

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



SEPTEMBER 26, 2022

Health and Safety Advisory Committee Meeting

**PUBLIC
TELECONFERENCE**

**CALIFORNIA BOARD
OF
BARBERING AND COSMETOLOGY**



**HEALTH AND SAFETY ADVISORY
COMMITTEE
NOTICE AND AGENDA**

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

**MEMBERS OF THE
COMMITTEE**

Kellie Funk
Reese Isbell
Danielle Munoz
Calimay Pham
Paul Bryson
Lorianne Burr
Deedee Crossett
Brandy Hamilton
Brandon Hart
Paula Johnson
Mark Rierson
Leslie Roste
Yumi Youn

**PUBLIC TELECONFERENCE
MEETING**

September 26, 2022

**10:00am – Until Completion of
Business**

**The Board may take action on any
agenda item.**

NOTE: Pursuant to Government Code section 11133, neither a public location nor teleconference locations are provided. Public participation may be through teleconferencing as provided below.

Important Notices to the Public: The Board of Barbering and Cosmetology will hold a public meeting via a WebEx Events. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

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Webinar number: 2481 413 0099

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https://www.barbercosmo.ca.gov/about_us/meetings/how_to_join_webex_event.pdf

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

In order to ensure all public members have an opportunity to speak and in the interest of time, public comments will be limited to two minutes unless, in the discretion of the committee, circumstances require a shorter period or longer period; members of the public will not be permitted to “yield” their allotted time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at

<https://thedcpage.wordpress.com/webcasts/>

AGENDA

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 Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Election of Committee Chairperson
3. Executive Officer's Opening Remarks (Kristy Underwood)
4. Review and Possible Approval of June 6, 2022, Committee Meeting Minutes
5. Discussion and Possible Recommendation Regarding Possible Amendments to Health and Safety Regulations (Title 16, California Code of Regulations sections 977-995) and Schedule of Administrative Fines
6. Public Comment on Items Not on the Agenda
Note: The Committee 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))
7. Suggestions for Future Agenda Items
8. Adjournment

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 1125.7(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 (279)278-5114 or 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.

Agenda Items

No. 1-3

No Attachments

DRAFT
CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY

HEALTH AND SAFETY COMMITTEE MEETING

MINUTES OF JUNE 6, 2022

COMMITTEE MEMBERS PRESENT

Jacquelyn Crabtree, Chair
Calimay Pham
Reese Isbell
Paul Bryson
Lorianne Burr
Deedee Crossett
Brandon Hart
Leslie Roste

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Allison Lee, Board Project Manager
Marcene Melliza, Board Analyst

Committee Members Absent

Brandy Hamilton
Paula Johnson
Mark Rierson
Yumi Youn

1. AGENDA ITEM #1, CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF QUORUM

Jacquelyn Crabtree called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, EXECUTIVE OFFICER'S OPENING REMARKS (KRISTY UNDERWOOD)

Ms. Underwood explained that the committee would continue their previous discussion of the fine schedule and whether violations are related to consumer harm.

3. ACTION ITEM #3, REVIEW AND APPROVAL OF MARCH 14, 2022, COMMITTEE MEETING

Ms. Crabtree moved to approve the March 14, 2022, Meeting Minutes. Ms. Crossett proposed an amendment to the minutes. She stated that on page 7, the paragraph which starts with her name should state 'what schools should teach' instead of 'which schools should teach.' Ms. Crabtree moved to approve the March 14, 2022, minutes as amended. Mr. Isbell seconded. The motion was opened up for public comment. No comments were received from the public.

Motion to approve with the amendment carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The committee members voted "Yes": Jacquelyn Crabtree, Calimay Pham, Reese Isbell, Paul Bryson, Lorianne Burr, Deedee Crossett, Brandon Hart, and Leslie Roste.

4. ACTION ITEM #4, DISCUSSION AND POSSIBLE ACTION REGARDING THE STAFF'S ANALYSIS OF THE BOARD'S LAWS AND REGULATIONS FOR THE ESTABLISHMENT OF A SCHEDULE OF ADMINISTRATIVE FINES PURSUANT TO THE REQUIREMENTS OF BUSINESS AND PROFESSIONS CODE SECTION 7407.

Section 981(a) – No Disposal of Non-Disinfectable items

Ms. Underwood explained that this section is cited when inspectors find disposable items that have not been thrown away immediately after use. The most common items are nail buffers, emery boards, and wax sticks. Staff ranked the violation as a high risk to consumers. Mr. Isbell asked why the fine starts at \$100 when it is a high risk. Ms. Underwood stated that that is what the fee was set at, but it could be changed. Ms. Underwood explained that the fines had been established by a fine task force and had been changed only twice. Whenever the task force held meetings to review the fines, they did not look at the actual relation to consumer harm.

Ms. Crossett noted that liner fines start at \$250. She proposed moving up the fines to that amount since the offenses are similar. Mr. Isbell echoed her sentiments.

Mr. Hart pointed out that a significant number of violations were identified relatively compared to other sections. For instance, an inspector could find a dozen violations during one inspection, resulting in about \$1200 of fines. He wondered if this was because there were multiple instances of a violation in one setting. Ms. Underwood stated that staff had considered everything when tabulating the violations. An inspector could walk into an establishment and see five workers with the same violation. All five would get the fine plus the establishment owner. In another instance, an inspector could walk into an establishment and see five of the violations but not at anyone's station. This cannot be tied to a particular person; thus, only the establishment owner would get one fine. Ms. Underwood remarked this as one of the top violations that happen frequently. She believed it was a significant cause of consumer harm.

Mr. Bryson recognized that the violation was a risk for harm, but he asked if there were statistics on infections transmitted by people reusing nail files and other items. Ms. Underwood stated she did not have any statistics. She added that when a consumer gets an infection after visiting a nail salon, it would not be easy to tie it to precisely what happened on that particular day. Mr. Bryson agreed, but he believed that there should be some medical statistics stating that several people per year complain of getting an infection after visiting a nail salon. Such data could be used to strengthen specific penalties.

Ms. Roste stated that such data would come from the medical side. She pointed out that when harmed consumers turned in their medical documents, they would rarely point out that they got infections from a nail salon.

Ms. Crossett wondered if the fines had been rated lower since the harm a consumer would get from reusing a nail file is a lower risk than what one could potentially get from reusing a plastic liner. Ms. Roste pointed out that the risk was the same. She explained that a nail file was designed to hold skin tissue that could be easily transferred onto someone else when reused. The plastic liner also exposed the consumer to high risk even though there's

some water involved. Ms. Roste further stated that the Committee should go by what they knew could be transmitted through reusing such cases. She acknowledged that some are worse than others but maintained that single-use items should remain single-use items. This would eventually result in very few cases of infection.

Mr. Isbell stated that the focus should not be on how many medical cases had emerged. He urged the Committee to focus on whether or not the consumer feels safe going into such establishments. He added that if hygiene is not held to a good standard, then the overall standards of the State are lowered.

Ms. Underwood indicated that the fine used to be \$50 for a first offense. It was raised to \$100 at the last fine review meeting. She stated that the standards had improved as cases of reusing buffers and emery boards had decreased. This was, however, not the case with the wax sticks.

Ms. Roste believed that if the fine went up to \$200, most people would feel the sting and avoid repeating the offenses. On the other hand, if the fines are low, businesses would not feel the cost of paying them. They would prefer to pay the fines, so they do not have to replace all the disposable items.

Chair Crabtree agreed that the fine should be increased as it was a repeat offense. Nail salons were known to be notorious for reusing disposable items.

Section 981(b) – Improper Storage of New Supplies and Disposable Tools

Ms. Underwood stated that the rate was low because inspectors had been advised that it was not a priority violation. People are usually advised to print a label and put it on a manufacturer's container, indicating that the item is brand new and clean.

Ms. Crossett pointed out that someone could take something out of a drawer and label it new or clean. As a result, the consumer and the student would know how to identify an unused item. She stated that students should be trained when something should be labeled new and clean.

Ms. Roste remarked that the Committee should not be focusing on labeling the infraction as no big deal. She believed that people should not be fined for not having a label. They should be fined for not storing things properly, such as mixing new things with items waiting to be disinfected.

Ms. Underwood highlighted that the verbiage of the violation indicated that new supplies and single-use disposable tools should be stored in a clean, covered place labeled new. She asked if the language should be changed or clarified.

Ms. Crossett stated that the language was consistent as everyone was responsible for labeling something that they had moved out of the original manufacturer's container. Ms. Roste added that most states have a secondary container labeling rule. She indicated that making people label containers that the manufacturers have already labeled as new would be frustrating.

The Committee agreed that the language on the violation should be that labeling is only required when one removes items from a manufacturer-labeled container. The fine amount for a first offense was set at \$50.

Section 981(c) – Carrying Tools or Supplies in or on Garments

Ms. Underwood explained this violation is cited most commonly when hair clips are clipped to aprons. Staff ranked it as a low to medium risk. The fine is low as it is not a common occurrence. There is no evidence of consumers ever being harmed.

Ms. Crossett noted that such an offense would be dangerous in a case where an aesthetician pulls tweezers out of their apron or pocket.

Mr. Isbell asked if the fine would apply in the case of non-contact holstered tools like a hair dryer that doesn't touch the client. The Committee members agreed that a hair dryer would be considered since it is an electrical tool.

Section 982 – Incorrect Sterilization of Electrology Tools

Ms. Underwood considered this section a high risk to consumers because electrology is an invasive procedure. The Committee members proposed increasing the fine to \$250 for a first offense.

Section 983 – Personal Cleanliness

Ms. Underwood noted that this section is cited when an inspector observes a licensee's attire not being clean or observes a licensee not washing their hands.

Ms. Roste pointed out that if something is considered high risk, the fine should also start at a high rate. The Committee members agreed to raise the fine to \$250.

Mr. Isbell stated that once the fine structures have been set, DCA should send out communication to the industry informing the people of what is considered high risk to help them understand the fine structure. Ms. Roste added that communicating the fine structures would also drive education around specific issues. Establishment owners would be notified to fix specific high-risk problems occurring at their places of business. Educators would also put more focus on the high risks identified by DCA.

Section 984(a) – Allowing a Licensee with an Infectious or Communicable Disease to Work on a Person.

Ms. Underwood stated that this section applies when an inspector observes a licensee providing service and the licensee has an infection or a parasitic infestation capable of being transmitted. This is not a common occurrence but was ranked as high risk. Ms. Underwood proposed setting the fine at \$250 for a first offense. Ms. Roste pointed out that such cases would not get cited frequently because it would be hard for an inspector to know if someone has a parasitic infection. She, however, agreed that having a rule in place informs service providers that in case they know they have something, they must take care of it first before coming to work.

Section 984(b) – Allowing or Requiring a Licensee to Work on a Person Who Has an Infectious and Communicable Disease.

Ms. Underwood said that this section is not a common occurrence, but owners have asked licensees to work on such consumers. Ms. Roste stated that the rule allows licensees to say no when asked to work on consumers with parasitic infections. Ms. Underwood added that many licensees voiced concerns during COVID. The fine was set at \$250.

Section 984(e) – Performing Services on Inflamed, Broken, Infected, Or Erupted Skin Without Gloves

Ms. Underwood explained that this is cited when an inspector observes the licensee providing service to a consumer who has an inflamed or broken infection on their skin or scalp, or the licensee has a skin issue and is not wearing gloves during the service.

Not a common occurrence but considered high risk. Fine set at \$250.

Section 985 – No Use of a Neck Strip or Towel

Ms. Underwood stated that this section is cited when a person provides a service without a neck strip or a towel between the neck and the cape. It was rated as low risk because it is not common and there is no evidence to suggest that the neck strip will protect the consumer.

Chair Crabtree stated that there would be no need for a neck strip when a clean drape is used on every client. Mr. Hart pointed out that there were instances where a barber nicks someone when shaving their neck, and they do not replace the drape. That could be a potential hazard to the following consumer. He felt the fine should be set high at \$250.

Ms. Crossett indicated that the violation should also cover towels because students are always taught to ensure they have clean towels. Ms. Roste mentioned that a neck strip and a towel are two different things that should not be categorized together. She stated that a neck strip is not meant for infection control. It was designed for comfort, especially during a haircut. She also indicated that the chances of transferring blood-borne pathogens on a neck strip to another person are meager. However, the chance of transferring ringworms from one consumer to the next is very high, but a neck strip would not protect one from that. Ms. Roste further stated that a towel should be used during a chemical service to protect the consumer's skin. She reiterated that the neck strip and towel should not be mixed into one rule.

Ms. Crossett stated there was no need for separate rules for the two, adding that the neck strip protects the consumer.

Chair Crabtree proposed adding language in the rule to say new clean drape. She also indicated that the language needs to be clarified because some salons use clean drapes on each customer, so they have no towels around. An inspector might give such a salon a citation when he sees no towels anywhere.

Ms. Underwood clarified that the Committee could add suggested language to the rules but not at this meeting. The Board was currently looking at the recently updated health and safety regulations. Some of them will be brought back before the Committee for modification.

Section 986 – Neck Dusters

Ms. Underwood stated that the neck dusters had been eliminated in the health and safety regulations. Most states had eliminated them; only four, including California, still allowed neck dusters. Neck dusters were eliminated for the following reasons:

- They cannot be adequately disinfected.
- They're made with natural hair, so they are porous and can't be disinfected thoroughly.
- They throw everything up in the air, including those that should be contained.

A proposal had been put forth to remove neck dusters from California.

Mr. Isbell proposed moving the fine up, noting that the violation had been cited several times. Ms. Crossett felt \$250 would be too harsh a fine for something that has been in the industry for a long time. Ms. Roste noted that the rule also includes regular brushes. It was thus dependent on the regulations for brushes since staff was working on developing new regulations for brushes. The Committee agreed to hold off on this rule and wait for the new brush regulations.

Section 987 – Clean Towels Not Being Stored Properly.

Ms. Underwood stated this is found when an inspector finds clean towels left uncovered or in an open cabinet. It is a common violation. Ms. Underwood believed that clean towels found in an open cabinet should not be violated since there was no evidence of any harm caused by a clean towel.

Ms. Crabtree suggested talking to the inspectors about what to look out for concerning the clean towels. Ms. Underwood stated that the violations are not cited in most cases, especially if it's a first offense. The person is usually educated without a fine.

Ms. Crossett agreed that it is a common violation because most people just forget to put clean towels away after laundry. She added that the risk is also low.

Ms. Roste urged the Committee members to look deeply into the rule as she believed that there's nothing dangerous flying in the air that could get onto clean towels and hurt a customer. Ms. Crossett stated that the risk arises when the clean towels are not properly stored. She recounted an incident where there was an outbreak of bed bugs in a massage school in New York because students were allowed to bring in their sheets and towels as a way to save money. Ms. Roste agreed that linens had to be clean. However, she opposed the idea of an open cabinet door being cited as a violation. The Committee agreed to leave the rule as is.

Section 988 – Liquids, Creams, Powders, and Cosmetics.

Ms. Underwood explained this section is cited when an inspector finds dirty, open, or unlabeled containers. Wax pots are the most commonly found as dirty. The section also covers double-dipping.

Ms. Roste suggested that only double-dipping for waxing be \$250 since it posed a high risk of transferring HPV from client to client. She indicated that the rule would also stop people from dipping fingers into products. Ms. Crossett argued that \$250 was too high, especially for barbers and hairdressers who stick their fingers inside pomade cups. Ms. Roste reiterated that that was still a high risk that should not occur. She felt that \$250 was appropriate. Mr. Hart added that the current fee structure was not a deterrent since the violation had been cited many times.

Mr. Bryson stated that the exemption should be maintained for products that destroy microbes, such as nail gel. Ms. Underwood agreed, adding that the current regulations stated that the rule does not apply to cosmetic preparations that have been demonstrated to be unlikely to transmit pathogens, including nail polish, artificial nail monomer, et cetera.

Section 989 – Prohibited Hazardous Substances

Mr. Isbell asked why the offenses were all the same amount. Ms. Underwood stated that the Committee that set the fines did not increase them at the time. Mr. Isbell felt the fee for violation 989 should be increased per offense. Ms. Crossett inquired about a cite limit. Ms. Underwood stated there's a \$5000 limit for an overall citation. The Committee agreed on a minimum fine of \$500.

Section 990 – Headrest, Shampoo Bowls, and Treatment Tables.

Ms. Underwood stated this violation is cited when an inspector finds a dirty shampoo bowl or unclean treatment tables. Staff ranked it as a low risk, with the first offense set at \$50 because no consumer harm had been directly linked to it. Mr. Isbell believed that consumers should be able to feel safe when they go into an establishment. Seeing dirty

shampoo areas or treatment tables does not give them that safe feeling. He proposed raising the fine to \$250.

Ms. Crossett mentioned that when the practical exam was updated, people could use fresh towels or linens or spray the area with a disinfectant. Both were considered sanitary maintenance measures. Ms. Underwood clarified that with regard to the treatment tables, the regulations stated that the tables must be covered with either clean treatment table paper, a clean towel, or a clean sheet after each use. Ms. Crossett indicated that the rule might have changed for the SMA but not for clients. Ms. Underwood believed the change was not recommended in the health and safety regulations. She would look into it further. Ms. Roste stated that if disinfectant sprays are correctly used for the recommended 10 minutes for treatment tables, the chemical would eventually destroy the material over time. This is why the coverings might have been left in the rule. She also asked if the citation covered cases where treatment table sheets or papers were not changed for an entire day. Ms. Crossett remarked that the language in the regulation must be clear on whether one is required to change the linen, clean it, throw away the paper, or disinfect the space. Ms. Underwood stated that according to the proposed new health and safety regulations, treatment table paper should be immediately disposed of after a single-use. The treatment table should be disinfected before being covered with a clean paper, clean linen, or a non-porous covering.

Mr. Isbell voiced concern about the language in the regulation. He noted that the regulation only said a dirty shampoo bowl and treatment table, but the Committee members were discussing disinfecting surfaces.

Ms. Crossett pointed out that a surface might be dirty due to not being disinfected. Ms. Roste agreed, adding that it must have been neglected for a long time when something was visually dirty. She further stated that using the same for waxing different clients and changing the sheets without disinfecting the table are two different topics.

Ms. Underwood mentioned that the inspectors usually find dirty sheets on treatment tables or hair in the drains of shampoo bowls. Mr. Hart noted that before COVID, the offense was a common occurrence, and the current fine structure was not a deterrent.

Ms. Crossett reiterated that it is a low-risk violation, so the fines are kept low at \$50.

Mr. Isbell pointed out that it was a matter of educating people on the importance of cleanliness. He also proposed increasing the minimum threshold of low-risk violations to \$100. Ms. Crossett argued that \$100 was still high since it was common to have hair in the shampoo bowl, especially in busy salons.

Ms. Roste suggested separating the headrest, treatment tables, and shampoo bowls as different violations since they all posed different risks. The Committee members agreed. Staff will work on the separate violations and return them to the Committee.

Section 991 – Performing an Invasive Procedure

Ms. Underwood stated this section is cited when an inspector finds a licensee providing an invasive procedure, such as microneedling. The fine was set at a minimum of \$500 but could be changed.

Ms. Crossett asked if a licensed esthetician should have a separate space for tattooing or doing permanent makeup. Ms. Underwood answered in the affirmative.

Ms. Crossett also stated that licensed estheticians work in medical spas as medical assistants without a separate license. She asked if the citation covered such cases. Ms. Underwood stated that the Medical Board would come in in such cases. Ms. Underwood

clarified that an esthetician working in a doctor's office and performing invasive procedures outside of an esthetician's scope would be cited for the practice of medicine.

Ms. Crossett pointed out that hiring licensed estheticians as medical assistants was common practice. She added that the violation's language should be clarified.

Section 992 – Performing Invasive Skin Exfoliation.

Ms. Underwood explained that this violation was cited when an inspector finds products that remove deeper than the epidermal layer of the skin. It is considered a high risk to consumers. Inspectors might not see the procedure being done. Usually, consumer harm complaints are received by DCA, which leads to investigations. Mr. Isbell proposed raising the fines, adding that a second incidence would be overboard if the offense were hard to cite.

Section 993 – Prohibited Tools

Ms. Underwood stated this is cited when an inspector finds a razor-edged tool, pointy tools, or needle tools used for extractions. Staff ranked it as high risk.

Ms. Crossett noted that for Section 991, the inspector has to catch a person doing the procedure, while for 993, the inspector only has to find the item.

It was clarified that Section 993 would be cited to the establishment, while 991 is specific to the licensee.

The Committee agreed that the amounts for the two sections should be consistent.

Ms. Crossett wondered if the owner would still get cited even if they rented the space to someone unaware of the violation. Ms. Underwood stated that the owner could appeal, and DRC would look into waving the citation. Ms. Underwood further explained that there's an informal appeal process consisting of a three-member board. If the citation is upheld at the DRC, the offender can appeal at the administrative level.

Section 994 – Cleanliness and Repair

Ms. Underwood explained that this was cited when an inspector finds excessive hair clippings, rarely cleaned floors, and overflowing garbage cans. It is considered a medium risk, with the first offense set at \$50.

Mr. Isbell reiterated that a consumer must feel safe in an establishment and seeing garbage would cause a problem. He proposed increasing the amount.

Mr. Bryson indicated that the biggest risk was someone falling and getting hurt. He urged the Committee to focus more on such violations that would lead to potential harm for the salon worker or the consumer.

Mr. Hart felt that the \$50 fine was not a deterrent.

Ms. Pham stated that the fines should be consistent with the risk level. If an offense is low, the fine should be consistent across all low-risk offenses. Same case with medium and high-risk offenses. She added that medium-risk fines should be increased to about \$100.

Ms. Roste echoed Ms. Pham's sentiments. She stated that the Committee should determine the risk level. The fines will be consistent across each.

The Committee agreed that violation 994 is medium risk. However, Ms. Crossett and Chair Crabtree felt the risk level should be low.

Section 995 – Plumbing Standards

Ms. Underwood stated this regulation requires that specific requirements such as running water, ventilation, and public toilets be available. Mr. Hart wondered how the inspectors

measured adequate ventilation. Ms. Underwood stated that it was measured when an inspector walked into a nail salon and the smell was too strong. The inspectors check for vents. The offense is no longer common.

Mr. Hart stated that OSHA requires mechanical ventilation to provide air equivalent to the outside air. New guidelines came from CDPH during COVID that require HEPA or portable filtration. However, in this case, the inspectors used smell instead of instruments. He also noted that the risk was set at medium though it was identified as hazardous fumes. He felt the \$50 fine was too low.

Ms. Underwood explained that inspectors usually find MMA, a prohibited substance. Mr. Bryson added that MMA and EMA have good warning properties where they smell sour even at low concentrations. Mr. Bryson further stated that substances that are harmful but do not smell should not be used. An example is methylene chloride used for removing nail gel. He stated that it is used in small amounts that might not be deemed enough to cause harm, but the long-term effect was dangerous.

Ms. Roste mentioned that some cleaning products mix chlorine bleach with ammonia, creating harmful fumes. Inspectors should be able to smell such and cite them.

Mr. Isbell indicated that instead of looking into specific cases, the department should be working on setting standards for adequate ventilation. He felt ventilation should be taken seriously, especially in a post-COVID world. He also proposed increasing the fine to \$100. Mr. Hart suggested moving the risk level higher as not having hot water limits someone's ability to wash their hands and do laundry.

Staff was directed to work on the recommendations and bring back the regulations before the Committee.

5. AGENDA ITEM #5, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Fred Jones, Professional Beauty Federation of California, stated that the current inspectors are better than they were 15 years ago thanks to the to the shift in attitude and perspective brought on by leadership and staff. He appreciated the Health and Safety Committee's work, adding that the Board's primary role is protecting consumers, not making a salon marketable or improving their image.

6. AGENDA ITEM #6, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Mr. Isbell wondered what the role of the Committee concerning the inspectors was. He noted that the Committee did not give the inspectors guidelines. Ms. Underwood stated that the laws and regulations control the inspectors' actions. She further stated that there is an Enforcement and Inspections Committee. All inspection policies are directed to them. Ms. Crossett suggested adding guidelines for dermaplaning. She also asked about the status of brow tinting. Ms. Underwood stated that regulations were being modified and she believes tinting should be allowed in California as in other states. Ms. Crossett mentioned that lash perming and brow lamination should also be considered when considering disposable regulations. For example, silicon pads can be disinfected. She also asked about the status of the 600-hour hairstylist license. Ms. Underwood stated that it was about a year and a half out. It will be discussed when looking at the regulations.

AGENDA ITEM #7, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 11:58 p.m.

Article 12 Health and Safety

977. Health and Safety Definitions.

The following words and terms, when used in this article, shall have the following meanings:

Communicable Illness – illness that is spread from person to person or from animals to people through the direct or indirect transmission of an infectious agent or its products.

Contaminated – The presence of blood or other potentially infectious materials on an item's surface or visible debris such as dust, hair, nails and skin.

Cosmetic Product – Any substance or mixture regardless of form (solid, liquid, or gas) intended to be applied to the human body for cleansing, beautifying, or altering appearance. Examples include, but are not limited to, shampoo, hairspray, hair color, makeup, lotion, wax, cuticle remover, and acrylic powder.

Disinfect or Disinfection – The use of chemicals intended to eliminate harmful bacteria, fungi and viruses.

Disinfectant – A product registered by the U.S. Environmental Protection Agency (EPA) that has demonstrated bactericidal, fungicidal and virucidal activity. The products used must include a label from the manufacturer that indicates the EPA registration. Wipes and sprays may be used unless otherwise specified.

Epidermis – The outermost layer of the skin.

Electrical Tool – Any tool that comes in contact with a client and requires electricity to operate by means of an electrical cord, wireless charger, or battery. These include, but are not limited to, clippers, blow dryers, curling irons and flat irons.

Foot Basin – Open portion of a foot spa chair or a stand-alone tub (with or without plumbing) that is filled with water and in which the client's feet are placed during a pedicure.

Linens – Items made of fabric material such as towels, robes, sheets and smocks.

Non-Electrical Tool – Any tool used for barbering, cosmetology and electrology that does not use any form of electricity to operate. These include, but are not limited to, shears, razors, cuticle nippers, metal files, metal smoothers, combs and hair clips.

Non-porous – A material that does not allow fluids to pass through or be absorbed. Examples include, but are not limited to, metal, plastic, silicone and glass.

Porous – A material that allows fluids to pass through or be absorbed. Examples include, but are not limited to, wood, cloth, stone, foam or sponges.

Single-Use Tools – Any item intended for disposal after a single-use only or any porous item that cannot be cleaned and disinfected. Examples include, but are not limited to, gloves, cotton, lancets, nail files, toe separators, wooden sticks, sponges, and mascara wands.

Sterilize or Sterilization – The process of killing microorganisms (bacteria, fungi, viruses, and spores). The destruction of all microbial life, including bacteria (including spores), fungi, and viruses.

Sterilizer – A device approved by the U.S. Food and Drug Administration (FDA) that sterilizes using high-pressure saturated steam (autoclave) or hot air that is nearly or completely free of water vapor (dry heat).

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

978. Minimum Equipment and Supplies.

(a) All establishment owners, school owners, and licensees shall:

(1) Have at least one covered waste container per establishment for the disposal of hair if hair services are performed. Hair must be disposed of in a covered waste container.

(2) Have at least one covered container labeled “Dirty” to hold used linens.

(3) Store all clean non-electrical tools and linens in separate closed, clean container made of non-porous materials.

(4) Have containers for disinfectant solution labeled “Disinfectant” for tools and equipment to be disinfected. Containers must contain sufficient disinfectant solution to allow for complete immersion.

(5) Have disinfected tools, labeled as clean, that are ready for use. All licensees, establishment owners, and school owners shall not have all tools in the establishment labeled as “Dirty”.

(6) If electrolysis is performed, single use, pre-sterilized filaments shall be used.

(7) Have disinfectant solution, mixed according to manufacturer’s directions and/or spray or wipes, available for use at all times.

(8) Have a manufacturer-labeled container for the disinfectant used available at all times in the establishment or school. In the event that the last remaining disinfectant has been used, the empty manufacturer-labeled container shall be present.

(b) All licensees shall maintain chemical safety in the following manner:

(1) All containers shall be distinctly labeled to disclose their contents.

(2) Safety Data Sheets (SDS) for all hazardous chemicals shall be readily available during business hours.

(3) All chemicals shall be stored according to the manufacturer’s label. No chemicals shall be stored in areas accessible by the public, such as restrooms.

(4) All chemicals shall be disposed of according to the manufacturer directions when provided.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
978(a)(1-5) Low Risk	\$50	\$75	\$100
978(a)(6) High Risk	\$250	\$375	\$500
978 (a)(7-8) High Risk	\$250	\$375	\$500
978(b)(1-4) Medium Risk	\$100	\$150	\$200

979. Disinfecting and Storing Non-Electrical Tools.

(a) All non-electrical tools that can be disinfected, shall be disinfected before each use in the following sequential manner:

(1) Remove visible debris.

(2) Clean with soap and water.

(3) Completely dry tools with a new paper towel.

(4) Use an EPA-registered disinfectant to wipe, spray or completely immerse tool for entire contact time. Any tool that cannot be disinfected with a wipe or spray shall be immersed.

(5) Wear protective gloves or use tongs when removing immersed tools from the disinfectant.

(6) Let air dry or dry with a new paper towel.

(b) The EPA-registered disinfectant solution shall:

(1) Remain covered at all times.

(2) Be changed according to the manufacturer’s instructions or when it is cloudy or contains debris.

(c) All tools used on a client or contaminated in any manner shall be placed in a container labeled “Dirty.”

(d) All disinfected tools shall be stored in a clean, covered place that is labeled “Clean.”

(e) Disinfected non-electrical tools shall not be placed in a container, pouch or holder which cannot be disinfected. This includes any pockets, belts or holsters made of leather or cloth and includes hairclips being placed on any leather or cloth item of clothing.

(f) If tools specified in this section are sterilized in accordance with the requirements outlined in Section 982, the requirements of this section will be deemed to have been met.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
979 High Risk	\$250	\$375	\$500

980. Disinfecting Electrical Tools.

(a) Clippers, and other electrical tools shall be disinfected before each use in the following sequential manner:

(1) Remove all visible debris from the tool.

(2) Disinfect with an EPA-registered disinfectant spray or wipe following the manufacturer’s directions. with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer’s instructions.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
980 High Risk	\$250	\$375	\$500

980.1. Disinfecting Foot Basins.

(a) After use with a client, each foot basin shall be disinfected in the following sequential manner:

- (1) Drain water from basin.
- (2) Remove and clean any removable parts, such as screens, jets, footplates, magnetic jets. Removable parts shall be scrubbed and cleaned individually with a clean brush, liquid soap and water.
- (3) Rinse the inside walls of the basin with water.
- (4) Reinsert any clean removable parts.
- (5) Refill with water and add appropriate amount of EPA-registered disinfectant.
 - (A) Circulating Foot Basin: disinfectant solution shall circulate for required contact time.
 - (B) Non-Circulating Foot Basin: disinfectant solution shall remain undisturbed in basin for required contact time.
- (6) Drain disinfectant from basin and rinse with clean water.
- (7) Wipe dry with a new paper towel.

(b) Record each disinfection in the pedicure equipment cleaning log. The log shall contain the date, time and initials of the person who completed the procedure.

(c) Single-use disposable, recyclable liners designed specifically and manufactured for use as a foot basin liner shall not be disinfected or re-used. The liner shall be disposed of immediately after use and the basin shall be cleaned and disinfected according to steps 1, 3, 5, 6, and 7 and logged according to section (b) in this section.

(A) Establishment owners, school owners and licensees who utilize liners shall maintain a supply of five liners per foot basin for use at all times.

(B) Liners shall not be placed in a foot basin until the client is present.

(C) Removable magnetic jets shall be cleaned after every use according to the requirements of 979(a) and shall not be stored in the foot basin when the foot basin is not in use.

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
980.1(a)(b) High Risk	\$250 (each)	\$375 (each)	\$500 (each)
980.1 (c) Low Risk	\$50	\$75	\$100

981. Disposing Single-Use Tools.

(a) All single-use tools which come into direct contact with a client shall be disposed of immediately after use on a client.

(b) Any single-use tools categorized as “sharps,” including, but not limited to, pre-sterilized filaments, dermaplaning blades, hair razors, and lancets shall be placed in a puncture-resistant, disposable sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps disposal container shall be replaced when not more than three-quarters full and disposed of as biohazardous waste.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
981(a) High Risk	\$250	\$375	\$500
981(b) High Risk	\$250	\$375	\$500

982. Sterilizing Tools.

(a) If a licensee, establishment owner or school owner chooses to sterilize non-electrical tools, the tools shall be processed in the following sequential manner:

(1) Remove visible debris.

(2) Clean with soap and water.

(3) Package tools in sterilization pouches before processing in either the FDA-approved autoclave or dry heat sterilizer.

(4) After the sterilization cycle, sterilized tools shall remain in their pouches until ready for use. Pouches shall be dated, labeled “Sterilized” (or have color indicators), and be undamaged.

(5) Any tool removed from the sterilization pouch, found in a damaged pouch, used on a client or contaminated in any manner shall be placed in a container labeled “Dirty.”

(b) Sterilizers shall be checked monthly by a spore test kit sent to an independent laboratory to ensure efficacy.

(c) Spore test results shall be maintained in the establishment for one year and shall be made available upon request by either a client or a board representative.

(d) Any package that was processed prior to a failed spore test result shall be processed again with a functioning sterilizer.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
982 High Risk	\$250	\$375	\$500

983. Hand Hygiene.

(a) Every licensee or student performing services shall thoroughly wash their hands with soap and water or use any effective alcohol-based hand-cleaning product immediately before serving each client.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
983 High Risk	\$250	\$375	\$500

984. Communicable Illness.

(a) No establishment owner or school owner shall knowingly permit a licensee or student afflicted with an infection or parasitic infestation capable of being transmitted to a client to serve clients or train in the establishment or school. A licensee or student with fever, vomiting, diarrhea, or rash of unknown origin shall not perform services on clients, unless a note from a healthcare provider confirms they are not contagious.

(b) No establishment owner or school owner shall knowingly require or permit a licensee or student to work on a client with an infection or parasitic infestation

capable of being transmitted to the licensee or student. A client who provides documentation from a healthcare provider that specifically states there is no risk of transmission (for example, psoriasis or eczema) is not considered to be infectious.

- (c) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.
- (d) No services shall be performed upon a surface of the skin or scalp where such skin is inflamed or broken (e.g., abraded, cut), or where a skin infection or eruption is present without wearing new single-use gloves; nor shall services be performed if the skin of a licensee’s hands is inflamed or broken, or where a skin infection or eruption is present, without wearing new single-use gloves.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code; and Section 121365, Health and Safety Code.

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
984 High Risk	\$250	\$375	\$500

986. Brushes.

(a) Before use on a client, all brushes, including but not limited to, natural fiber, facial, acrylic, nail art, tint and make-up brushes that are used on a client shall be cleaned in the following sequential manner:

- (1) Remove visible debris.
- (2) Clean with a cleansing agent appropriate to the brush.
 - i) Makeup brushes shall be cleaned with a make-up brush liquid spray cleaner or isopropyl alcohol.
 - ii) Hair brushes shall be cleaned with an EPA-registered disinfectant according to manufacturer’s directions.
 - iii) Acrylic application brushes shall be cleaned with acrylic monomer or acetone-based cleaners
 - iv) Nail art brushes shall be cleaned with isopropyl alcohol or acetone-based cleaners.
- (3) Lay brushes on a towel to dry.
- (4) Store all brushes in a clean, covered container labeled “Clean.”
- (5) All brushes used on a client or contaminated in any manner shall be placed in a container labeled “Dirty.”

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
986 High Risk	\$250	\$375	\$500

987. Linens.

(a) After a linen has been used once, it shall be placed in a closed, vented container made of non-porous material and not used again until properly laundered.

(b) Linens shall be laundered either by commercial laundering or by a noncommercial laundering process. Non-commercial laundering requires using a washer on the hot water setting and a dryer until linens are hot to the touch.

(c) All clean linens shall be stored in clean, closed cabinets or a clean, closed container.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
987 Low Risk	\$50	\$75	\$100

988. Multi-Use Containers.

(a) All cosmetic products shall be kept in clean, closed containers. Powders may be kept in clean shakers.

(b) When only a portion of a cosmetic product is to be used on a client, it shall be removed from the bottle or container in such a way as not to contaminate the remaining portion.

(1) This provision does not apply to cosmetic products that have been demonstrated to be unlikely to transmit pathogens (such as nail polish, acrylic monomer and gel nail polish).

(c) Cosmetic pencils shall be sharpened before each use and pencil sharpeners shall be disinfected after each use according to section 979a.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
988 High Risk	\$250	\$375	\$500

989. Prohibited Substances, Equipment, Tools and Supplies.

(a) Establishment owners, school owners, and licensees shall not have on the premises or use:

- (1) Methyl methacrylate monomer.
- (2) Methylene chloride.
- (3) Credo blade, rasp or any other tool intended to mechanically cut or remove corns and/or calluses.
- (4) Ultra-violet light boxes or cabinets.
- (5) Sterilization pouches (unless used with an autoclave or dry heat sterilizer according to section 982).
- (6) Roll-on wax applicators that cannot be disinfected.
- (7) Neck or nail dusters.
- (8) Glue or adhesive around the eye area unless specifically manufactured for use around eyes.

(b) Establishment owners, school owners and licensees shall not advertise or provide:

- (1) Any type of injection, regardless of whether the devices uses a needle.
- (2) Removal of hair from the inside of the nose or ear canal.
- (3) Removal of ingrown toenails.
- (4) Removal of moles and/or skin tags.
- (5) Emptying the intestines by means of adding fluids to the lower portion of the gastrointestinal tract or rectum, such as colonics.
- (6) Medical claims such as weight loss or detoxification.
- (7) Any service using a live animal as a part of the service.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
989 High Risk	\$250	\$375	\$500

990. Shampoo Bowls and Treatment Tables.

- (a) Shampoo bowls, including the neck rest, shall be cleaned with soap and water after each use and kept in a clean condition at all times.
- (b) Before service, treatment tables shall be covered with new single-use treatment table paper, a clean linen or a non-porous covering that shall be disinfected between uses.
- (c) Treatment table paper shall be immediately disposed of after a single use. Disinfect the treatment table before covering with clean treatment table paper, a clean linen, or a non-porous covering. Used linens shall be handled according to the requirements of section 987.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
990 Low Risk	\$50	\$75	\$100

991. Invasive Procedures.

- (a) No licensee or student may use a product, device, machine, or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client’s skin beyond the epidermis. Any such act shall be considered an invasive procedure.
- (b) Prohibited invasive procedures include, but are not limited to, the following:
 - (1) Application of electricity that visibly contracts the muscle.
 - (2) Application of topical substances which require a physician’s prescription or medical license to purchase.
 - (3) Penetration of the skin by metal needles or filaments, except in electrology services performed by a licensed electrologist.
 - (4) Abrasion and/or exfoliation of the skin below the epidermis.
 - (5) Removal of any callus, corn or skin tag by means of a razor-edged tool or similar device.
 - (6) Any action that results in thermal, chemical or electrical burn of the skin.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, 7320, 7320.1, Business and Professions Code.

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
991 Very High Risk	\$500	\$750	\$1,000

994. Cleanliness and Repair.

Establishment owners, school owners, and licensees shall:

- (a) Keep the floors, walls, ceilings, furniture, furnishing, fixtures, and equipment clean and in good repair.
- (b) Not allow waste, hair clippings, or refuse to accumulate or overflow their containers.

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

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
994 Medium Risk	\$100	\$150	\$200

995. Building Standards.

All licensed establishments and schools shall have:

- (a) A system of adequate ventilation in accordance with Part 2, Section 1203, Title 24, California Code of Regulations.
- (b) A supply of hot and cold running water shall be provided in accordance with Part 5, Section 601.4.1, Title 24, California Code of Regulations.
- (c) Potable drinking water in accordance with Part 5, Section 601.4.3, Title 24, California Code of Regulations.
- (d) Hand washing facilities in accordance with Part 5, Section 601.4.2, Title 24, California Code of Regulations.
- (e) Public toilet rooms in accordance with Part 5, Sections 422.6, 422.7, and Table No. 422.1, Title 24, California Code of Regulations.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) and 7352, Business and Professions Code.

Section/Risk Level	1st Offense	2 nd Offense	3 rd Offense
995 Medium Risk	\$100	\$150	\$200

Agenda Items

No. 6-8

No Attachments