



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
 DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
 P.O. Box 944226, Sacramento, CA 94244-2260
 Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
 Website: www.barbercosmo.ca.gov



BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Members Low, Cunningham,
and Gipson

Subject: DCA: Boards: Expunged
Convictions

Coauthor: Senator Roth

Bill Number: AB-646

Version: January 24, 2022

Status:

- In committee: Held under submission on 08/11/2022. Did not pass (*Died in committee*).

Existing Law:

- Existing law establishes the Department of Consumer Affairs and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

This Bill:

- This bill would require a board within the department that has posted on its online license search system that a person’s license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on its online license search system.
- The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its online license search system that the person’s license was revoked, and information previously posted regarding arrests, charges, and convictions.

- The bill would require the board to charge a fee of \$25 to the person to cover the reasonable regulatory cost of administering the bill's provisions unless there is no associated cost. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

Implementation:

- Not applicable. Bill died; no action needed.



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BILL ANALYSIS

Author: Assembly Member Holden

Subject: Civil Service: The Upward Mobility Act of 2022

Coauthor: N/A

Bill Number: AB-1604

Version: September 13, 2022

Status:

- Approved by the Governor on September 13th, 2022. Chaptered by Secretary of State - Chapter 313, Statutes of 2022.

Existing Law:

- Existing law establishes the State Personnel Board and Department of Human Resources, and Existing law requires that lists of eligible applicants for civil service positions be established because of free competitive examinations and that the Personnel Board establish minimum qualifications for determining the qualifications of employees for each class of position.
- Existing law requires any state agency, board, or commission that collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups.
- Existing law requires all appointing authorities of state government to establish an effective program of upward mobility for employees in low-paying occupational groups which includes annual goals for upward mobility and a timetable for when progress will occur.

This Bill:

- This bill authorizes the Department of Human Resources and the State Personnel Board to conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes.

- This bill requires any state agency, board, or commission that collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups.
- This bill requires that the Board establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of the examinations and, in developing qualifications for determining the fitness and qualifications of employees, create standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position.
- This bill requires the appointing authority to submit a report explaining the failure to achieve upward mobility goals and what requirements are necessary to facilitate achieving the goals, and then submit the report to specified persons.

Implementation

- This bill has minor impact on the Board. Most of the Board members already come from underrepresented communities and the Board welcomes more diversity when filling the vacant positions. Also, since the Board does not collect demographic data on the ancestry or ethnic origin of licensees, that part of the bill would not pertain to the Board.
- No further action needed.



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BILL ANALYSIS

Author: Assembly Member Davies

Subject: Human Trafficking: Notice.

Coauthor: N/A

Bill Number: AB-1661

Version: July 19, 2022

Status:

- Approved by the Governor on July 19th, 2022. Chaptered by Secretary of State - Chapter 106, Statutes of 2022.

Existing Law:

- Existing law requires specified businesses and other establishments, including, among others, airports, intercity passenger rail or light rail stations, bus stations, and truck stops, to post a notice, as developed by the Department of Justice, that contains information relating to slavery and human trafficking, including information regarding specified nonprofit organizations that a person can call for services or support in the elimination of slavery and human trafficking.
- Existing law makes a business or establishment that fails to comply with the requirements of these provisions liable for a civil penalty of \$500 for a first offense, and \$1,000 for each subsequent offense.

This Bill:

- This bill requires the notice to be posted by hair, nail, electrolysis, and skin care, and other related business or establishments subject to the Barbering and Cosmetology Act.

Implementation

- The Board will mail the notice with initial establishment licenses and post the notice on the website. The Board is not responsible for enforcing this statute.



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Quirk

Subject: State Bodies: Open Meetings.

Coauthor: N/A

Bill Number: AB-1773

Version: January 31, 2022

Status:

- Hearing postponed by Governmental Organization committee. Did not pass (*Died in committee*).

Existing Law:

- Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public, and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.
- The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall.
- The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body.

- The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.
- Existing law also requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting.

This Bill:

- This urgency bill would specify that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

Implementation

- Not applicable. Bill died; no action needed.



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Maienschein

Subject: Barbering and
Cosmetology: Instructional
Hours.

Coauthor: N/A

Bill Number: AB-2196

Version: September 25, 2022

Status:

- Approved by the Governor on September 25th, 2022. Chaptered by Secretary of State - Chapter 527, Statutes of 2022.

Existing Law:

- Existing law provides for the licensure and regulation of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs.
- Existing law includes in the practice of barbering, among other things, hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling, and includes among the practice of hairstyling massaging, cleaning, or stimulating the scalp, face, and neck by various means.
- Existing law authorizes the Board to license as an apprentice in barbering, cosmetology, skin care, or nail care any person who has met specified requirements and requires an applicant for a barbering apprenticeship to additionally complete a minimum of 39 hours of preapprentice training that is administered by the Board.
- Existing law requires a course in barbering or cosmetology to consist of not less than 1,000 hours of practical and technical instruction in the practice of barbering or cosmetology and requires an electrolysis course to consist of not less than 600 hours of practical training and technical instruction, as specified.
- Existing law authorizes a student who is enrolled in an approved course of instruction in a school of barbering to, upon completion of a minimum of 60 percent of the clock hours

required for graduation in the course, work as an unpaid extern in an establishment participating in the educational program of the school.

- Existing law requires an establishment licensed by the Board to post a notice in English, Spanish, Vietnamese, and Korean regarding specified workplace rights and wage and hour laws in a conspicuous location in clear view of employees and where similar notices are customarily posted and requires the Board to inspect an establishment for compliance with that requirement when it conducts the inspection of the establishment within 90 days after issuing the establishment a license, as specified.

This Bill:

- Authorizes a person to engage in barbering, cosmetology, or electrolysis for compensation without a license if the person is participating in an externship program from an approved school.
- Removes massaging, cleaning, or stimulating the scalp, face, and neck from the practice of hairstyling and will add extending the hair of any person to the practice of hairstyling.
- Requires barbering preapprentice training be administered by the Board for the length of time established by the Board in a facility approved by the Board prior to serving the general public.
- Specifies the subjects that will be required to be included in the electrolysis course curriculum.
- Authorizes a barbering student to work as an extern upon completion of a minimum of 25 percent of the clock hours required for graduation in the course and changes limitations on clock hour credit and will expand this provision beyond unpaid externships to apply to externships generally.
- Requires the Board to inspect an establishment for compliance with the workplace rights and wage and hour laws notice requirement when it conducts an inspection.

Implementation

- The Board is in the process of developing updated guidelines for the externship and preapprentice programs.
- Board staff are creating the 2023 Board of Barbering and Cosmetology Act and Regulations book to reflect the statute changes.