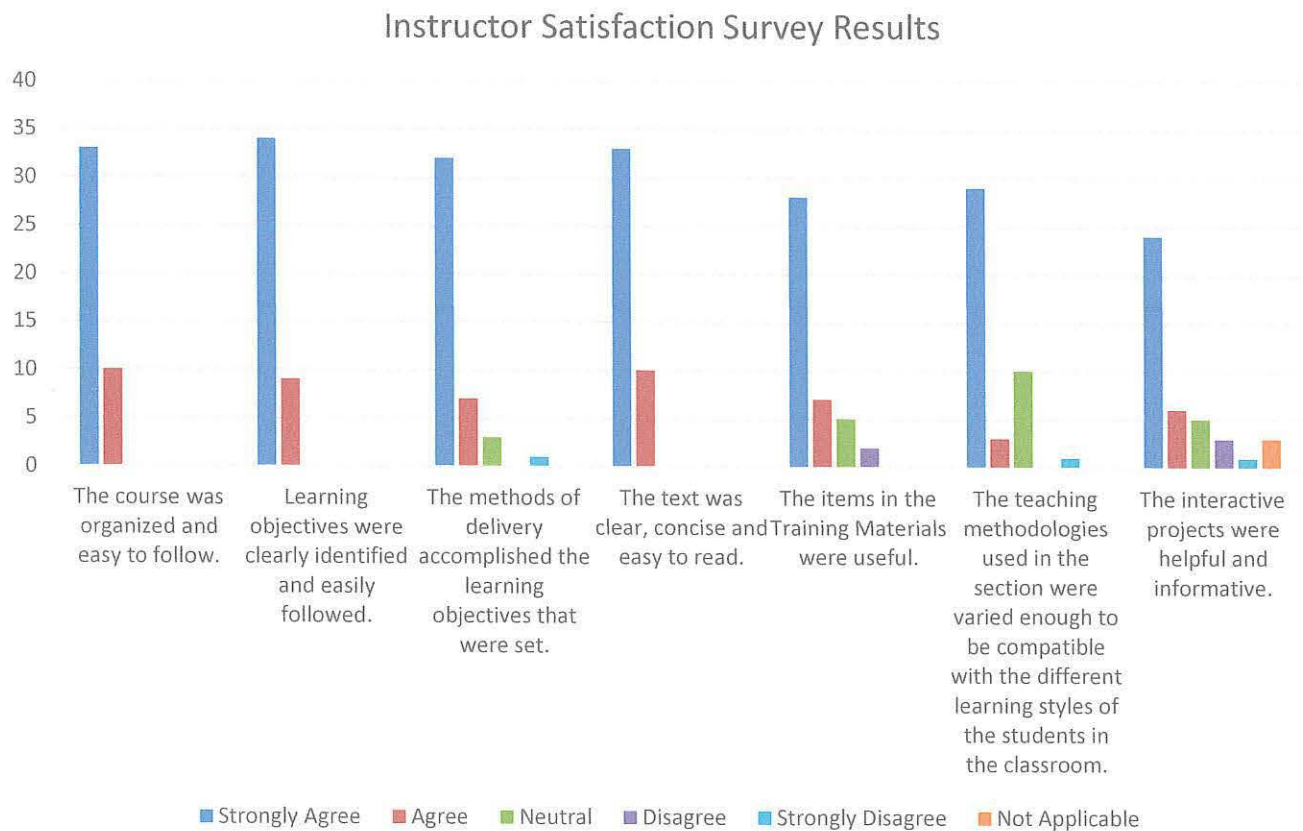
The **Instructor** evaluation forms had participants rate the course using the following perimeters:

- The course was organized and easy to follow.
- Learning objectives were clearly identified and easily followed.
- The methods of delivery accomplished the learning objectives that were set.
- The text was clear, concise and easy to read.
- The items in the Training Materials were useful.
- The teaching methodologies used in the section were varied enough to be compatible with the different learning styles of the students in the classroom.
- The interactive projects were helpful and informative.

The following open-ended response opportunities were included on the Instructor evaluation form:

1. Do you think this section of the Health and Safety Course is up-to-date and useful in education your students? Why/Why not?
2. Please provide any edits, suggestions or advice you have for improving this section of the Health and Safety Course.

The following chart represents information submitted to Board staff regarding the instructor satisfaction level with the course:



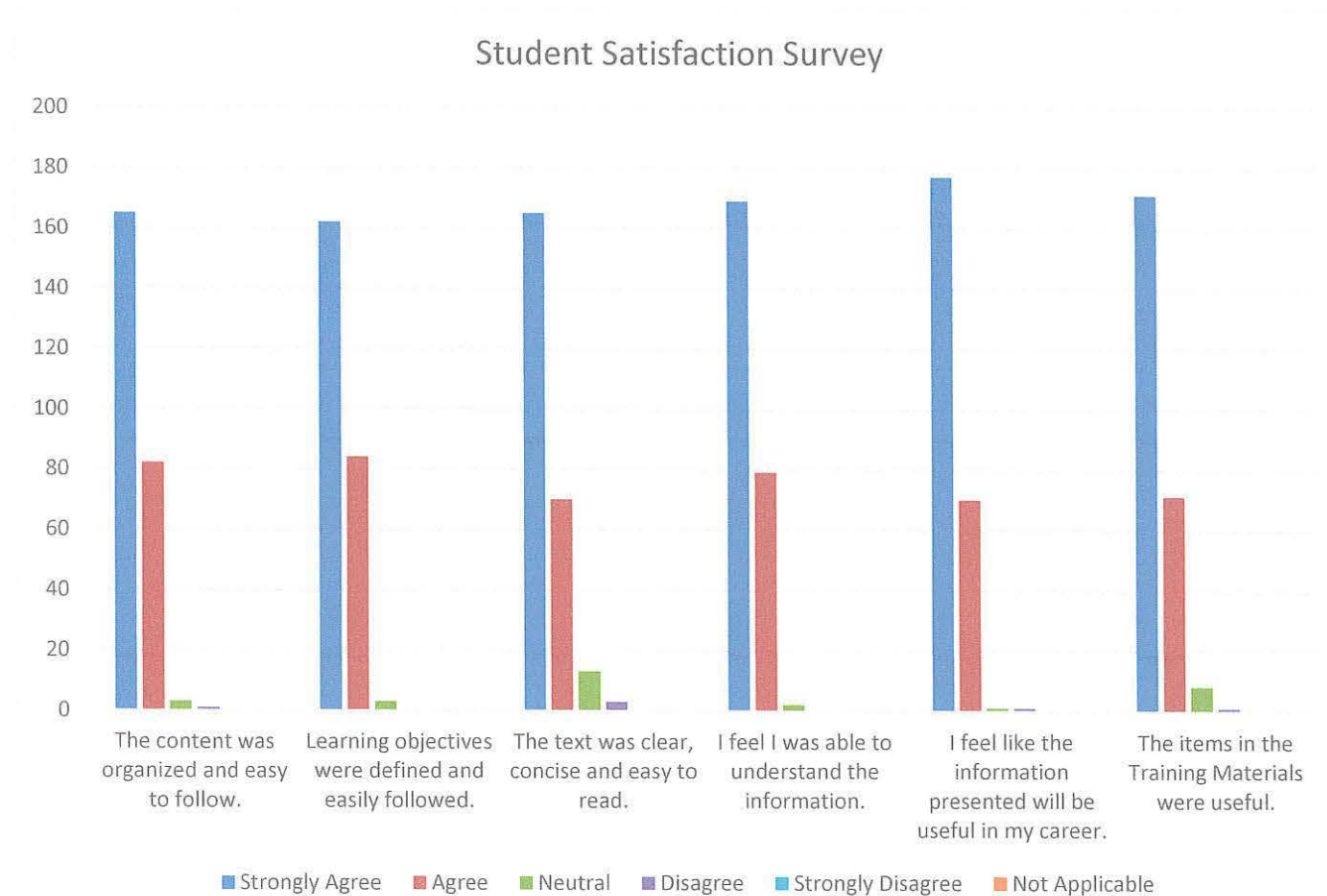
The **Student** Evaluation forms had participants rate the course using the following perimeters:

- The course was organized and easy to follow.
- Learning objectives were clearly identified and easily followed.
- The text was clear, concise and easy to read.
- The student felt they were able to understand the information.
- The student felt the information presented will be useful in their future career.
- The items in the Training Materials were useful.

The following open-ended response opportunities were included on the Student evaluation form:

1. What did you learn in the class and how will you apply it to your job?
2. Please provide any edits, suggestions or advice you have for improving this section of the Health and Safety Course.

The following chart represents information submitted to Board staff regarding the student satisfaction level with the course:



Overall, as the charts above reflect, pilot testing participants emphatically think the course is organized, accurate, clear and concise and will be useful to future professionals.

Areas of dissatisfaction mostly pertained to electrologist students who generally felt that since their scope of work was very different than the other Board license types large portions of the course did not pertain to them. These participants recommended the Board develop a Health and Safety Course for Electrologists.

At the recommendation of the pilot test participants and subject matter experts, the following changes were made to the course:

- Changes in font color, formatting and picture content
- Edits to training material content
- Inclusion on new material pertaining to Natural Products (Section 2)
- Inclusion of new labor law requirements and available resources (Section 9)
- Edits to exam questions
- Case studies tailored to all license types
- Agency contact information updated
- Inclusion of threat assessment, cycle of violence and safety planning material (Section 10)

Instructor Training Course

Upon Board member approval of the 2019 Health and Safety Course, staff will be scheduling an Instructors Training Class to be held in Sacramento that will be webcast and videotaped for schools/apprentice sponsors to reference on the Board's website. To accommodate the specifications of California Business and Professions Code, Section 7389, the training class will be posted to the Board's website by July 1, 2019.





APPENDIX A



2019 Health and Safety Course Syllabus

Instructor

(Name)

Phone

XXX-XXX-XXXX

Email

(Insert email address)

Office Location

(Insert Address)

Office Hours

(Insert Business Hours)

Course Overview

The Health and Safety course is a training program on health and safety issues, and worker rights challenges faced by Board licensees within the State of California. Topics include hazardous chemicals in the workplace, communicable diseases, ergonomics, health and safety, legal rights, basic workers' rights, and physical and sexual abuse awareness training. This course will provide students with a better understanding of the knowledge, skills and training needed to succeed in the Barbering and Beauty industry.

Course Materials

- Health and Safety Course, Board of Barbering and Cosmetology
- Student Exam Booklet
- California State Board of Barbering and Cosmetology Act and Regulations 2018, *Board of Barbering and Cosmetology*

Learning Objectives

- Understand the Board of Barbering and Cosmetology's mission, access its website and know what is available to the future professional.
- Understand what chemicals can be found in the workplace, how to understand Safety Data Sheets and understand how chemicals can affect the future professional.
- Understand common ergonomic issues and how to take preventative measures.
- Understand what communicable diseases are and how to best protect oneself.
- Learn about health and safety laws and agencies and basic workers' rights.
- Identify different types of physical and sexual abuse and explore techniques the future professional may use in assisting clients that maybe experiencing abuse.

Course Schedule

Section	Subject Time Length	Homework
Section 1	Board of Barbering and Cosmetology (2-3-hour class)	<p><u>READ:</u> Health and Safety Course, <i>Board of Barbering and Cosmetology</i>: Textbook Pages 3-7.</p> <p><u>READ:</u></p> <ul style="list-style-type: none">• <i>Board of Barbering and Cosmetology</i>, Rules and Regulations booklet.
Section 2	Safely Using Chemicals (2-3-hour class)	<p><u>READ:</u> Health and Safety Course, <i>Board of Barbering and Cosmetology</i>: Textbook Pages 12-26.</p> <p><u>READ:</u></p> <ul style="list-style-type: none">• Training Material 2.2 <p><u>Supplemental Assignment for Cosmetologists and Manicurists only</u></p> <p><u>READ:</u></p> <ul style="list-style-type: none">• Training Material 2.3
Section 3	Safety Data Sheets (2-hour class)	<p><u>READ:</u> Health and Safety Course Textbook, <i>Board of Barbering and Cosmetology</i>: page 32 – 43.</p> <p><u>READ:</u></p> <ul style="list-style-type: none">• Training Material 3.1• Training Material 3.2• Training Material 3.3• Training Material 3.4• Training Material 3.5• Training Material 3.7 <p><u>Supplemental Assignment for Cosmetologists and Manicurists only</u></p> <p><u>READ:</u></p> <ul style="list-style-type: none">• Training Material 3.6.
Section 4	Protection from Hazardous Chemicals (2-hour class)	<p><u>READ:</u> Health and Safety Course Textbook, <i>Board of Barbering and Cosmetology</i>: pages 49-61.</p> <p><u>READ:</u></p>

Section	Subject Time Length	Homework
		<ul style="list-style-type: none"> • Training Material 4.3 <p>Supplemental Assignment for Cosmetologists and Manicurists only</p> <ul style="list-style-type: none"> • Training Material 4.1 • Training Material 4.6 <p>Supplemental Assignment for Cosmetologists and Barbers only</p> <ul style="list-style-type: none"> • Training Material 4.2 • Training Material 4.4 • Training Material 4.5 • Training Material 4.7 • Training Material 4.8 • Training Material 4.9
Section 5	Ergonomics (2-hour class)	<p><u>READ:</u> Health and Safety Course Textbook, <i>Board of Barbering and Cosmetology</i>: pages 70-84.</p> <p>Supplemental Assignment for Cosmetologists and Manicurists only</p> <p><u>READ:</u></p> <ul style="list-style-type: none"> • Training Materials 5.2.
Section 6	Communicable Diseases (2 ½ - 4-hour class)	<p><u>READ:</u> Health and Safety Course Textbook, <i>Board of Barbering and Cosmetology</i>: pages 90-105.</p> <p><u>READ:</u></p> <ul style="list-style-type: none"> • California Code of Regulations, Section 984, <i>California State Board of Barbering and Cosmetology Act and Regulations</i>: pages 128-129.
Section 7	Health and Safety Laws and Agencies (2-3-hour class)	<p><u>READ:</u> Health and Safety Course Textbook, <i>Board of Barbering and Cosmetology</i>: pages 110-120.</p> <p><u>READ:</u></p> <ul style="list-style-type: none"> • Training Material 7.1.
Section 8	Solving Health and Safety Issues (2-3-hour class)	<p><u>READ:</u> Health and Safety Course Textbook, <i>Board of Barbering and Cosmetology</i>: pages 126-134.</p>

Section	Subject Time Length	Homework
Section 9	Workers' Rights and Responsibilities (2 ½ -3-hour class)	<p data-bbox="862 291 1373 405"><u>READ:</u> Health and Safety Course Textbook, <i>Board of Barbering and Cosmetology</i>: page 138-151.</p> <p data-bbox="862 426 938 453"><u>READ:</u></p> <ul data-bbox="911 474 1214 648" style="list-style-type: none"> <li data-bbox="911 474 1214 501">• Training Material 9.1. <li data-bbox="911 510 1214 537">• Training Material 9.2. <li data-bbox="911 546 1214 573">• Training Material 9.3. <li data-bbox="911 581 1214 609">• Training Material 9.7. <li data-bbox="911 617 1214 644">• Training Material 9.8. <p data-bbox="862 665 1373 730"><u>Supplemental Assignment for Cosmetologists and Manicurists only</u></p> <p data-bbox="862 751 1203 779"><u>READ:</u> Training Material 9.5.</p>
Section 10	Physical and Sexual Abuse Awareness (3-hour class)	<p data-bbox="862 800 1373 913"><u>READ:</u> Health and Safety Course Textbook, <i>Board of Barbering and Cosmetology</i>: page 156-167.</p> <p data-bbox="862 934 938 961"><u>READ:</u></p> <ul data-bbox="911 982 1222 1056" style="list-style-type: none"> <li data-bbox="911 982 1222 1010">• Training Material 10.1 <li data-bbox="911 1018 1222 1045">• Training Material 10.2 <p data-bbox="862 1077 967 1104"><u>REVIEW:</u></p> <ul data-bbox="911 1125 1222 1157" style="list-style-type: none"> <li data-bbox="911 1125 1222 1157">• Training Material 10.3

APPENDIX B



CALIFORNIA STATE
BOARD OF BARBERING AND COSMETOLOGY

Health and Safety Course Lesson Plan





BBC Health and Safety Course

Lesson Plan

Section 1 – Board of Barbering and Cosmetology

Activity	Time	Materials Needed
Introduction	5 minutes	White Board / Flip Chart / Internet / LCD
Lecture and Discussion	45-90 minutes	White Board / Flip Chart / Internet / LCD
Group Exercise	60 minutes	White Board / Flip Chart / Internet / LCD
Summary	10 minutes	Summarize key points of lesson
Assessment	5 minutes	Assess students for comprehension of subject matter.
Total Time 2 – 3 hours. Adjust to Schedule and Activities.		

Teaching Aids

- Instructor Guide, *Board of Barbering and Cosmetology*: pages 9 – 10
- Training Material 1.2 - *What to Expect When You are Inspected*, trifold
- Training Material 1.3 - *Most Common Violations Cited During an Inspection*, handout
- Training Material 1.4 - *Self-Inspection Worksheet*, handout
- PowerPoint Presentation: Section 1 (optional)

Assigned Pre-Reading (to be read by the future professionals before the lecture)

1. Health and Safety Course textbook, *Board of Barbering and Cosmetology*: Pages 3 – 7
2. Board of Barbering and Cosmetology Rules and Regulations booklet.

Lesson Outline

Introduction (5 minutes)

Explain the **Learning Objectives** of Section 1 to the class.

- Identify the Board's mission
- Access the Board's website and have a general understanding of what is available on the Board's website.
- Understand the purpose of the Health and Safety Course.

Lecture and Discussion (45-90 minutes)

Conduct a brief discussion of the following. Discussion points follow each bold point.

1) What does the Board of Barbering and Cosmetology do?

- a) The Board regulates barbering, cosmetology, skin care, nail care, and Electrology services in California as well as the establishments where these services are performed.

***Guide future professionals to Training Material 1.1 - Barber and Cosmetology trifold. Discuss.**

- b) The Board's highest priority is protecting and educating consumers who use barbering, cosmetology, manicuring, esthetic, and Electrology services.
- c) Anyone who provides the following services, to a consumer for a fee must be licensed by the Board and work in a state-licensed establishment or be in possession of a Personal Service Permit, if providing services outside of a state-licensed establishment:
- i) Hairdressing and styling
 - ii) Haircutting
 - iii) Shaving
 - iv) Manicuring and pedicuring
 - v) Skin care (including makeup application and lash extensions)
 - vi) Electrology
- d) The Board shares dual oversight of approved schools with the Bureau of Private Postsecondary Education (BPPE).

***Guide future professionals to BBC red box on page 3 of the textbook. Discuss.**

- i) The Board regulates the school curriculum, minimum equipment held in the school, and health and safety violations.
- Concerns that a school is not providing the proper equipment for training, if there is a health and safety concern on campus, or the school is not teaching Board required

curriculum, email the Board at barbercosmo@dca.ca.gov or call (800) 952-5210.

***Guide future professionals to BPPE purple box on page 3 of the textbook. Discuss.**

- ii) The Bureau of Private Postsecondary Education administers student services and Student Tuition Recovery Fund and conducts outreach and educational activities for the private postsecondary educational institutions and students within the state.
 - Questions regarding grants or the student tuition recovery program or problems with a repayment of a loan, contact BPPE at www.bppe.ca.gov or by calling (888) 370-7589.

2) How Can I stay current with what the Board requires?

- a) Future professionals should visit the Board’s website for up-to-date information www.barbercosmo.ca.gov .
- b) Have future professionals sign up for email updates and follow the Board’s Facebook and Twitter postings. Discuss. Email Sign up: https://www.dca.ca.gov/webapps/barber/subscribe_email.php

3) The Board’s Mission is “To Ensure the Health and Safety of California Consumers by Promoting Ethical Standards and by Enforcing the Laws of the Barbering and Beauty industry”.

4) The Board’s website contains different pages and resources that are important to the future professional.

- a) “What’s New”: For information to stay current on Board campaigns, changes in regulations, changes to the licensing exam, or other pertinent information.
- b) “Upcoming Events”: Provides information on where the Board will be at any given time, such as Trade Shows, Board Meetings etc. It is very important for professionals to stay involved with the Board. Most of the regulatory changes that happen starts with an individual coming to a Board meeting and expressing their viewpoint.
- c) BreEZe: Professionals can create an account to apply for the exam, renew licenses, pay fines and even perform a “License Search”
- d) “Laws & Regs”: contains current information on the Laws and Regulations.

Activities (30 minutes)

1. Ask the question: Why can’t a Cosmetologist perform lash/brow tinting? Show how to search the Board’s website to find the answer. See *Instructor Guide, page 9, Suggested Website Activities*.
2. Ask the following questions: What do you think happens when a Board Inspector visits an establishment? What steps do you think you can take so that you are prepared to be inspected by the Board Inspector? Guide future professionals to Training Material 1.2 - *What to Expect When You are Inspected*, trifold. Discuss.

Group Exercise (30 minutes)

1. Hand out the Self-Inspection worksheet, Training Material 1.4. Have students conduct an inspection and then discuss findings with the group. *See Instructor Guide, page 9.*
2. Hand out the Board's *Most Common Violations Cited During an Inspection fact sheet*, Training material 1.3. Have groups take out their completed Self-Inspection worksheets and discuss as a group which commonly cited violation they found during their self-inspection. Have the group discuss the applicable *HOW TO AVOID VIOLATION* tips presented on the Fact Sheet.

5) What can the Future Professional Expect to learn from the Health and Safety Course?

- a) Section 1 - The California Board of Barbering and Cosmetology
This section provides an overview of the Board, its mission, and available resources.
- b) Section 2 – Safely Using Chemicals
Future professionals will learn about chemicals in the establishment that have the potential to harm an individual's health. This section discusses why chemicals may be harmful, how they may harm you, how they may get into the human body, and how much exposure is too much.
- c) Section 3 - Safety Data Sheets
This section discusses the best way to get information on chemicals used in the establishment: The Safety Data Sheet (SDS). Each section of the SDS will be reviewed and explained in detail.
- d) Section 4 – Protection from Hazardous Chemicals
Future professionals will learn how to prevent injuries while working with chemicals.
- e) Section 5 – Ergonomics
Ergonomics and common ergonomic problems found in establishments, and how to reduce these problems will be reviewed.
- f) Section 6 - Communicable Diseases
This section will discuss specific diseases that future professionals may be exposed to on the job and how this exposure may occur. Protective strategies will be presented.
- g) Section 7 - Health and Safety Laws and Agencies
Information on agencies that regulate health and safety in the workplace will be provided. By the end of this section, future professionals will know whom to contact when they are faced with a health and safety concern at work.

h) Section 8 - Solving Health and Safety Problems

This section discusses possible health and safety problems that may be found in the workplace and offers preventive strategies.

i) Section 9 – Workers’ Rights

This section provides a brief summary of basic workers’ rights Californians are entitled to and what action you should take if those rights are not being provided.

j) Section 11 – Physical and Sexual Abuse Awareness

The future professional will be introduced to agencies that have the resources to aid at-risk clients. Strategies will be discussed and employed to assist the future professional when faced with an at-risk client.

The Health and Safety Course offers interactive exercises, case studies, and short quizzes.

Summary (10 minutes)

Summarize the key points in the lesson.

Assessment (5 minutes)

Assess the class for comprehension.





BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
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MEMORANDUM

DATE January 22, 2019

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Discussion and Possible Action on Recommendations from the Spanish Language Examination Task Force

This memo is to provide the Board with a summary of the Spanish Language Examination Task Force meeting held on January 22, 2019 in Sacramento.

Task Force members included:

- Sean Colton, National Interstate Council, Schroeder Measurement Technologies
- Lee Schroeder, National Interstate Council, Schroeder Measurement Technologies
- Guadalupe Maria Fernandez, Cosmetologist/Owner Beyond 21st Century Beauty Academy
- Lisa Thong, Board Vice President
- Kristy Underwood, Board Executive Officer
- Bob Gross, Cosmetologist/Owner Salon Success Academies
- Robert Bayles, Bureau for Private Postsecondary Education
- Glen Forman, Division of Apprenticeship Standards
- Irene Wong-Chi, DCA Office of Professional Examination Services
- Tracy Montez, DCA Division of Programs and Policy Review
- Steve Weeks, Board Public Member (not in attendance)

Schools

The task force discussed issues within some schools, such as:

- Schools are accepting students who do not qualify (have not completed the 10th grade or its equivalency)
- Schools that have been found to be selling hours have high pass rates
- Schools are not teaching the required curriculum
- Instructors are not teaching students how to study

- Schools are teaching in English, but students are taking the exam in Spanish
- Textbooks may be translated differently than the exam
- Practice questions in school are not as complex as the exam and do not adequately prepare students

While all issues are concerning, the largest issue is that some schools are accepting students who do not qualify, and consequently will not be able to pass the exam. A student who is unable to read will not be able to pass the written exam and will never receive a license. Unfortunately, the Board does not have oversight over schools and does not have a direct access to communicate with students before they take the exam. If the Board had more control over schools, it could ensure only students that qualify are taking the exam.

Apprenticeship Programs

The task force discussed several issues with apprenticeship programs, such as:

- Apprentices are not properly supervised
- Apprentices are not thoroughly trained on theory (only practical operations)
- Trainers are signing off on hours without providing training
- Establishments are using apprentices as cheap labor
- There are not enough requirements for trainers and establishments to have apprentices

Apprentice sponsors are supposed to train in the language apprentices will take the exam, but DAS does not have any regulations that require this. Also, DAS reviews programs' performance, but does not have any regulations regarding pass rates requirements.

While these issues are larger than the Spanish pass rate, the task force believes the lack of regulations and oversight all contribute to the low pass rate.

Practical Exam

The task force discussed the practical exam. Ideas were suggested to remove the written exam and implement a more comprehensive practical exam or assign more weight to the practical exam, but that opened the discussion to whether this would put consumers at risk. Some task force members expressed that they do not believe in lowering the standards so more candidates pass. Other members reasoned that it would not lower the standards, but rather test competency through practical operations instead of the written exam. Because there are numerous dialects of Spanish, the idea was suggested to give candidates the written exam with questions in English and Spanish. If candidates are unable to understand certain words in Spanish, perhaps they would understand better in English. While this option is currently not in the Board's contract with computer testing vendor, it may be discussed when the contract is redone.

Conclusion

The task force agreed that there are larger overall issues with the schools, apprenticeship programs, and practical exam. These three factors all contribute to the low Spanish pass rate and the Board needs to work with other agencies to determine how changes can improve the

pass rate. The task force does not want the exam to be a barrier to enter the industry, but also, it does not want to lower minimum competency standards.

Recommendations to Board for Approval

- Align Board regulations with Division of Apprenticeship Standards (Board tracks passing exam rates but DAS tracks passing program rates)
- Require student enrollment to be reported to the Board so the Board can communicate with students before they apply for licensure
- Have NIC do data analysis to determine if pass rates would improve if the weight/scoring was changed
- Explore “toggle testing” option (candidates would toggle between questions in English and Spanish)
- Find how translations at a lower grade level (4th grade instead of 10th) would impact scoring



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MEMORANDUM

DATE	February 11, 2019
TO	Members, Board of Barbering and Cosmetology
FROM	Kristy Underwood, Executive Officer
SUBJECT	Update on Certification of School Hours

This memo is to provide the Board with an update on the activities that Board staff have done to address the issue of schools that are potentially selling hours and falsely certifying that students have completed the required training:

- ✓ 33 Joint Inspections with the BPPE
- ✓ 13 Citations issued to schools not complying with Board requirements
- ✓ 3 Cases referred to the Attorney General’s Office

As more inspections are conducted, the Board is finding more and more non-health and safety issues within schools. For example:

- No textbooks for students
- No instruction being provided by an instructor
- Extensive self study
- No tracking of practical operations
- No teaching of the Board’s Health and Safety Course
- No teaching of the Board’s Laws and Regulations

Positions have been re-directed to handle the increased workload in addressing the excessive issues in schools. In addition, staff are working to develop new regulatory language that will strengthen the Board’s role with schools. This language will be submitted to the Board towards the end of 2019 for discussion.



BOARD OF BARBERING & COSMETOLOGY BILL ANALYSIS

Author: Assembly Member Patterson

Subject: De-Regulation

Bill Number: AB 193

Version: January 10, 2019

Existing Law:

Provides the licensure and regulation of the practices of barbering, cosmetology and electrology by the California Board of Barbering and Cosmetology (Board) (BP&C* §7312).

7316: (a) The practice of barbering is all or any combination of the following practices:

- (1) Shaving or trimming the beard or cutting the hair.
- (2) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.
- (3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.
- (4) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.
- (5) Hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling.

(b) The practice of cosmetology is all or any combination of the following practices:

- (1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means, the hair of any person.
- (2) Massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

- (3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
 - (4) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.
 - (5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person.
 - (6) Massaging, cleansing, treating, or beautifying the hands or feet of any person.
- (c) Within the practice of cosmetology there exist the specialty branches of skin care and nail care.

(1) Skin care is any one or more of the following practices:

(A) Giving facials, applying makeup, giving skin care, removing superfluous hair from the body of any person by the use of depilatories, tweezers or waxing, or applying eyelashes to any person.

(B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(C) Massaging, cleaning, or stimulating the face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(2) Nail care is the practice of cutting, trimming, polishing, coloring, tinting, cleansing, manicuring, or pedicuring the nails of any person or massaging, cleansing, or beautifying from the elbow to the fingertips or the knee to the toes of any person.

This Bill:

Requires DCA, beginning on January 1, 2021, to conduct a comprehensive review of all occupational licensing requirements and identify unnecessary licensing requirements that cannot be adequately justified.

The bill would require the department to report to the Legislature on January 1, 2023, and every 2 years thereafter, on the department's progress, and would require the department to issue a final report to the Legislature no later than January 1, 2033.

The bill would require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided.

Specific to the Board:

- Removes shampooing from the scope of practice of barbers and cosmetologists.
- Removes nail care from section 7316 (b)(5) and from 7316 (c)(2) which ultimately removes all oversight of the manicuring scope of practice.
- Removes make-up from the scope of practice of a cosmetologist and an esthetician.

Analysis:

The Board's top priority is consumer protection. This is accomplished in part by licensing individuals who have demonstrated minimal competency within the barbering and cosmetology scopes of practice. This bill would significantly and adversely impact the Board's mission of protecting California consumers.

Nail Services

Manicuring and pedicure services has been the Board's largest area of consumer harm for multiple years. In 2000, an outbreak of mycobacterium fortuitum in nail salons in Northern California was reported leaving multiple consumers with infections and significant scarring. In conjunction with the California Department of Health Services, 18 salons in 5 counties had samples taken from their footspa chairs. Of the samples taken, 97% had nontuberculous mycobacteria was discovered. In 2001 the Board (as a result of a Governor established task force) developed new regulations to establish cleaning procedures for footspas. While the Board does continue to receive complaints regarding pedicure infections, nothing has been as significant as the 2000 outbreak. We believe this is a direct result of the new regulations and the enhanced inspections process that the Board has established specific for pedicure footspas.

Below is a snapshot of 2018 data regarding violations and citations pertaining to nail services:

- 36% of the citations issued by the Board were issued to manicurists
- 4,556 violations were committed by manicurists
- The most common violation committed by a manicurist (934 times) is a violation of Health and Safety regulation 981.A (Not disposing of items that cannot be disinfected) (nail buffers)
- Manicurists committed 839 violations of incorrect disinfection of nail tools.
- The highest reported consumer harm complaint was the result of a pedicure.
- The second highest consumer harm complaint was the result of a manicure

California has been on the forefront of combating the issue of consumer harm received during a pedicure. The degree of consumer harm because of a pedicure and manicure can vary from bacteria infections to staph infections and reported cases of death. Infections are likely caused from an individual not following the health and safety laws of the Board. The Board's current laws were developed for consumer protection in conjunction with the Department of Health Services.

The removal of regulatory oversight of the nail industry creates a significant risk to consumers that are receiving these services.

Shampooing

There have been various statements in recent years that a license should not be required to perform the service of shampooing, a practice that is done by each of us in our homes. This statement may be true if the Board issued a license to individuals just to shampoo, which it does not. Shampooing is a part of a much larger process and is one step that a cosmetologist or barber should be trained on. Shampooing requires a licensed professional to place their hands on another person. Rarely, is this step just a shampoo. Shampoo often involves a scalp massage and regularly involves a client evaluation. Placing a client in a shampoo chair and positioning the neck of the client correctly is vital to ensure no injury occurs to the client. Most importantly, the shampoo procedure is the first step in client evaluation. This is where the licensed professional can detect the appearance of lice or other parasite, or an open sore that would allow and require the licensee to refuse service and refer the client to a medical professional.

Removing this vital piece of a larger process increases the risk not only to consumers but also to the individuals working in the salon.

Make-up Application

Removing required training for this service is almost guaranteed to increase consumer harm. The application of make-up, when not done properly, is one of the most common ways to transmit diseases (pink-eye being the most common). Make-up tools (brushes, lash wands, etc) not cleaned and disinfected properly after each use puts client at significant risk. Tools left unclean and then used on multiple individuals creates the potential for cross-contamination of various bacterial infections. To allow individuals to perform this service without any training in health and safety will cause significant risk to the health and safety of consumers.

ASSEMBLY BILL

No. 193

Introduced by Assembly Member Patterson

January 10, 2019

An act to amend Sections 7026.1, 7316, 7332, 7334, 7337.5, 7396, 7423, 19011, 19017, 19051, 19059.5, 19060.6, and 19170 of, to add and repeal Section 101.5 of, and to repeal Sections 7326, 7365, 19010.1, and 19052 of, the Business and Professions Code, and to amend Section 110371 of the Health and Safety Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 193, as introduced, Patterson. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated.

This bill would require the department, beginning on January 1, 2021, to conduct a comprehensive review of all occupational licensing requirements and identify unnecessary licensing requirements that cannot be adequately justified. The bill would require the department to report to the Legislature on January 1, 2023, and every 2 years thereafter, on the department's progress, and would require the department to issue a final report to the Legislature no later than January 1, 2033. The bill would require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided.

(2) Existing law provides for the licensure and regulation of contractors by the Contractors' State License Board in the department and includes within the term "contractor" a person who performs tree removal, tree pruning, stump removal, or engages in tree or limb cabling or guying.

This bill would delete tree pruning from those provisions.

(3) Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of cosmetology by the State Board of Barbering and Cosmetology in the department and defines the practice of both barbering and cosmetology to include shampooing the hair of any person. The act also specifies that, within the practice of cosmetology, there is the specialty branch of skin care, which includes applying makeup, and the specialty branch of nail care, which includes cutting, trimming, polishing, coloring, tinting, cleansing, manicuring, or pedicuring the nails of any person.

This bill would delete shampooing another person from the practice of barbering and cosmetology, would delete the act of applying makeup on another person from the specialty practice of skin care, and would delete nail care from the practice of cosmetology.

(4) Existing law provides for the regulation of custom upholsterers by the Bureau of Household Goods and Services in the department, and requires every custom upholsterer to hold a custom upholsterer's license.

This bill would delete those provisions requiring licensure of custom upholsterers.

(5) The bill would make conforming and other nonsubstantive changes.

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

3 (a) Many entities, including the Federal Trade Commission, the
4 United States Department of Labor, and the Milton Marks "Little
5 Hoover" Commission on California State Government Organization
6 and Economy, have acknowledged the unnecessary burdens that
7 occupational licensing places on otherwise qualified workers.

8 (b) Unnecessary licensing increases costs for consumers and
9 restricts opportunities for workers.

1 (c) Researchers show that occupational licensing restrictions
2 can result in almost three million fewer jobs and a cost of over
3 \$200,000,000,000 to consumers.

4 (d) The Institute for Justice estimates that burdensome licensing
5 in California results in a loss of 195,917 jobs and \$22,000,000,000
6 in misallocated resources.

7 (e) California is the most broadly and onerously licensed state
8 in the nation and has been identified as the nation's worst licensing
9 environment for workers in lower-income occupations.

10 (f) Licensing is also believed to disproportionately affect
11 minorities and exacerbate income inequality.

12 SEC. 2. Section 101.5 is added to the Business and Professions
13 Code, to read:

14 101.5. (a) The department shall apply for federal funds that
15 have been made available specifically for the purposes of
16 reviewing, updating, and eliminating overly burdensome licensing
17 requirements.

18 (b) Beginning on January 1, 2021, the department shall conduct
19 a comprehensive review of all occupational licensing requirements
20 and shall identify unnecessary licensing requirements that cannot
21 be adequately justified. The department shall conduct the review
22 whether or not the state receives federal funds pursuant to
23 subdivision (a).

24 (c) The department shall report to the Legislature on January
25 1, 2023, and every two years thereafter until the department has
26 completed its review, on the department's progress in conducting
27 the review. The department shall issue a final report to the
28 Legislature no later than January 1, 2033.

29 (d) A report to be submitted pursuant to subdivision (c) shall
30 be submitted in compliance with Section 9795 of the Government
31 Code.

32 (e) Notwithstanding Section 10231.5 of the Government Code,
33 this section is repealed on January 1, 2034.

34 SEC. 3. Section 7026.1 of the Business and Professions Code
35 is amended to read:

36 7026.1. (a) The term "contractor" includes all of the following:

37 (1) Any person not exempt under Section 7053 who maintains
38 or services air-conditioning, heating, or refrigeration equipment
39 that is a fixed part of the structure to which it is attached.

1 (2) (A) Any person, consultant to an owner-builder, firm,
2 association, organization, partnership, business trust, corporation,
3 or company, who or which undertakes, offers to undertake, purports
4 to have the capacity to undertake, or submits a bid to construct
5 any building or home improvement project, or part thereof.

6 (B) For purposes of this paragraph, a consultant is a person,
7 other than a public agency or an owner of privately owned real
8 property to be improved, who meets either of the following criteria
9 as it relates to work performed pursuant to a home improvement
10 contract as defined in Section 7151.2:

11 (i) Provides or oversees a bid for a construction project.

12 (ii) Arranges for and sets up work schedules for contractors and
13 subcontractors and maintains oversight of a construction project.

14 (3) A temporary labor service agency that, as the employer,
15 provides employees for the performance of work covered by this
16 chapter. The provisions of this paragraph shall not apply if there
17 is a properly licensed contractor who exercises supervision in
18 accordance with Section 7068.1 and who is directly responsible
19 for the final results of the work. Nothing in this paragraph shall
20 require a qualifying individual, as provided in Section 7068, to be
21 present during the supervision of work covered by this chapter. A
22 contractor requesting the services of a temporary labor service
23 agency shall provide ~~his or her~~ *the contractor's* license number to
24 that temporary labor service agency.

25 (4) Any person not otherwise exempt by ~~this chapter,~~ *chapter*
26 who performs tree removal, ~~tree pruning,~~ stump removal, or
27 engages in tree or limb cabling or guying. The term contractor
28 does not include a person performing the activities of a
29 nurseryperson who in the normal course of routine work performs
30 incidental pruning of trees, or guying of planted trees and their
31 limbs. The term contractor does not include a gardener who in the
32 normal course of routine work performs incidental pruning of trees
33 measuring less than 15 feet in height after planting.

34 (5) Any person engaged in the business of drilling, digging,
35 boring, or otherwise constructing, deepening, repairing,
36 re-perforating, or abandoning any water well, cathodic protection
37 well, or monitoring well.

38 (b) The term "contractor" or "consultant" does not include a
39 common interest development manager, as defined in Section
40 11501, and a common interest development manager is not required

1 to have a contractor's license when performing management
2 services, as defined in subdivision (d) of Section 11500.

3 SEC. 4. Section 7316 of the Business and Professions Code is
4 amended to read:

5 7316. (a) The practice of barbering is all or any combination
6 of the following practices:

7 (1) Shaving or trimming the beard or cutting the hair.

8 (2) Giving facial and scalp massages or treatments with oils,
9 creams, lotions, or other preparations either by hand or mechanical
10 appliances.

11 (3) Singeing, ~~shampooing~~, arranging, dressing, curling, waving,
12 chemical waving, hair relaxing, or dyeing the hair or applying hair
13 tonics.

14 (4) Applying cosmetic preparations, antiseptics, powders, oils,
15 clays, or lotions to scalp, face, or neck.

16 (5) Hairstyling of all textures of hair by standard methods that
17 are current at the time of the hairstyling.

18 (b) The practice of cosmetology is all or any combination of
19 the following practices:

20 (1) Arranging, dressing, curling, waving, machineless permanent
21 waving, permanent waving, cleansing, cutting, ~~shampooing~~,
22 relaxing, singeing, bleaching, tinting, coloring, straightening,
23 dyeing, applying hair tonics to, beautifying, or otherwise treating
24 by any means, the hair of any person.

25 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
26 arms, or upper part of the human body, by means of the hands,
27 devices, apparatus or appliances, with or without the use of
28 cosmetic preparations, antiseptics, tonics, lotions, or creams.

29 (3) Beautifying the face, neck, arms, or upper part of the human
30 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
31 or creams.

32 (4) Removing superfluous hair from the body of any person by
33 the use of depilatories or by the use of tweezers, chemicals, or
34 preparations or by the use of devices or appliances of any kind or
35 description, except by the use of light waves, commonly known
36 as rays.

37 (5) ~~Cutting, trimming, polishing, tinting, coloring, cleansing,~~
38 ~~or manieuring the nails of any person.~~

39 (6)

1 (5) Massaging, cleansing, treating, or beautifying the hands or
2 feet of any person.

3 (c) Within the practice of cosmetology there ~~exist~~ *exists* the
4 specialty branches of skin care and nail care:

5 ~~(1) Skin care branch of skin care, which is any one or more of~~
6 the following practices:

7 (A)

8 (1) Giving facials, ~~applying makeup~~, giving skin care, removing
9 superfluous hair from the body of any person by the use of
10 depilatories, tweezers or waxing, or applying eyelashes to any
11 person.

12 (B)

13 (2) Beautifying the face, neck, arms, or upper part of the human
14 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
15 or creams.

16 (C)

17 (3) Massaging, cleaning, or stimulating the face, neck, arms, or
18 upper part of the human body, by means of the hands, devices,
19 apparatus, or appliances, with the use of cosmetic preparations,
20 antiseptics, tonics, lotions, or creams.

21 ~~(2) Nail care is the practice of cutting, trimming, polishing,~~
22 ~~coloring, tinting, cleansing, manicuring, or pedicuring the nails of~~
23 ~~any person or massaging, cleansing, or beautifying from the elbow~~
24 ~~to the fingertips or the knee to the toes of any person:~~

25 (d) The practice of barbering and the practice of cosmetology
26 do not include any of the following:

27 (1) The mere sale, fitting, or styling of wigs or hairpieces.

28 (2) Natural hair braiding. Natural hair braiding is a service that
29 results in tension on hair strands or roots by twisting, wrapping,
30 weaving, extending, locking, or braiding by hand or mechanical
31 device, provided that the service does not include haircutting or
32 the application of dyes, reactive chemicals, or other preparations
33 to alter the color of the hair or to straighten, curl, or alter the
34 structure of the hair.

35 (3) Threading. Threading is a technique that results in removing
36 hair by twisting thread around unwanted hair and pulling it from
37 the skin and the incidental trimming of eyebrow hair.

38 (e) Notwithstanding paragraph (2) of subdivision (d), a person
39 who engages in natural hairstyling, which is defined as the
40 provision of natural hair braiding services together with any of the

1 services or procedures defined within the regulated practices of
2 barbering or cosmetology, is subject to regulation pursuant to this
3 chapter and shall obtain and maintain a barbering or cosmetology
4 license as applicable to the services respectively offered or
5 performed.

6 (f) Electrolysis is the practice of removing hair from, or
7 destroying hair on, the human body by the use of an electric needle
8 only.

9 "Electrolysis" as used in this chapter includes electrolysis or
10 thermolysis.

11 SEC. 5. Section 7326 of the Business and Professions Code is
12 repealed.

13 ~~7326. The board shall admit to examination for a license as a~~
14 ~~manicurist to practice nail care, any person who has made~~
15 ~~application to the board in proper form, paid the fee required by~~
16 ~~this chapter, and is qualified as follows:~~

17 ~~(a) Is not less than 17 years of age.~~

18 ~~(b) Has completed the 10th grade in the public schools of this~~
19 ~~state or its equivalent.~~

20 ~~(c) Is not subject to denial pursuant to Section 480.~~

21 ~~(d) Has done any of the following:~~

22 ~~(1) Completed a course in nail care from a school approved by~~
23 ~~the board.~~

24 ~~(2) Practiced nail care, as defined in this chapter, outside of this~~
25 ~~state for a period of time equivalent to the study and training of a~~
26 ~~qualified person who has completed a course in nail care from a~~
27 ~~school the curriculum of which complied with requirements~~
28 ~~adopted by the board. Each three months of practice shall be~~
29 ~~deemed the equivalent of 100 hours of training for qualification~~
30 ~~under paragraph (1).~~

31 ~~(3) Completed the apprenticeship program in nail care specified~~
32 ~~in Article 4 (commencing with Section 7332).—~~

33 SEC. 6. Section 7332 of the Business and Professions Code is
34 amended to read:

35 7332. (a) An apprentice is any person who is licensed by the
36 board to engage in learning or acquiring a knowledge of barbering,
37 cosmetology, skin care, ~~nail care~~, or electrology, in a licensed
38 establishment under the supervision of a licensee approved by the
39 board.

1 (b) For purposes of this section, “under the supervision of a
2 licensee” means that the apprentice shall be supervised at all times
3 by a licensee approved by the board while performing services in
4 a licensed establishment. At no time shall an apprentice be the
5 only individual working in the establishment. An apprentice that
6 is not being supervised by a ~~licensee~~, *licensee* that has been
7 approved by the board to supervise an ~~apprentice~~, *apprentice* shall
8 be deemed to be practicing unlicensed under this chapter.

9 SEC. 7. Section 7334 of the Business and Professions Code is
10 amended to read:

11 7334. (a) The board may license as an apprentice in barbering,
12 cosmetology, ~~or skin care, or nail care~~ any person who has made
13 application to the board upon the proper form, has paid the fee
14 required by this chapter, and who is qualified as follows:

15 (1) Is over 16 years of age.

16 (2) Has completed the 10th grade in the public schools of this
17 state or its equivalent.

18 (3) Is not subject to denial pursuant to Section 480.

19 (4) Has submitted evidence acceptable to the board that any
20 training the apprentice is required by law to obtain shall be
21 conducted in a licensed establishment and under the supervision
22 of a licensee approved by the board.

23 (b) The board may license as an apprentice in electrolysis any
24 person who has made application to the board upon the proper
25 form, has paid the fee required by this chapter, and who is qualified
26 as follows:

27 (1) Is not less than 17 years of age.

28 (2) Has completed the 12th grade or an accredited senior high
29 school course of study in schools of this state or its equivalent.

30 (3) Is not subject to denial pursuant to Section 480.

31 (4) Has submitted evidence acceptable to the board that any
32 training the apprentice is required by law to obtain shall be
33 conducted in a licensed establishment and under the supervision
34 of a licensee approved by the board.

35 (c) All persons making application as an apprentice in barbering
36 shall also complete a minimum of 39 hours of preapprentice
37 training in a facility approved by the board prior to serving the
38 general public.

39 (d) All persons making application as an apprentice in
40 cosmetology, skin care, ~~nail care~~, or electrology shall also complete

1 minimum preapprentice training for the length of time established
2 by the board in a facility approved by the board prior to serving
3 the general public.

4 (e) Apprentices may only perform services on the general public
5 for which they have received technical training.

6 (f) Apprentices shall be required to obtain at least the minimum
7 hours of technical instruction and minimum number of practical
8 operations for each subject as specified in board regulations for
9 courses taught in schools approved by the board, in accordance
10 with Sections 3074 and 3078 of the Labor Code.

11 SEC. 8. Section 7337.5 of the Business and Professions Code
12 is amended to read:

13 7337.5. (a) The board shall adopt regulations providing for
14 the submittal of applications for admission to examination of
15 students of approved cosmetology, electrology, or barbering
16 schools who have completed at least 75 percent of the required
17 course clock hours and curriculum requirements (60 percent for
18 students of the manicurist course), or any person licensed as an
19 apprentice in barbering, cosmetology, *or* skin-care, ~~or nail care~~
20 who has completed at least 75 percent of the required
21 apprenticeship training hours. The regulations shall include
22 provisions that ensure that all proof of qualifications of the
23 applicant is received by the board before the applicant is examined.

24 (b) An application for examination submitted by a student of
25 an approved cosmetology, electrology, or barbering school under
26 this section shall be known as a "school preapplication" and an
27 additional preapplication fee may be required.

28 (c) An application for examination submitted by a person
29 licensed as an apprentice in barbering, cosmetology, *or* skin-care,
30 ~~or nail care~~ shall be known as an "apprenticeship preapplication"
31 and an additional fee may be required.

32 (d) The board shall administer the licensing examination not
33 later than 10 working days after graduation from an approved
34 cosmetology, electrology, or barbering school to students who
35 have submitted an application for admission for examination under
36 the preapplication procedure, or not later than 10 working days
37 after completion of an approved barbering, cosmetology, *or* skin
38 ~~care, or nail care~~ apprenticeship program for a person licensed as
39 an apprentice.

1 SEC. 9. Section 7365 of the Business and Professions Code is
2 repealed.

3 ~~7365. A nail care course established by a school shall consist~~
4 ~~of not less than 350 hours of practical training and technical~~
5 ~~instruction in accordance with a curriculum established by board~~
6 ~~regulation.~~

7 SEC. 10. Section 7396 of the Business and Professions Code
8 is amended to read:

9 7396. The form and content of a license issued by the board
10 shall be determined in accordance with Section 164.

11 The license shall prominently state that the holder is licensed as
12 a barber, cosmetologist, esthetician, ~~manicurist~~, electrologist, or
13 apprentice, and shall contain a photograph of the licensee.

14 SEC. 11. Section 7423 of the Business and Professions Code
15 is amended to read:

16 7423. The amounts of the fees required by this chapter relating
17 to licenses for individual practitioners are as follows:

18 (a) (1) ~~Cosmetologist~~—A *cosmetologist* application and
19 examination fee shall be the actual cost to the board for developing,
20 purchasing, grading, and administering the examination.

21 (2) A cosmetologist initial license fee shall not be more than
22 fifty dollars (\$50).

23 (b) (1) An esthetician application and examination fee shall be
24 the actual cost to the board for developing, purchasing, grading,
25 and administering the examination.

26 (2) An esthetician initial license fee shall not be more than forty
27 dollars (\$40).

28 (c) ~~(1) A manicurist application and examination fee shall be~~
29 ~~the actual cost to the board for developing, purchasing, grading,~~
30 ~~and administering the examination.~~

31 ~~(2) A manicurist initial license fee shall not be more than~~
32 ~~thirty-five dollars (\$35).~~

33 (d)

34 (c) (1) A barber application and examination fee shall be the
35 actual cost to the board for developing, purchasing, grading, and
36 administering the examination.

37 (2) A barber initial license fee shall be not more than fifty dollars
38 (\$50).

39 (e)

1 (d) (1) An electrologist application and examination fee shall
2 be the actual cost to the board for developing, purchasing, grading,
3 and administering the examination.

4 (2) An electrologist initial license fee shall be not more than
5 fifty dollars (\$50).

6 (f)

7 (e) An apprentice application and license fee shall be not more
8 than twenty-five dollars (\$25).

9 (g)

10 (f) The license renewal fee for individual practitioner licenses
11 that are subject to renewal shall be not more than fifty dollars
12 (\$50).

13 (h)

14 (g) Notwithstanding Section 163.5 the license renewal
15 delinquency fee shall be 50 percent of the renewal fee in effect on
16 the date of renewal.

17 (i)

18 (h) Any preapplication fee shall be established by the board in
19 an amount sufficient to cover the costs of processing and
20 administration of the preapplication.

21 SEC. 12. Section 19010.1 of the Business and Professions
22 Code is repealed.

23 ~~19010.1. "Custom upholsterer" means a person who, either by
24 himself or herself or through employees or agents, repairs,
25 reupholsters, re-covers, restores, or renews upholstered furniture,
26 or who makes to order and specification of the user any article of
27 upholstered furniture, using either new materials or owner's
28 materials.~~

29 SEC. 13. Section 19011 of the Business and Professions Code
30 is amended to read:

31 19011. "Manufacturer" means a person who, either by himself
32 ~~or herself themselves~~ or through employees or agents, makes any
33 article of upholstered furniture or bedding in whole or in part, ~~or
34 who does the upholstery or covering of any unit thereof,~~ using
35 either new or secondhand material. ~~"Manufacturer" does not,
36 however, include a "custom upholsterer," as defined in Section
37 19010.1.~~

38 SEC. 14. Section 19017 of the Business and Professions Code
39 is amended to read:

1 19017. "Owner's material" means any article or material
2 belonging to a person for ~~his or her~~ *their* own, or *their* tenant's
3 use, that is sent to any ~~manufacturer, manufacturer or~~ bedding
4 renovator, ~~or custom upholsterer to be repaired or renovated,~~
5 *renovator* or used in repairing or renovating.

6 SEC. 15. Section 19051 of the Business and Professions Code
7 is amended to read:

8 19051. Every upholstered-furniture retailer, ~~unless he or she~~
9 *the person* holds an importer's license, a furniture and bedding
10 manufacturer's license, a wholesale furniture and bedding dealer's
11 license, ~~a custom upholsterer's license,~~ or a retail furniture and
12 bedding dealer's ~~license~~ *license*, shall hold a retail furniture dealer's
13 license.

14 (a) This section does not apply to a person whose sole business
15 is designing and specifying for interior spaces, and who purchases
16 specific amenable upholstered furniture items on behalf of a client,
17 provided that the furniture is purchased from an appropriately
18 licensed importer, wholesaler, or retailer. This section does not
19 apply to a person who sells "used" and "antique" furniture as
20 defined in Sections 19008.1 and 19008.2.

21 (b) This section does not apply to a person who is licensed as
22 a home medical device retail facility by the State Department of
23 Health Services, provided that the furniture is purchased from an
24 appropriately licensed importer, wholesaler, or retailer.

25 SEC. 16. Section 19052 of the Business and Professions Code
26 is repealed.

27 ~~19052. Every custom upholsterer, unless he or she holds a~~
28 ~~furniture and bedding manufacturer's license, shall hold a custom~~
29 ~~upholsterer's license.~~

30 SEC. 17. Section 19059.5 of the Business and Professions
31 Code is amended to read:

32 19059.5. Every sanitizer shall hold a sanitizer's license unless
33 ~~he or she~~ *the person* is licensed as a home medical device retail
34 facility by the State Department of Health Services or as an
35 upholstered furniture and bedding manufacturer, retail furniture
36 and bedding dealer, ~~or retail bedding dealer, or custom upholsterer.~~
37 *dealer.*

38 SEC. 18. Section 19060.6 of the Business and Professions
39 Code is amended to read:

1 19060.6. (a) ~~Except as provided in subdivision (b), every~~ Every
 2 person who, on ~~his or her~~ *their* own account, advertises, ~~solicits~~
 3 ~~solicits~~, or contracts to ~~manufacture, repair or renovate~~ *manufacture*
 4 upholstered furniture or bedding, and who either does the work
 5 ~~himself or herself~~ *themselves* or has others do it for him or her, *it*,
 6 shall obtain the particular license required by this chapter for the
 7 particular type of work that ~~he or she~~ *the person* solicits or
 8 advertises that ~~he or she~~ *the person* will do, regardless of whether
 9 he or she *the person* has a shop or factory.

10 (b) ~~Every person who, on his or her own account, advertises,~~
 11 ~~solicits or contracts to repair or renovate upholstered furniture and~~
 12 ~~who does not do the work himself or herself nor have employees~~
 13 ~~do it for him or her but does have the work done by a licensed~~
 14 ~~custom upholsterer need not obtain a license as a custom~~
 15 ~~upholsterer but shall obtain a license as a retail furniture dealer.~~
 16 However, nothing in this section shall exempt a retail furniture
 17 dealer from complying with Sections 19162 and 19163.

18 SEC. 19. Section 19170 of the Business and Professions Code
 19 is amended to read:

20 19170. (a) The fee imposed for the issuance and for the
 21 biennial renewal of each license granted under this chapter shall
 22 be set by the chief, with the approval of the director, at a sum not
 23 more nor less than that shown in the following table:

	Maximum	Minimum
	fee	fee
27 Importer's license	\$940	\$120
28 Furniture and bedding manufacturer's		
29 license	940	120
30 Wholesale furniture and bedding		
31 dealer's license	675	120
32 Supply dealer's license	675	120
33 Custom upholsterer's license	450	80
34 Sanitizer's license	450	80
35 Retail furniture and bedding dealer's license	300	40
36 Retail furniture dealer's license	150	20
37 Retail bedding dealer's license	150	20

38
 39 (b) Individuals who, in their own homes and without the
 40 employment of any other person, make, sell, advertise, or contract

1 to make pillows, quilts, quilted pads, or comforters are exempt
2 from the fee requirements imposed by subdivision (a). However,
3 these individuals shall comply with all other provisions of this
4 chapter.

5 (c) Retailers who only sell “used” and “antique” furniture as
6 defined in Sections 19008.1 and 19008.2 are exempt from the fee
7 requirements imposed by subdivision (a). Those retailers are also
8 exempt from the other provisions of this chapter.

9 (d) A person who makes, sells, or advertises upholstered
10 furniture and bedding as defined in Sections 19006 and 19007,
11 and who also makes, sells, or advertises furniture used exclusively
12 for the purpose of physical fitness and exercise, shall comply with
13 the fee requirements imposed by subdivision (a).

14 (e) A person who has paid the required fee and who is licensed
15 either as an upholstered furniture and bedding manufacturer or a
16 custom upholsterer under this chapter shall not be required to
17 additionally pay the fee for a sanitizer’s license.

18 SEC. 20. Section 110371 of the Health and Safety Code is
19 amended to read:

20 110371. (a) A professional cosmetic manufactured on or after
21 July 1, 2020, for sale in this state shall have a label affixed on the
22 container that satisfies all of the labeling requirements for any
23 other cosmetic pursuant to the Federal Food, Drug, and Cosmetic
24 Act (21 U.S.C. Sec. 301, et seq.), and the federal Fair Packaging
25 and Labeling Act (15 U.S.C. Sec. 1451, et seq.).

26 (b) The following definitions shall apply to this section:

27 (1) “Ingredient” has the same meaning as in Section 111791.5.

28 (2) “Professional” means a person that has been granted a license
29 by the State Board of Barbering and Cosmetology to practice in
30 the field of cosmetology, ~~nail care~~, barbering, or esthetics.

31 (3) “Professional cosmetic” means a cosmetic product as it is
32 defined in Section 109900 that is intended or marketed to be used
33 only by a professional on account of a specific ingredient, increased
34 concentration of an ingredient, or other quality that requires safe
35 handling, or is otherwise used by a professional.



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MEMORANDUM

DATE	February 11, 2019
TO	Members, Board of Barbering and Cosmetology
FROM	Kristy Underwood, Executive Officer
SUBJECT	Regulations Update

Action Item(s):

Attached is the language for these regulations packages:

- Title 16, CCR Sections 962, 962.1 and 962.2 (Externs)
(New Item to Board)
- Title 16, CCR Section 965.2 (Personal Service Permit) Language and Consumer Notice
(Updated Item Previously Approved)
- Title 16, CCR Section 961 (National Interstate Council (NIC) Translation Guides)
(Updated Item Previously Approved)

The following regulation package was subject to a rulemaking hearing on January 24, 2019. There were no comments concerning the regulation. Staff requests that the Board give final approval to the language and authorize staff to complete the rulemaking file:

- Title 16, CCR Section 904 (Definition of Access)

Status Updates

The following regulation packages are under internal review at the Department of Consumer Affairs (DCA).

- Title 16, CCR Section 950.10 (Transfer of Credit or Training)
- Title 16, CCR Section 974 & 974.3 (Fine Schedule and Payment Plan)

Staff is developing the language on the following regulation packages:

- Title 16, CCR Section 972 (Disciplinary Guidelines)
- Title 16, CCR Sections 977, 978, 979, 980, 980.1, 980.2, 980.3, 980.4, 981, 982, 983, 984, 985, 986, 987, 988 and 989 (Health and Safety Regulations)

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 962, Title 16, California Code of Regulations, as follows:**

962. Definitions

(a) For purposes of subdivisions (c)(3) of Sections Section 7395.1 and 7395.2 as specified in subdivision (c)(3) of the Business and Professions Code, the term "good standing" means the following:

- (1) The licensee maintains a valid, current barber, cosmetology, esthetician, or manicurist license issued by the Board of Barbering and Cosmetology.
- (2) There is no current or pending discipline against the license pursuant to Article 11 of the Barbering and Cosmetology Act.
- (3) The licensee has no unpaid fine issued pursuant to Article 12 of the Barbering and Cosmetology Act.

(b) For purposes of subdivisions (g)(3) of Sections Section 7395.1 and 7395.2 as specified in subdivision (g)(3) of the Business and Professions Code, the term "appropriate training" means the student extern has completed 60% of the required minimum practical operations and minimum hours of technical instruction set forth in Sections 950.1-950.4 of this division.

(c) For purposes of subdivisions (g)(3) of Sections Section 7395.1 and 7395.2 as specified in subdivision (g)(3) of the Business and Professions Code, the term "chemical treatment treatments" means any product or procedure, including the preparation and/or application of the product, that alters or changes the molecular structure of the hair, skin or nails through the chemical treatments. These treatments may include, but are not limited to the following:

- (1) permanent waving
- (2) soft permanent waving
- (3) chemical straightening
- (4) sodium hydroxide and other base solutions
- (5) hair coloring and bleaching (semi-permanent and permanent)
- (6) chemical skin peel products
- (7) depilatory products
- (8) lash and brow tinting products

(d) For purposes of subdivisions (g)(3) of Sections Section 7395.1 and 7395.2 subdivision(g)(3) of the Business and Professions Code, the term "direct and immediate supervision" means the student extern may work on a paying client, only in an assisting capacity, when a designated licensee is present to oversee the work process. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

(e) For purposes of subdivisions (g)(3) of Sections Section 7395.1 and 7395.2 subdivision(g)(3) of the Business and Professions Code, the term "directly supervised" means the student extern may not use or apply chemical treatments unless a designated licensee is present to oversee the work process. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1 and 7395.2, Business and Professions Code.

- **Amend Section 962.1, Title 16, California Code of Regulations, as follows:**

962.1 Notification of Participation in the ~~Cosmetology~~ An Externship Program

(a) It is the responsibility of each participating school to ensure that the establishments and licensees participating in the ~~cosmetology~~ an externship program remain in good standing as defined in Section 962. Any change in "good standing" status of a participating establishment or licensee will require the establishment or licensee to withdraw from the program.

(b) Board notification by schools and establishments participating in the ~~Cosmetology Externship Program~~ an externship program shall be submitted to the board in writing. Notification of participation shall be updated annually to allow for continued participation in the program. The notification shall be prepared by the school and shall include the following information:

- (1) The school's name, address, telephone number, and school code issued by the board.
- (2) The establishment's name, address, telephone number, and license number issued by the Board.
- (3) The establishment owner's name.
- (4) A statement, dated and signed under penalty of perjury by the school, and the establishment that all information on the document is true and correct and that the school and establishment have complied with all requirements of this Article and Sections 7395.1 and 7395.2 of the Business and Professions Code. The statement shall be worded as follows: "We the undersigned, certify under penalty of perjury under the laws of the State of California, that all the information contained herein is true and correct. We have complied with all requirements of Article 8.5 of Division 9 of Title 16 of the California Code of Regulations and Sections 7395.1 and 7395.2 of the Business and Professions Code".
- (5) The document must include the name and title of the individual signing for the school clearly printed or typed.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1 and 7395.2, Business and Professions Code.

- **Amend Section 962.2, Title 16, California Code of Regulations, as follows:**

962.2 Laminated School Identification

(a) While working in an approved establishment, all students participating in ~~the~~ an externship program shall have in their possession a school laminated photographic identification card.

(b) The school laminated photographic identification card shall be at least 2½" x 3½" in size and contain the following information: the student extern's full name (first, middle initial, last); a current, color, full face photograph of the extern at least 1½" x 1½" in size; the term "STUDENT EXTERN" in type at least 14 point; and the name of the school of barbering or cosmetology where the student extern is enrolled.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1 and 7395.2, Business and Professions Code.

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.

- **Adopt Section 965.2, Title 16, California Code of Regulations, as follows:**

§ 965.2. Personal Service Permit.

(a) The Board may issue a personal service permit (PSP) authorizing the holder of the permit to perform certain barbering and cosmetology services outside of a licensed establishment if the following conditions are met:

- (1) The applicant is licensed by the Board and has held a valid license for a minimum of two consecutive years, or has been licensed in another state and is eligible for licensure pursuant to section 7331 of the Business and Professions Code, as a barber, cosmetologist, esthetician, or manicurist and is not subject to denial pursuant to section 480.
- (2) The applicant submits via Live Scan a full and complete set of his or her fingerprints for use in conducting a criminal background check through the California Department of Justice and the Federal Bureau of Investigation. Applicants may be denied a PSP pursuant to Chapter 10 of Division 3 of the Business and Professions Code, pursuant to Division 1.5 (commencing with Section 475) of that same code.
- (3) The applicant pays an application fee to the Board as provided in Section 998 of these regulations.
- (4) The applicant provides proof of current liability insurance in a minimum amount of \$1,000,000.

(b) A PSP holder shall maintain liability insurance in a minimum amount of \$1,000,000, and present proof of liability insurance to the board or its representatives upon demand with

reasonable notice. Failure to present proof of liability insurance to the board or its representatives may be grounds for discipline and PSP revocation.

(c) The services that may be performed outside of a licensed establishment by a licensed barber who holds a PSP are as follows:

- (1) Shampooing
- (2) Cutting, styling, dressing, arranging, curling and waving hair;
- (3) Applying hair tonics;
- (4) Applying powders, clays, antiseptics, and oils to the scalp, face or neck;
- (5) Trimming the beard.

(d) The services that may be performed outside of a licensed establishment by a licensed cosmetologist who holds a PSP are as follows:

- (1) Shampooing
- (2) Cutting, styling, dressing, arranging, curling and waving hair;
- (3) Applying hair tonics;
- (4) Applying powders, clays and oils to the scalp, face or neck;
- (5) Cleaning, massaging, or stimulating the face and neck by means of the hands with the use of cleansing agents, antiseptics, tonics, lotions, or creams. This does not include chemical exfoliation or exfoliation with the use of a tool, machine or device;
- (6) Removing hair from the body of any person with tweezers;
- (7) Applying make-up or strip lashes;
- (8) Buffing and filing nails with non-electrical tools;
- (9) Applying nail polish.

(e) The services that may be performed outside of a licensed establishment by a licensed esthetician who holds a PSP are as follows:

- (1) Cleaning, massaging, or stimulating the face and neck by means of the hands with the use of cleansing agents, antiseptics, tonics, lotions, or creams. This does not include chemical exfoliation or exfoliation with the use of a tool, machine or device;
- (2) Applying make-up or strip lashes;
- (3) Removing hair from the body of any person with tweezers.

(f) The services that may be performed outside of a licensed establishment by a licensed manicurist who holds a PSP are as follows:

- (1) Filing and buffing of nails by non-electrical tools;
- (2) Applying nail polish.

(g) A PSP holder should use disposable tools whenever possible.

(h) A PSP holder shall follow all laws, rules and regulations applicable to the services rendered.

(i) Upon completion of services outside of a licensed establishment, the holder of a PSP shall:

- (1) Provide the consumer with a Personal Service Permit Consumer Notice (BBC-PSP (2018)), which is hereby incorporated by reference.

(2) Obtain a signed and dated receipt from the consumer that contains the following information:

- A. The consumer's acknowledgement of receipt of the Personal Service Permit Consumer Notice;
- B. The consumer's name;
- C. The consumer's phone number;
- D. The consumer's email address, if available
- E. A list of all services rendered to the consumer.

A copy of the receipt shall be provided to the consumer. The PSP holder's copy of the receipt shall be presented upon demand with reasonable notice to the board or its representatives by the PSP holder, and shall be kept on file by the PSP holder for a period of five (5) years from the date of the service. Failure to present the Receipt of Consumer Notice to the board or its representatives may be grounds for discipline. The notice and receipt requirements in this section may be satisfied electronically.

NOTE: Authority cited: Sections 7312, Business and Professions Code. Reference: Section 7402.5, Business and Professions Code,

Amend Section 998 of Title 16, California Code of Regulations, as follows:

998. Schedule of Fees.

The following fees shall be charged by the board:

(a) Barbers:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	50
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹

(b) Cosmetologists:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	50
(4) License renewal fee.....	50 ¹

(5) License renewal delinquency fee.....	25 ¹
(c) Estheticians:	
(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	40
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹
(d) Manicurists:	
(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	35
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹
(e) Electrologists:	
(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	50
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹
(f) Apprentice application and license fee ²	25
(g) Establishments:	
(1) Application and initial license fee.....	50
(2) License renewal fee.....	40 ¹
(3) License renewal delinquency fee.....	20 ¹
(h) Mobile Units:	
(1) Application fee.....	50
(2) Initial inspection and license fee.....	100
(3) License renewal fee.....	40 ¹

(4) License renewal delinquency fee.....20¹

(i) Personal Service Permit

(1) Initial License fee	25
(3) License renewal fee	10
(3) License renewal delinquency fee	5

1 Fees effective for all licenses expiring on or after December 21, 2007.

2 Licenses of apprentices are not renewable.

*NOTE: Authority cited: Sections 7312, 7337.5(b) and 7421, Business and Professions Code.
Reference: Sections 7402.5, 7415, 7417, 7418, 7419, 7420, 7423, 7424, and 7425, Business
and Professions Code.*



PERSONAL SERVICE PERMIT CONSUMER NOTICE

**TO FILE A COMPLAINT, PLEASE CONTACT THE BOARD AT
www.barbercosmo.ca.gov (800) 952-5210**

The board's laws and regulations can be found on the board's website at
www.barbercosmo.ca.gov
or in B&P Code sections 7301-7426.5 and title 16 CCR sections 901-999.



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.

- **Repeal Section 961, Title 16, California Code of Regulations, as follows:**

~~§ 961. Online Training and Text and Reference Books for Students.~~

~~(a) In teaching, approved schools shall use text and reference books approved by the National Interstate Council of State Boards of Cosmetology (NIC). Approved schools may use other teaching material or on-line training programs, in lieu of the text book, under the condition that they have been approved by the NIC.~~

~~(b) Each student shall possess the following:~~

~~(1) At least one (1) of the textbooks approved by the NIC or have access to a NIC-approved online program.~~

~~(2) The Barbering and Cosmetology Act and the Rules and Regulations of the Board of Barbering and Cosmetology.~~

~~(c) There shall be available for the use of students in the school:~~

~~(1) A list of the text and reference books approved by the NIC.~~

~~(2) Any two approved texts other than the one text or online program access, possessed by the student. (Shall not apply to barber schools if there are less than three approved texts.)~~

~~Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Section 7362, Business and Professions Code.~~

- **Adopt Section 961, Title 16, California Code of Regulations, as follows:**

Section 961. Instructional Materials

(a) An approved school shall use for class instruction only instructional materials that have been approved by the National Interstate Council of State Boards of Cosmetology (NIC).

(b) An approved school shall provide a printed or electronic copy of the following to each student:

(1) The instructional materials being used in class;

- (2) A list of all the instructional materials that are approved by the NIC.
- (3) The California State Board's Barbering and Cosmetology Act;
- (4) The California State Board's Barbering and Cosmetology regulations;
- (5) The appropriate licensing examination translation guide approved by the NIC if the student intends to take the examination in one of the non-English languages offered by the board.

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7312 and 7362, Business and Professions Code.

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 904, Title 16, California Code of Regulations, as follows:**

§ 904. Enforcement.

(a) Article 12 of the board's regulations, within Title 16, Division 9 of the California Code of Regulations, contains the board's "Health and Safety Rules".

(b) The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall implement and maintain the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

(c) All licensed barbers, cosmetologists, estheticians, manicurists, electrologists, instructors, or apprentices shall individually implement and maintain the Health and Safety Rules.

(d) All persons performing acts of a barber, cosmetologist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the board, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

(e) Failure to present valid proof of identification shall be grounds for disciplinary action.

(f) The executive officer and any authorized representative of the board shall have access to and inspect all areas within an establishment, mobile unit, or school, including any room, closet, cabinet, drawer, container, or mobile or fixed storage or display unit.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312, 7313 and 7404, Business and Professions Code.

No Attachment