

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**MAY 6, 2024**

**BOARD MEETING**

**Courtyard by Marriott  
Los Angeles Burbank Airport  
2100 Empire Ave  
Burbank, CA 91504**

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**CALIFORNIA BOARD OF  
BARBERING AND  
COSMETOLOGY  
BOARD MEETING NOTICE AND  
AGENDA**

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

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**BOARD MEMBERS:**  
Calimay Pham,  
President  
Tonya Fairley, Vice  
President  
Megan Ellis  
Kellie Funk  
Reese Isbell  
Yolanda Jimenez  
Colette Kavanaugh  
Tamika Miller  
Danielle Munoz  
Jacob Rostovsky  
Steve Weeks

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**May 6, 2024  
Courtyard by Marriott  
Los Angeles Burbank Airport  
2100 Empire Ave  
Burbank, CA 91504  
9:00am - Until Completion of  
Business**

**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 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.

**OPEN SESSION:**

1. Call to Order/ Roll Call/ Establishment of Quorum (**Calimay Pham**)
2. Petition for Reinstatement Hearing
  - a) Kaying Elmer, Petition for Reinstatement of License, Cosmetologist License #KK161680
  - b) Beatriz Castillo, Petition for Reinstatement of License, Cosmetologist License #KK371315

**CLOSED SESSION:** Pursuant to Government Code section 11126 (c) (3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters, including the above petitions.

**RECONVENE OPEN SESSION:**

3. Board President's Welcome (**Calimay Pham**)
4. Board Member Updates – Informational only
5. Department of Consumer Affairs (DCA) Update Which May Include Updates on DCA's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters.
6. Discussion and Possible Approval of the February 26, 2024, Board Meeting Minutes

7. Executive Management Reports (**Kristy Underwood**)
  - a) Administration and Operations
  - b) Licensing, Examinations, and Disciplinary Review Appeals
  - c) Enforcement, Inspections, and Cite and Fine
  - d) Outreach
  - e) Strategic Plan Update
  
8. Report on the April 22, 2024, Licensing and Examination Committee Meeting (**Steve Weeks, Chairperson**)
  
9. Report on the March 25, 2024, and April 22, 2024, Legislative and Budget Committee Meetings, Consideration of Committee Recommendations and Possible Action on Proposed Bills (**Reese Isbell, Chairperson**)
  - a) AB 1328 (Gipson) Cosmetology Licensure Compact
  - b) AB 2166 (Weber) Barbering and cosmetology: hair types and textures
  - c) AB 2412 (Reyes) Healing arts: California Body Contouring Council: practitioners
  - d) AB 2444 (Lee) Barbering and cosmetology: licensees: manicurists
  - e) AB 2862 (Gipson) Licenses: African American applicants
  - f) SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees
  - g) SB 1084 (Nguyen) Barbering and cosmetology: Hairstyling License
  - h) SB 1451 (Ashby) Professions and vocations
  
10. Discussion and Possible Action Regarding Rulemaking Proposals:
  - a) Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)
  - b) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
  - c) Update Regarding Rulemaking to Amend Title 16, CCR section 917 (Pre-Apprenticeship Training)
  - d) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)
  - e) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 977 et seq. (Health and Safety)
  - f) Update Regarding Pending Rulemaking Proposal to Amend Title 16, CCR section 911 (Out of State License Certifications)
  - g) Update Regarding Pending Rulemaking Proposal to Amend Title 16, CCR section 931 (Interpreters)
  - h) Update Regarding Pending Rulemaking Proposal to Amend Title 16, CCR section 974.2 (Disciplinary Review Committee Clean Up)
  - i) Discussion and Possible Action to Initiate a Rulemaking and Amend Title 16, CCR section 972 (Disciplinary Guidelines)
  - j) Discussion and Possible Action to Initiate a Rulemaking and Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)
  
11. Establishment of Committee to Hear Withdrawal of Approval of Apprenticeship Program Sponsor pursuant to California Code of Regulations Title 16 Section 913.1(d)

12. 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))*

13. Suggestions for Future Agenda Items

14. Adjournment

*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: Allison Lee at (279) 278-5107, email: [allison.lee@dca.ca.gov](mailto:allison.lee@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. 1-5*

*No Attachments*

**DRAFT**  
**CALIFORNIA BOARD**  
**OF**  
**BARBERING AND COSMETOLOGY**

**BOARD MEETING**

**MINUTES OF FEBRUARY 26, 2024**

**BOARD MEMBERS PRESENT**

Calimay Pham, President  
Tonya Fairley, Vice President  
Megan Ellis  
Kellie Funk  
Reese Isbell  
Yolanda Jimenez  
Colette Kavanaugh  
Tamika Miller  
Danielle Munoz  
Jacob Rostovsky  
Steve Weeks

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Sabina Knight, Board Legal Counsel  
Allison Lee, Board Project Manager  
Natalie Mitchell, Board Analyst

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

Calimay Pham, Board President, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

**2. AGENDA ITEM #2: BOARD PRESIDENT’S WELCOME**

In her opening remarks, Calimay Pham extended a warm welcome to all attendees and introduced Tamika Miller as the Board's newest member, acknowledging her role as an industry member and manicurist. Ms. Miller expressed her gratitude for being part of the team. Ms. Pham then took a moment to reflect on the achievements of the past year, expressing gratitude to the Board, staff, and all involved for their exceptional work. She highlighted significant accomplishments such as the implementation of exams in simplified Chinese, the initiation of hairstylist licensing, and the introduction of remedial education as an alternative to initial fines and citations. Additionally, she noted the substantial progress made in enhancing the Board's social media presence and the successful implementation of requirements following the Sunset review. Looking ahead, she expressed excitement for the upcoming year and thanked Kristy Underwood and the Board members for their dedication and insights.

**3. AGENDA ITEM #3: BOARD MEMBER UPDATES – INFORMATIONAL ONLY**

There were no updates from any Board members.

**4. AGENDA ITEM #4: DEPARTMENT OF CONSUMER AFFAIRS (DCA) UPDATE WHICH MAY INCLUDE UPDATES ON DCA'S ADMINISTRATIVE SERVICES, HUMAN RESOURCES, ENFORCEMENT, INFORMATION TECHNOLOGY, COMMUNICATIONS AND OUTREACH, AND LEGISLATIVE, REGULATORY, OR POLICY MATTERS**

Calimay Pham introduced Yvonne Dorantes as the guest speaker for the DCA update. Ms. Dorantes extended a welcome to new Member Miller and mentioned the upcoming distribution of the Board and Bureau Relations monthly email, along with the winter newsletter, which would contain relevant information. She then provided updates on various fronts, including the recent appointment of Secretary Tomiquia Moss and the current expenditure freeze due to anticipated budget deficits. Ms. Dorantes highlighted directives from the Department of Finance, emphasizing the importance of prudent spending and cost analysis, especially regarding travel and expenses. Furthermore, she shared guidance from the DCA regarding exemption requests for purchases, contracts, and travel.

Yvonne Dorantes proceeded with the Diversity, Equity, and Inclusion (DEI) update, noting that the DEI steering committee held its quarterly meeting on December 15, 2023. During the meeting, they reviewed a draft DEI internet page for employees, re-elected its chairperson and vice-chair for 2024, and discussed DEI training. The DEI internet page serves as a centralized hub for DEI-related tools, information, and updates. Ms. Dorantes emphasized the priority of providing DEI training opportunities, mentioning a recorded training available online for Board members on navigating dialogue in the workplace. Additionally, she highlighted DCA's ongoing support for expanding culturally competent communications and promoting the importance of meeting the needs of all California consumers, licensees, and applicants. She mentioned that the latest issue of DCA's Consumer Connection magazine includes articles with valuable information for consumers, including a feature cover story translated into three languages for broader accessibility.

Continuing her update, Ms. Dorantes discussed the threat assessment training conducted by DCA on February 2nd, led by California Highway Patrol Officer Wong. Participants learned about steps to take in the event of an active threat. DCA plans to explore providing similar training to all Board members and staff in the future.

Yvonne Dorantes then addressed the Bagley-Keene Open Meeting Act, stating that on February 2nd, DCA provided guidance on the amendments to the teleconference meeting requirements, which became effective on January 1, 2024. The guidance offered an overview of both traditional in-person and teleconference meeting requirements, along with detailed discussions on the legal requirements and best practices for conducting meetings using the two new teleconference meeting procedures.

Ms. Dorantes then provided a legislative implementation update on the Federal Professional License Portability and State Registration. She highlighted the successful development and launch of a new online portal to support service members and their families, in accordance with new federal and state laws passed in 2023. The portal allows military service members and their spouses with valid licenses from other states to register their practice in California if they relocate due to military orders. The portal enables timely processing of requests, with registrations required to be approved within 30 days. DCA has shared the portal with relevant government agencies and provided an Outreach toolkit to promote the new portal through social media and email lists.

Yvonne Dorantes proceeded to discuss SB 372 (Menjivar), which became effective on January 1, 2024. This bill mandates DCA Boards and bureaus to update license records upon receiving government-issued documentation showing a legal name change or gender for reasons related to gender transition or domestic violence. Licensees have the option to request that their prior name not be published online in connection with their license. The bill also establishes a process for individuals to access a licensee's enforcement records under their prior name. DCA is tasked with ensuring that the previous name does not appear in connection with the new name while ensuring that previous disciplinary records remain accessible to consumers upon request.

Ms. Dorantes concluded her update by informing the attendees about the Board member virtual orientation training schedule for 2024. This training is specifically for those who have been appointed or reappointed within the last year.

Kellie Funk inquired about the duration of the budget cuts, asking whether they were open-ended or for a specific timeframe. Ms. Dorantes responded that a revision is scheduled for May 2024, which is expected to offer more clarity and a timeline. Jacob Rostovsky inquired about the bill related to name changes, and it was affirmed to be SB 372. With no further questions, Ms. Dorantes concluded her presentation, expressing gratitude to the attendees.

## **5. AGENDA ITEM #5: ANNUAL ELECTION OF OFFICERS**

Calimay Pham delineated the election procedure, noting that only the roles of President and Vice President required voting. Calimay Pham nominated Tonya Fairley for Vice President, and Ms. Fairley accepted.

**Motion:** Yolanda Jimenez made a motion to elect Tonya Fairley as Vice President. Jacob Rostovsky seconded the motion.

**Public Comment:** No public comments were received.

**Roll Call Vote:** Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted "Yes": Calimay Pham, Tonya Fairley, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky

Kellie Funk nominated Calimay Pham for another term as President. Ms. Pham accepted the nomination.

**Motion:** Kellie Funk made a motion to elect Calimay Pham as President. Yolanda Jimenez seconded the motion.

**Public Comment:** No public comments were received.

**Roll Call Vote:** Motion carried: 10 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky



**6. AGENDA ITEM #6: APPOINTMENT OF BOARD MEMBERS TO STANDING COMMITTEES FOR 2024**

Each Board member chose their standing committees for 2024. Tonya Fairley, Megan Ellis, Kellie Funk, Yolanda Jimenez, Danielle Munoz, and Jacob Rostovsky decided to stay with their current committees. Reese Isbell stayed with his current committees but removed himself from the Education and Outreach Committee. Colette Kavanaugh wished to stay on her current committees and join the Health and Safety Committee. Tamika Miller joined the Disciplinary Review Committee and the Licensing and Examination Committee.

**7. AGENDA ITEM #7: REVIEW AND POSSIBLE APPROVAL OF 2024 BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL**

Kristy Underwood provided an overview of technical changes to the document. The changes primarily consisted of grammatical adjustments. Notably, she highlighted updates to reimbursement rates for travel expenses, transportation services, along with revised meal reimbursement rates.

**Motion:** Danielle Munoz motioned to approve the 2024 Board Member Guidelines and Procedures Manual. Megan Ellis seconded the motion.

**Public Comment:** No public comments were received.

**Roll Call Vote:** Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky

**8. AGENDA ITEM #8: DISCUSSION AND POSSIBLE APPROVAL OF THE JULY 17, 2023 BOARD MEETING MINUTES**

**Motion:** Reese Isbell motioned to approve the July 17, 2023 Board Meeting Minutes. Jacob Rostovsky seconded the motion.

**Public Comment:** No public comments were received.

**Roll Call Vote:** Motion carried: 8 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted “Yes”: Calimay Pham, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky

**9. AGENDA ITEM #9: EXECUTIVE MANAGEMENT REPORTS**

**a) Administration and Operations:**

Kristy Underwood commenced by expressing appreciation for her dedicated staff and provided introductions to the management team. She then discussed the imminent office move, acknowledging the efforts required for the transition. She presented reports on administrative operations, budget projections, and fund conditions, highlighting a new loan to the general fund and a payback of a previous loan.

**b) Licensing, Examinations, and Disciplinary Review Appeals**

Ms. Underwood noted the unit's high vacancy rate, which includes five openings, and highlighted the ongoing challenge of filling entry-level positions. As a result, the number of pending emails now exceeds 2,000.

Additionally, Kristy Underwood discussed the low exam results, particularly for barber and cosmetology exams. Changes in pass rates were discussed, with adjustments made based on psychometric reviews. Concerns were raised about the low pass rates for Spanish exams, prompting discussions on potential causes and solutions. Ms. Underwood emphasized the limitations of the Board's authority over education quality but expressed efforts to collaborate with exam vendors and stakeholders to address the issue. Member Munoz and others inquired about steps being taken to improve pass rates, including possible engagements with regulatory bodies and educational institutions. Ms. Underwood outlined ongoing efforts to analyze exam content, enhance candidate information, and collaborate with textbook companies to ensure alignment with exam standards. Additionally, discussions touched on the impact of reduced training hours on exam performance and the challenges faced by apprenticeship programs, including issues related to worker safety and oversight. Kristy Underwood committed to providing a comprehensive report on the apprentice program issues in a subsequent meeting, acknowledging the urgent need for solutions.

Ms. Underwood continued with her presentation by providing updates on pass rates, licenses issued, and disciplinary reviews. The current license population stands at 636,441. She also mentioned a slower pace in disciplinary review hearing cases due to changes in inspection practices. Plans for upcoming Disciplinary Review Committee meetings were also outlined.

**c) Enforcement, Inspections, and Cite and Fine**

In the enforcement report, it was noted that all positions are currently filled. Over the last quarter, 1,321 complaints were received, with detailed breakdowns provided for different types of complaints. The report also included statistics on application investigations, cases referred to the Attorney General's office, and disciplinary processes.

**Public Comment (Items a-c):**

Fred Jones of the Professional Beauty Federation highlighted the impact of reduced hair hours under SB 803, affecting barbering and cosmetology. He noted that while other licensed categories have seen improved passage scores, hair licenses have not. He pointed out that even reputable schools are struggling with reduced hours, affecting student performance. Mr. Jones also discussed the incongruity of apprenticeship programs in the industry, where most professionals are independent contractors, making it challenging to operate apprenticeships based on employee-based salon models.

Alexander Krainiy, a Russian and Ukrainian interpreter experienced in interpreting written exams for licenses, addressed concerns regarding declining passing scores. He highlighted the role of interpreters, stating that unprepared interpreters contribute significantly to applicant failures, rather than the applicants themselves. Mr. Krainiy referenced a specific instance where an applicant received incorrect exam guidelines, leading to confusion and potential failure. He emphasized the need for the Board to ensure proper oversight of testing centers to prevent such issues.

Barbara Brown expressed concern over the declining pass rates despite schools' efforts to adhere to recommended guidelines. She questioned whether the Board was simply adjusting passing percentages rather than addressing underlying issues with the test. She sought advice on how schools could improve pass rates.

Following the closure of public comments, the meeting proceeded with a review of the school inspections and cite and fine reports. Kristy Underwood provided details about the present inspector count, which stands at 21 with just a single vacancy. She also touched upon the total number of schools and open cases. The statistics included citations issued, inspections completed, and establishment inspection reports. Steve Weeks inquired about the percentage of adjustments or removals made by the cite and fine unit upon receiving inspection reports. Ms. Underwood proposed sharing the stats in the next report. She indicated the figure is likely high, especially for minor infractions like expired licenses, due to the swift nature of compliance.

**d) Outreach:**

The Outreach update acknowledged the constraints of the budget freeze on in-person activities, but highlighted the continuation of virtual webinars, social media, and email outreach efforts. Jacob Rostovsky suggested adding Spanish-language social media content. Ms. Underwood noted that such posts have been done previously and committed to ongoing translation efforts.

**e) Legislative Update:**

- i. AB 1328 (Gipson) Cosmetology Licensure Compact  
 Kristy Underwood stated there was a recent informational hearing held by the Senate Business and Professions Committee to discuss compacts in general. Although the hearing wasn't overly positive about compacts, the bill is expected to have a hearing in the spring. Reese Isbell offered assistance if needed in future discussions.
- ii. SB 451 (Nguyen) Worker classification: employees and independent contractors: licensed manicurists  
 Ms. Underwood announced that this bill is not advancing and will not be revisited.
- iii. SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees  
 The two-year bill is under review and language to clarify hairstylist license has been submitted. Updates will be provided as necessary.

**f) Strategic Plan Update**

Ms. Underwood concluded by providing an update on the Strategic Plan, noting the progress made towards the five-year plan ending in 2027. Calimay Pham commended the thorough breakdown of the Strategic Plan, expressing appreciation for the Board's diligent tracking of progress and establishment of measurable standards.

**Public Comment (Items d-f):** No public comments were received.

## 10. AGENDA ITEM #10: DISCUSSION AND POSSIBLE ACTION ON PROPOSED LEGISLATION:

### a) AB 2412 (Reyes) Healing arts: California Body Contouring Council: practitioners

Kristy Underwood introduced the bill, explaining that it was not yet reviewed by the Legislation and Budget Committee due to timing. The bill proposes the creation of the California Body Contouring Council, similar to the Massage Therapy Council. While it doesn't directly affect existing laws, she emphasized its potential impact on licensees, considering body contouring as a practice of medicine. She mentioned the bill's relevance due to the widespread practice of body contouring in the industry and suggested that the Board closely monitor it without taking a specific position at the moment.

Reese Isbell expressed concerns about the impact of the legislation on licensees and proposed sending a letter to the author regarding the Board's concerns, particularly regarding the classification of body contouring as a medical practice. Calimay Pham raised questions about mechanisms for cooperation between the proposed council and the Board, specifically concerning site inspections. She advocated for including provisions for effective communication in the letter. Steve Weeks and Kellie Funk highlighted potential confusion stemming from the use of the term "cosmetologist" in the bill and suggested alternative terminology. The Board agreed to prepare a letter that addresses the Board's recommendations.

**Motion:** Reese Isbell motioned to prepare a letter that addresses the concerns outlined below. Megan Ellis seconded the motion.

1. Information regarding how the Board views body contouring as a practice of medicine.
2. Details about the Board's inspection process and the Board's firsthand experiences with body contouring.
3. Concerns about the use of the term "cosmetology" in the legislation with a proposal for a more suitable title to be adopted.

**Public Comment:** No public comments were received.

**Roll Call Vote:** Motion carried: 10 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted "Yes": Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky, Steve Weeks

### b) AB 2444 (Lee) Barbering and cosmetology: licensees: manicurists

Kristy Underwood gave an overview of the bill, which expands basic labor laws to include sick pay rights. It also mandates establishment owners to view a labor law video for license renewal and requires dissemination of notifications about changes in employment classification. The discussion centered on the Board's responsibility for creating labor law media, potential impact on solo establishment owners, and the fiscal implications of implementing the bill, including adjustments to renewal processing and system modifications.

Steve Weeks raised concerns about the Board's responsibility in educating licensees on labor laws, suggesting that it falls under the jurisdiction of EDD. He emphasized the potential budget and staffing implications of taking on such a task. Ms. Underwood acknowledged the resource requirements and expressed uncertainty about implementation given current resources. Reese

Isbell questioned if the Board oversees business licensing, to which Ms. Underwood explained the limited role in verifying business licenses during establishment licensure. Mr. Isbell expressed reservations about expanding the Board's oversight into labor laws, fearing it may lead to further legislative demands beyond their expertise. The discussion touched on the feasibility of implementing labor law education within the renewal process, considering the majority of industry members are independent contractors. Danielle Munoz asked about the renewal process, and Ms. Underwood explained the automated system. Ms. Munoz suggested using existing structures for implementation. Kristy Underwood agreed that it was feasible, but stressed the requirement for resources, noting the absence of continuing education in the current system. Members also discussed concerns about ensuring compliance and the staff capacity to manage additional responsibilities.

**Motion:** Reese Isbell moved to oppose Assembly Bill 2444, and Steve Weeks seconded.

**Public Comment:** Catherine Porter, representing the California Healthy Nail Salon Collaborative, expressed support for AB 2444. She highlighted the two main components of the bill: the video viewing requirement for licensure and renewal, and the notification about changes in labor laws. Ms. Porter emphasized the Board's existing relationship with salon owners and workers, making it a suitable agency for implementing the bill. She mentioned that basic labor law education is already part of the Board's curriculum and application process. Ms. Porter estimated the cost of implementing the notification requirement between \$90,000 to \$100,000. Finally, she urged the Board not to oppose the bill at this stage, suggesting that further discussions could refine its implementation.

Fred Jones, representing the Professional Beauty Federation, highlighted the central concern of the bill, which revolves around the exemption to AB 5 for manicurists. He delved into the historical context, mentioning the unsuccessful SB 451 from Senator Nguyen, which aimed to extend this exemption. Mr. Jones explained the significance of the exemption, particularly in light of the Dynamex decision by the California Supreme Court in 2018, which established criteria to differentiate between independent contractors and employees. Mr. Jones expressed concerns about the implications of manicurists being classified as employees under the ABC test, citing potential legal and financial burdens. He advocated for extending the exemption for manicurists, similar to what is afforded to hair and skin professionals, to avoid potential adverse impacts on the nail industry.

Jaime Schrabec, a licensed manicurist and salon owner, expressed her support for maintaining the exemption for manicurists under AB 5, stressing the importance of equal treatment with other license types overseen by the BBC. While acknowledging the bill's aim to educate salon owners about labor laws, Ms. Schrabec highlighted numerous concerns with its current form. She advocated for eliminating the Sunset date entirely and extending the same rights to all industry professionals. Ms. Schrabec endorsed the Board taking an opposed position on the bill due to its complexity, while expressing support for the concept of continuing education and direct dissemination of information from the Board to licensees.

**Roll Call Vote:** Motion carried: 9 yes, 0 no, and 1 abstain, per the following roll call vote: Committee Members voted "Yes": Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Jacob Rostovsky, Steve Weeks

**c) SB 1084 (Nguyen) Barbering and cosmetology: Hairstyling License**

Kristy Underwood discussed Senate Bill 1084, introduced by Senator Nguyen, which proposes substantial changes to current statutes. The bill aims to repeal the hairstylist license and remove certain practices from barbering and cosmetology, viewed as partial deregulation. The Board recommends opposing the bill as it would eliminate a recently implemented license, diminish the scope of practice for cosmetologists and barbers, and necessitate costly developments such as new examinations and updates to systems and regulations. Additionally, it could jeopardize reciprocity with other states.

Steve Weeks expressed concern about the potential impact of the bill, suggesting that it would effectively render half of the Board's responsibilities obsolete, thereby compromising public health and safety measures. Jacob Rostovsky and Danielle Munoz inquired about the bill's origins and purpose. Kristy Underwood indicated that they have not heard back from the author's office.

**Motion:** Steve Weeks moved to oppose Senate Bill 1084. Colette Kavanaugh seconded the motion.

**Public Comment:** Fred Jones from the Professional Beauty Federation expressed full support for the Board's opposition stance. He noted that he had engaged with the author's office and sponsors, highlighting a similar bill proposed by Senator Morel several years ago. Mr. Jones emphasized that this bill signifies a movement towards de-licensing in the industry, despite recent efforts to lower barriers to entry with the new 600-hour hair stylist license.

**Roll Call Vote:** Motion carried: 10 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted "Yes": Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky, Steve Weeks

## **11. AGENDA ITEM #11: DISCUSSION AND POSSIBLE ACTION REGARDING INTERPRETERS FOR THE LICENSING EXAM**

Kristy Underwood presented a proposal regarding interpreters for licensing exams, suggesting a modification from the current regulation of allowing interpreters once every two years to once every year. This proposal was based on research conducted with the exam vendor and the California Contractor State Licensing Board, both of which support the one-year timeframe. The Board was asked to discuss this proposal, and if approved, it would be brought back for formal approval at the next Board meeting.

Steve Weeks raised concerns about the potential for fraud in the interpretation process. Jacob Rostovsky sought clarification on the frequency of test question cycles. Calimay Pham expressed support for changing the requirement to one year, citing the importance of language access. A discussion ensued on the most effective approach to address this agenda item. Board Regulation Counsel, Kristy Schiedge, pointed out that agenda item 18 involves a cleanup action related to SB 803, encompassing the current interpreter requirements. It was agreed to address this recommendation independently to avoid delaying the SB 803 regulation.

**Motion:** Calimay Pham motioned staff to prepare proposed regulations to change the interpreter requirements to allow interpreters to act as an interpreter once in a year instead of two years and bring the language back to the Board for approval. Colette Kavanaugh seconded the motion.

**Public Comment:** Alexander Krainiy, a Russian interpreter, expressed concern about the discussion on interpreter regulations, noting that more time was spent on the timeframe issue rather than delving into the reasoning behind it. He questioned the necessity of the restriction and its impact on professionals seeking licenses. Mr. Krainiy also highlighted the challenges interpreters face during licensing examinations, emphasizing the need for deeper understanding and collaboration.

**Roll Call Vote:** Motion carried: 10 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky, Steve Weeks

## **12. AGENDA ITEM #12: REPORT ON THE SEPTEMBER 11, 2023, AND JANUARY 22, 2024, LICENSING AND EXAMINATION COMMITTEE MEETINGS**

### **a) Review, Discussion, and Possible Action Regarding Committee Recommendation on Establishment Ownership Types**

Steve Weeks opened by highlighting two important topics covered in the committee meetings: (1) the treatment of renters during inspections and (2) the inclusion of limited liability companies (LLCs) into regulations. Kristy Underwood then presented a proposal to amend Section 7347 of the Business and Professions Code to include LLCs as eligible for establishment licenses. She commented that LLCs are prevalent ownership structures within the industry.

**Motion:** Kellie Funk motioned to pursue the provided amended language for Section 7347 of the Business and Professions Code to add Limited Liability Companies (LLCs) as a legislative proposal. Megan Ellis seconded the motion.

**Public Comment:** No public comments were received.

**Roll Call Vote:** Motion carried: 10 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky, Steve Weeks

### **b) Review, Discussion, and Possible Action Regarding Implementing a 90-day Retention Schedule for Out of State License Certifications**

Kristy Underwood discussed a proposal for the adoption of a 90-day timeframe for processing certification letters. This timeline would apply to individuals seeking licensure or reciprocity from out-of-state. The measure aims to streamline the process by ensuring that licenses are issued only to individuals with valid certifications, free of disciplinary actions.

Kristy Schieldge, DCA Regulations Counsel, requested that any motion made by the Board include a provision stipulating that the proposed regulatory text will undergo legal review to address any potential legal issues before being noticed for public comment.

**Motion:** Steve Weeks made a motion to approve the proposed regulatory text for Section 911, direct staff to submit the text to DCA Regulations Council for legal review, the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 911 as noticed. Danielle Munoz seconded the motion.

**Public Comment:** No public comments were received.

**Roll Call Vote:** Motion carried: 10 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted "Yes": Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky, Steve Weeks

### **13. AGENDA ITEM #13: REPORT ON THE SEPTEMBER 11, 2023, EDUCATION AND OUTREACH COMMITTEE MEETING**

Kristy Underwood provided an update on the committee meeting, where discussions revolved around the new scope of practice publications, recommendations to promote guidelines via social media including Instagram reels, and an update on outreach plans. There were no action items resulting from the meeting.

**Public Comment:** No public comments were received.

### **14. AGENDA ITEM #14: REPORT ON THE SEPTEMBER 11, 2023 AND JANUARY 22, 2024, ENFORCEMENT AND INSPECTIONS COMMITTEE MEETINGS**

Danielle Munoz reported on discussions held during the meetings, including criteria for citing practices of medicine, educating consumers on licensee scope of practice, and introducing a new enforcement website. Further details were provided by Kristy Underwood regarding the discussion on body slimming/body contouring and efforts to educate consumers, as well as the establishment of a new school enforcement webpage on the Board's website. No action was requested by the committee.

**Public Comment:** No public comments were received.

### **15. AGENDA ITEM #15: REPORT ON THE SEPTEMBER 11, 2023, JANUARY 22, 2024, AND FEBRUARY 20, 2024, LEGISLATIVE AND BUDGET COMMITTEE MEETINGS**

Reese Isbell summarized the committee meetings, emphasizing discussions regarding the fee study and application processing times, as well as the endorsement of two bills. Kristy Underwood elaborated, stating that a thorough review of fees was conducted in response to



recent legislative changes. Upon examination, it was found that the existing fees did not adequately cover the costs of processing, resulting in a deficit. However, due to the significant budget already in place and concerns about the potential backlash from licensees, no recommendation for fee adjustment was proposed at this time.

**a) Review, Discussion, and Possible Action Regarding Committee Recommendation on SB 992 (Bradford) Hair Types and Textures; AND b) Review, Discussion, and Possible Action Regarding Committee Recommendation on AB 2166 (Weber) Hair Types and Textures**

The Board discussed two similar bills, SB 992 and AB 2166, focusing on textured hair education in the cosmetology curriculum. SB 992 was withdrawn by its author, leaving AB 2166 to advance. This bill requires textured hair education in cosmetology programs and examinations. Kristy Underwood provided insights, noting that many schools already integrate textured hair education, with minimal anticipated impact on current practices. The bill's specifications were reviewed, confirming alignment with existing hour breakdowns. The Legislative Committee supported AB 2166, recognizing its significance for DEI efforts within the industry.

**Motion:** Reese Isbell motioned to recommend a support position of Assembly Bill 2166 to the full Board. Jacob Rostovsky seconded.

**Public Comment:** Monica, experiencing microphone issues, inquired via chat if online form submissions would be more efficient going forward. The moderator acknowledged her query and committed to sharing the relevant email address through the chat feature.

**Roll Call Vote:** Motion carried: 10 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted "Yes": Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Jacob Rostovsky, Steve Weeks

**16. AGENDA ITEM #16: REPORT ON THE SEPTEMBER 11, 2023 AND JANUARY 22, 2024, DIVERSITY, EQUITY, AND INCLUSION COMMITTEE MEETING**

Jacob Rostovsky provided an update on the committee's activities, addressing the launch of the new DEI webpage and the findings from a survey targeting underrepresented communities. Kristy Underwood elaborated, highlighting the survey responses to guide social media posts and the unveiling of their new DEI website. Additionally, she noted the translation of health and safety regulations into Russian and Ukrainian due to an increase in license applications from speakers of those languages. No action items were necessary.

**Public Comment:** No public comments were received.

**17. AGENDA ITEM #17: REPORT ON THE JANUARY 22, 2024, HEALTH AND SAFETY ADVISORY COMMITTEE MEETING**

Calimay Pham reported on the committee meeting, outlining plans to update the health and safety course. Kristy Underwood elaborated on the process, stating that this involved collaboration with committee members, including representatives from the Department of

Public Health and Cal/OSHA. She highlighted the comprehensive review of the curriculum by subject matter experts to ensure accuracy and relevance. Additionally, she discussed the committee's efforts to update health and safety regulations, considering recommendations to revise fine schedules based on the risk associated with each violation. These updates will be presented to the Board for further review and approval.

**Public Comment:** No public comments were received.

## **18. AGENDA ITEM #18: DISCUSSION AND POSSIBLE ACTION REGARDING RULEMAKING PROPOSALS**

### **a) 1. Discussion and Possible Action to Consider Comments Received During the 45-Day Public Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)**

Kristy Underwood provided an overview, stating that they received comments on the regulations proposed under SB 803. The Board was asked to review the recommended responses provided by staff and consider the following options: either to agree with staff and reject the comments as specified, make edits to the recommended response, or disagree with staff and accept the comments.

Kristy Schieldge, delved into the specifics, highlighting the legal basis for rejecting the comments. She explained that the commenter raised objections mainly regarding the repeal of Practical Operations Regulations. Ms. Schieldge clarified that these regulations were no longer necessary as the practical examination, for which they were intended, had been eliminated. Additionally, she emphasized that the legislative authority enabling the Board to adopt these regulations had been repealed. Ms. Schieldge pointed out that the Board's past recommendation to eliminate the practical examination aligned with the legislative changes, making it challenging to argue for the retention of the regulations now. Thus, Kristy Schieldge recommended rejecting the comments.

Reese Isbell questioned the origin and purpose of comments from Council One Professional Corporation. Kristy Schieldge replied that she lacked information about the commenter's background but noted that the party had submitted public records act requests for legislative history and regulations. Kellie Funk clarified that the discussion did not involve reinstating a practical portion of the exam, as desired by the petitioner. Ms. Schieldge affirmed and emphasized the need to clean up regulations in line with legislative changes under SB 803.

**Motion:** Kellie Funk made a motion to direct staff to reject comments as specified and provide the responses to the comments as indicated in the meeting materials. Colette Kavanaugh seconded the motion.

**Public Comment:** No public comments were received.

Roll Call Vote: Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted "Yes": Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Steve Weeks

**a) 2. Discussion and Consideration of Proposed Regulation to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)**

Kristy Underwood explained that since the Board had just approved to reject the comments on the SB 803 cleanup under Item 18, Section a, the next step was to make a motion that would authorize staff to take necessary steps to finalize the rulemaking process and adopt the proposed regulations.

**Motion:** Steve Weeks moved to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations and the rulemaking documents, and adopt the proposed regulations as noticed for Title 16 CCR Sections: 904, 909, 931, 932, 937, 962, and 998, and Repeal Sections 928, 934, 950.1, 950.2, 950.3, and 950.4. Danielle Munoz seconded.

**Public Comment:** No public comments were received.

**Roll Call Vote:** Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted "Yes": Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Steve Weeks

**c) Discussion and Possible Action to Initiate a Rulemaking and Amend Title 16, CCR section 917 (Pre-Apprenticeship Training)**

Kristy Underwood introduced the next agenda item, which pertained to initiating rulemaking for pre-apprentice training as required by SB 803. The training aims to provide basic patron protection and industry knowledge at no cost to students. Ms. Underwood introduced the motion's proposed language as prepared by the legal team. Kristy Schieldge noted that the proposed pre-apprentice training program would be cost-free for trainees. She advised the Board to monitor the program's budgetary impact.

**Motion:** Colette Kavanaugh moved to approve the proposed regulatory text for Title 16, CCR Section 917 as set forth in Attachment 4, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 917 as noticed. Yolanda Jimenez seconded the motion.

**Public Comment:** Jaime Schrabek from Precision Nails expressed support for the initiative, suggesting that a two-hour training session at no cost would be beneficial for all license seekers, not just apprentices. She recommended using the term "client" instead of "patron" to align with current language in health and safety regulations. Ms. Schrabek also emphasized the importance of including basic labor law information in the program to prevent apprentice exploitation and ensure awareness of workers' compensation issues.

**Roll Call Vote:** Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz, Steve Weeks

**b) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)**

**d) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs);**

**e) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines);**

**f) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 977 et seq. (Health and Safety)**

Kristy Underwood provided an update on the remaining four regulation packages concerning apprenticeship, schools and externships, disciplinary guidelines, and health and safety. These packages are currently in progress at the staff level, with a more detailed update expected at the next Board meeting.

#### **19. AGENDA ITEM #19: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

No public comments were received regarding items not on the agenda.

#### **20. AGENDA ITEM #20: SUGGESTIONS FOR FUTURE AGENDA ITEMS**

There were no recommendations for future agenda items from the Board members.

**Public Comment:** Monica, via the chat feature, asked why the pass percentage was being lowered instead of examining changes in the test that may have led to the decrease in pass rates across California. Additionally, she inquired if there were plans to further lower the barber exam passing percentage. The moderator provided the email address for submitting her inquiry.

#### **21. AGENDA ITEM #21: CLOSED SESSION**

Pursuant to Section 11126 of the Government Code, the Board met in closed session to conduct the Executive Officer’s Performance Review.

#### **22. AGENDA ITEM #22: ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at approximately 2:50 p.m.



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# MEMORANDUM

<b>DATE</b>	May 6, 2024
<b>TO</b>	Board of Barbering and Cosmetology
<b>FROM</b>	Priscilla Rivera, Licensing and Operations Chief
<b>SUBJECT</b>	<b>Agenda Item 7a Administration/Operations Report</b>

## Staffing

Current Number of Positions Allocated	Current Number of Vacant Positions
5	1

## Moving the Office

The Board has successfully moved to the Department of Consumer Affairs Headquarters as of March 25, 2024.

## Budget Projection Reports and Fund Condition

Below is the Budget Report Fiscal Year (FY) 2023-24 Expenditure Projection based on Fiscal Month 8 (FM) (February 2024). Based on these projections, the Board is scheduled to revert \$2,465,140 back into the Board's Fund.

### Board of Barbering and Cosmetology FM 8 Fiscal Year 2023/24 Projected Expenditures February 2024

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
5100 Permanent	\$6,008,000	\$4,855,194	\$1,152,806
5100 Temporary	\$587,000	\$349,200	\$237,800
5105-5108 Per Diem, Overtime & Lump Sum	\$0	\$29,900	(\$29,900)
5150 Staff Benefits	\$3,634,000	\$3,216,671	\$417,329
5170 Salary Savings	\$0	\$0	\$0
<b>Total of Personnel Services</b>	<b>\$10,229,000</b>	<b>\$8,450,966</b>	<b>\$1,778,034</b>
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
5301 General Expense	\$166,000	\$100,983	\$65,017
5302 Printing	\$250,000	\$513,179	(\$263,179)
5304 Communication	\$21,000	\$46,890	(\$25,890)
5306 Postage	\$232,000	\$43,510	\$188,490
5308 Insurance	\$4,000	\$21,199	(\$17,199)
53202-204 Travel In State	\$73,000	\$70,000	\$3,000
53206-208 Travel, Out-of-State	\$0	\$72	(\$72)
5322 Training	\$11,000	\$6,551	\$4,449
5324 Facilities Operations	\$1,022,000	\$388,697	\$633,303
53402-53404 Attorney General, OAH, C&P Services Interdept	\$1,672,000	\$747,501	\$924,499
53404-53405 Consultant & Professional Svs. - External	\$1,646,000	\$2,223,745	(\$577,745)
5342 DCA Pro Rata	\$6,382,000	\$6,382,000	\$0
5342 Interagency Services	\$1,000	\$56,094	(\$55,094)
5344 Consolidated Data Center	\$68,000	\$35,701	\$32,299
5346 Information Technology	\$35,000	\$45,950	(\$10,950)
5362-5368 Equipment	\$95,000	\$235,376	(\$140,376)
5390 Other Items of Expense & Vehicles	\$43,000	\$101,446	(\$58,446)
54 Special Items and Expenses	\$0	\$15,000	(\$15,000)
<b>Total Operating Expenses &amp; Equipment</b>	<b>\$11,721,000</b>	<b>\$11,033,895</b>	<b>\$687,105</b>
<b>Total Expenses</b>	<b>\$21,950,000</b>	<b>\$19,484,860</b>	<b>\$2,465,140</b>
Schedule Reim. Other	(\$57,000)	(\$57,000)	
<b>Net Appropriation</b>	<b>\$21,893,000</b>	<b>\$19,427,860</b>	<b>\$2,465,140</b>
		<b>SURPLUS/(DEFICIT)</b>	<b>11.26%</b>

The below analysis of the Board's Fund Condition projects to have 6.6 months in reserve for FY 2023-24. This means the Board would be able to continue to operate for 6.6 months without collecting any additional revenue. The Board is expected to receive a loan back from the General Fund in FY 2024-25, which would increase the Board's reserve to 19.6 months of revenue.

**0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition**  
(Dollars in Thousands)  
**2024-25 Governor's Budget With FM 8 Projections**

Prepared 4.15.2024

	ACTUAL 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
<b>BEGINNING BALANCE</b>	\$ 26,587	\$ 24,775	\$ 12,509	\$ 37,826	\$ 38,097
Prior Year Adjustment	\$ 333	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 26,920	\$ 24,775	\$ 12,509	\$ 37,826	\$ 38,097
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$ 289	\$ 1,274	\$ 1,332	\$ 1,332	\$ 1,332
4127400 - Renewal fees	\$ 3,307	\$ 13,281	\$ 13,542	\$ 13,542	\$ 13,542
4129200 - Other regulatory fees	\$ 2,501	\$ 2,418	\$ 2,645	\$ 2,645	\$ 2,645
4129400 - Other regulatory licenses and permits	\$ 5,052	\$ 5,286	\$ 5,357	\$ 5,357	\$ 5,357
4143500 - Miscellaneous Services to the Public	\$ 10	\$ 4	\$ -	\$ -	\$ -
4163000 - Income from surplus money investments	\$ 638	\$ 532	\$ 199	\$ 563	\$ 557
4170400 - Capital Asset Sales Proceeds	\$ 30	\$ 1	\$ 1	\$ 1	\$ 1
4171400 - Escheat of unclaimed checks and warrants	\$ 17	\$ 14	\$ 12	\$ 12	\$ 12
4172500 - Miscellaneous revenues	\$ 4	\$ 6	\$ 8	\$ 8	\$ 8
Totals, Revenues	\$ 11,848	\$ 22,816	\$ 23,096	\$ 23,460	\$ 23,454
Loan Repayment from the General Fund (0001) to the Barbering and Cosmetology Contingent Fund (0069) per Item 1111-011-0069, Budget Act of 2020	\$ -	\$ -	\$ 25,000	\$ -	\$ -
Loan from the Barbering and Cosmetology Contingent Fund (0069) to the General Fund (0001) per Control Section 13.40, Budget Act of 2023	\$ -	\$ -15,000	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ -	\$ -15,000	\$ 25,000	\$ -	\$ -
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 11,848	\$ 7,816	\$ 48,096	\$ 23,460	\$ 23,454
<b>TOTAL RESOURCES</b>	\$ 38,768	\$ 32,591	\$ 60,605	\$ 61,286	\$ 61,551
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 18,124	\$ 19,406	\$ 21,986	\$ 22,646	\$ 23,325
9892 Supplemental Pension Payments (State Operations)	\$ 316	\$ 316	\$ 250	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 1,197	\$ 360	\$ 543	\$ 543	\$ 543
Less funding provided by the General Fund (State Operations)	\$ -5,644	\$ -	\$ -	\$ -	\$ -
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 13,993	\$ 20,082	\$ 22,779	\$ 23,189	\$ 23,868
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 24,775	\$ 12,509	\$ 37,826	\$ 38,097	\$ 37,683
Months in Reserve	14.8	6.6	19.6	19.2	18.9

**NOTES:**

1. Assumes workload and revenue projections are realized in BY +1 and ongoing.
2. Expenditure growth projected at 3% beginning BY +1.



# MEMORANDUM

<b>DATE</b>	May 6, 2024
<b>TO</b>	Board of Barbering and Cosmetology
<b>FROM</b>	Priscilla Rivera Licensing and Operations Chief
<b>SUBJECT</b>	<b>Agenda Item 7b Licensing, Exams, and Disciplinary Review Committee Report</b>

## LICENSING

### Staffing Update

Current Number of Positions Allocated	Current Number of Vacant Positions
16	6

The Board is also seeking to hire four positions on a limited term basis to establish a telephone/e-mail center.

### Emails

There are approximately 1,720 pending emails in the inbox and the response time is about 8 business days. The Board is seeing an increase in emails, which is believed to be in response to the transition of sending deficiency letters via email instead of paper mail. To address this increase, the staff are pulling deficiency emails and working them separately to ensure a timely response.



## Performance Measures

### Applications Received

#### **Quarterly Applications Received Fiscal Year 23/24**

License Type	Jul-Sep	Oct-Dec	Jan-Mar	Apr-June	YTD
<b>Personal Service Permit</b>	24	13	34		71
<b>Establishment</b>	2,090	1,902	2,303		6,295
<b>Mobile Unit</b>	9	3	4		16
<b>Barber</b>					-
Initial Application	1,036	1,020	1,164		3,220
Re-Exam	1,329	1,015	1,196		3,540
<b>Sub-Total</b>	<b>2,365</b>	<b>2,035</b>	<b>2,360</b>	<b>-</b>	<b>6,760</b>
Reciprocity	53	40	74		167
Apprentice	390	312	401		1,103
<b>Cosmetologist</b>					-
Initial Application	2,352	2,226	2,276		6,854
Re-Exam	1,884	1,938	2,103		5,925
<b>Sub-Total</b>	<b>4,236</b>	<b>4,164</b>	<b>4,379</b>	<b>-</b>	<b>12,779</b>
Reciprocity	562	506	640		1,708
Apprentice	230	207	272		709
<b>Electrologist</b>					-
Initial Application	19	23	36		78
Re-Exam	23	10	13		46
<b>Sub-Total</b>	<b>42</b>	<b>33</b>	<b>49</b>	<b>-</b>	<b>124</b>
Reciprocity	1	4	-		5
Apprentice	-	-	-		-
<b>Esthetician</b>					-
Initial Application	2,091	1,897	2,187		6,175
Re-Exam	1,035	906	984		2,925
<b>Sub-Total</b>	<b>3,126</b>	<b>2,803</b>	<b>3,171</b>	<b>-</b>	<b>9,100</b>
Reciprocity	223	209	202		634
<b>Manicurist</b>					-
Initial Application	1,302	1,249	1,428		3,979
Re-Exam	809	641	679		2,129
<b>Sub-Total</b>	<b>2,111</b>	<b>1,890</b>	<b>2,107</b>	<b>-</b>	<b>6,108</b>
Reciprocity	274	239	285		798
<b>Hairstylist</b>					-
Initial Application	1	13	12		26
Re-Exam	-	-	3		3
<b>Sub-Total</b>	<b>1</b>	<b>13</b>	<b>15</b>	<b>-</b>	<b>29</b>
Reciprocity	17	12	9		38
<b>Total</b>	<b>15,754</b>	<b>14,385</b>	<b>16,305</b>	<b>-</b>	<b>46,444</b>

## Written Exam Results

Spanish pass rates for first-time test takers continue to be the overall lowest pass rate out of all the languages for each license type. Overall Re-Exams have a lower pass rate than first-time test takers. Outliers can be seen with the Spanish Esthetician re-exam and the Korean Cosmetologist Re-Exams being higher than the first-time test takers.

**January 1, 2024 - March 31, 2024:**

Barber	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	1	1	2	50%	0	2	2	0%
English	490	386	876	56%	286	507	793	36%
Korean	0	1	1	0%	0	0	0	0%
Spanish	22	62	84	26%	27	104	131	21%
Vietnamese	4	3	7	57%	2	12	14	14%
<b>Total</b>	<b>517</b>	<b>453</b>	<b>970</b>	<b>53%</b>	<b>315</b>	<b>625</b>	<b>940</b>	<b>34%</b>

Cosmetologist	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	189	68	257	74%	76	75	151	50%
English	971	474	1,445	67%	395	656	1,051	38%
Korean	4	14	18	22%	8	9	17	47%
Spanish	40	116	156	26%	60	268	328	18%
Vietnamese	51	53	104	49%	35	85	120	29%
<b>Total</b>	<b>1,255</b>	<b>725</b>	<b>1,980</b>	<b>63%</b>	<b>574</b>	<b>1,093</b>	<b>1,667</b>	<b>34%</b>

Esthetician	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	69	35	104	66%	21	28	49	43%
English	1,249	355	1,604	78%	255	329	584	44%
Korean	6	5	11	55%	5	5	10	50%
Spanish	5	13	18	28%	12	11	23	52%
Vietnamese	48	50	98	49%	30	71	101	30%
<b>Total</b>	<b>1,377</b>	<b>458</b>	<b>1,835</b>	<b>75%</b>	<b>323</b>	<b>444</b>	<b>767</b>	<b>42%</b>

First Time Test Takers					Re-Exam Test Takers			
Manicurist	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	37	8	45	82%	9	12	21	43%
English	476	135	611	78%	75	116	191	39%
Korean	1	3	4	25%	4	1	5	80%
Spanish	26	33	59	44%	14	24	38	37%
Vietnamese	345	145	490	70%	134	198	332	40%
<b>Total</b>	<b>885</b>	<b>324</b>	<b>1,209</b>	<b>73%</b>	<b>236</b>	<b>351</b>	<b>587</b>	<b>40%</b>

First Time Test Takers					Re-Exam Test Takers			
Electrologist	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	0	0	0	0%	0	0	0	0%
English	11	10	21	52%	6	9	15	40%
Korean	0	0	0	0%	0	0	0	0%
Spanish	0	0	0	0%	0	0	0	0%
Vietnamese	0	0	0	0%	0	0	0	0%
<b>Total</b>	<b>11</b>	<b>10</b>	<b>21</b>	<b>52%</b>	<b>6</b>	<b>9</b>	<b>15</b>	<b>40%</b>

First Time Test Takers					Re-Exam Test Takers			
Hairstylist	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	0	1	1	0%	0	2	2	0%
English	0	1	1	0%	0	0	0	0%
Korean	0	0	0	0%	0	0	0	0%
Spanish	1	0	1	100%	0	0	0	0%
Vietnamese	0	0	0	0%	0	0	0	0%
<b>Total</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33%</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0%</b>

## Written Exam Results by Educational Background

Exam passing scores for candidates coming from California school programs continue to be much higher than scores of candidates coming from apprentice programs and out of country school backgrounds.

**January 1, 2024 - March 31, 2024:**

### Written Exam Results - Apprentice Program

License Type	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Barber	77	83	160	48%	73	126	199	37%
Cosmetologist	49	76	125	39%	45	189	234	19%
Electrologist	0	0	0	0%	0	0	0	0%
<b>Total</b>	<b>126</b>	<b>159</b>	<b>285</b>	<b>44%</b>	<b>118</b>	<b>315</b>	<b>433</b>	<b>27%</b>

### Written Exam Results - Out of Country

License Type	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Barber	5	34	39	13%	8	43	51	16%
Cosmetologist	191	103	294	65%	65	110	175	37%
Electrologist	1	3	4	25%	0	1	1	0%
Esthetician	42	28	70	60%	8	14	22	36%
Hairstylist	1	2	3	33%	0	2	2	0%
Manicurist	17	26	43	40%	12	23	35	0%
<b>Total</b>	<b>257</b>	<b>196</b>	<b>453</b>	<b>57%</b>	<b>93</b>	<b>193</b>	<b>286</b>	<b>33%</b>

### Written Exam Results - School Program

License Type	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Barber	517	453	970	53%	315	625	940	34%
Cosmetologist	1,255	725	1,980	63%	574	1,093	1,667	34%
Electrologist	11	10	21	52%	6	9	15	40%
Esthetician	1,377	458	1,835	75%	323	444	767	42%
Hairstylist	1	2	3	33%	0	2	2	0%
Manicurist	885	324	1,209	73%	236	351	587	40%
<b>Total</b>	<b>4,046</b>	<b>1,972</b>	<b>6,018</b>	<b>67%</b>	<b>1,454</b>	<b>2,524</b>	<b>3,978</b>	<b>37%</b>

## Written Exam Results by Language by Educational Background

Candidates that attended a California school continue to have a much better average pass rate overall no matter what language as compared to students from out of the country or from apprentice programs.

**January 1, 2024 - March 31, 2024:**

### Apprentice Programs by Language

Barber	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	0	0	0	0%	0	1	1	0%
English	76	71	147	52%	62	103	165	38%
Spanish	1	12	13	8%	11	22	33	33%
<b>Total</b>	<b>77</b>	<b>83</b>	<b>160</b>	<b>48%</b>	<b>73</b>	<b>126</b>	<b>199</b>	<b>37%</b>

Cosmetologist	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	1	0	1	100%	1	0	1	100%
English	34	29	63	54%	13	35	48	27%
Korean	0	1	1	0%	1	1	2	50%
Spanish	13	45	58	22%	29	143	172	17%
Vietnamese	1	1	2	50%	1	10	11	9%
<b>Total</b>	<b>49</b>	<b>76</b>	<b>125</b>	<b>39%</b>	<b>45</b>	<b>189</b>	<b>234</b>	<b>19%</b>

### Out of Country Schools by Language

Barber	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	1	1	2	50%	0	1	1	0%
English	3	13	16	19%	4	15	19	21%
Spanish	1	20	21	5%	4	27	31	13%
<b>Total</b>	<b>5</b>	<b>34</b>	<b>39</b>	<b>13%</b>	<b>8</b>	<b>43</b>	<b>51</b>	<b>16%</b>

**Out of Country Schools by Language (continued)**

Cosmetologist	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	155	45	200	78%	46	42	88	52%
English	24	24	48	50%	12	25	37	32%
Korean	1	9	10	10%	4	2	6	67%
Spanish	8	21	29	28%	2	41	43	5%
Vietnamese	3	4	7	43%	1	0	1	100%
<b>Total</b>	<b>191</b>	<b>103</b>	<b>294</b>	<b>65%</b>	<b>65</b>	<b>110</b>	<b>175</b>	<b>37%</b>

Electrologist	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
English	1	3	4	25%	0	1	1	0%
<b>Total</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>25%</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0%</b>

Esthetician	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	19	5	24	79%	2	3	5	40%
English	22	20	42	52%	5	10	15	33%
Spanish	1	2	3	33%	1	0	1	100%
Vietnamese	0	1	1	0%	0	1	1	0%
<b>Total</b>	<b>42</b>	<b>28</b>	<b>70</b>	<b>60%</b>	<b>8</b>	<b>14</b>	<b>22</b>	<b>36%</b>

Manicurist	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	5	1	6	83%	1	0	1	100%
English	8	15	23	35%	6	15	21	29%
Korean	0	1	1	0%	1	0	1	100%
Spanish	0	3	3	0%	0	2	2	0%
Vietnamese	4	6	10	40%	4	6	10	40%
<b>Total</b>	<b>17</b>	<b>26</b>	<b>43</b>	<b>40%</b>	<b>12</b>	<b>23</b>	<b>35</b>	<b>34%</b>

Hairstylist	First Time Test Takers				Re-Exam Test Takers			
	Passed	Failed	Total	Pass Rate	Passed	Failed	Total	Pass Rate
Chinese	0	1	1	0%	0	2	2	0%
English	0	1	1	0%	0	0	0	0%
Spanish	1	0	1	100%	0	0	0	0%
<b>Total</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33%</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0%</b>

## School Programs by Language

### First Time Test Takers

### Re-Exam Test Takers

<b>Barber</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Chinese	1	1	2	0%	0	2	2	0%
English	490	386	876	56%	286	507	793	36%
Korean	0	1	1	0%	0	0	0	0%
Spanish	22	62	84	26%	27	104	131	21%
Vietnamese	4	3	7	57%	2	12	14	14%
<b>Total</b>	<b>517</b>	<b>453</b>	<b>970</b>	<b>53%</b>	<b>315</b>	<b>625</b>	<b>940</b>	<b>34%</b>

### First Time Test Takers

### Re-Exam Test Takers

<b>Cosmetologist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Chinese	189	68	257	74%	76	75	151	50%
English	971	474	1,445	67%	395	656	1,051	38%
Korean	4	14	18	22%	8	9	17	0%
Spanish	40	116	156	26%	60	268	328	18%
Vietnamese	51	53	104	49%	35	85	120	29%
<b>Total</b>	<b>1,255</b>	<b>725</b>	<b>1,980</b>	<b>63%</b>	<b>574</b>	<b>1,093</b>	<b>1,667</b>	<b>34%</b>

### First Time Test Takers

### Re-Exam Test Takers

<b>Electrologist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	11	10	21	52%	6	9	15	40%
<b>Total</b>	<b>11</b>	<b>10</b>	<b>21</b>	<b>52%</b>	<b>6</b>	<b>9</b>	<b>15</b>	<b>40%</b>

### First Time Test Takers

### Re-Exam Test Takers

<b>Esthetician</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Chinese	69	35	104	66%	21	28	49	43%
English	1,249	355	1,604	78%	255	329	584	44%
Korean	6	5	11	55%	5	5	10	0%
Spanish	5	13	18	28%	12	11	23	52%
Vietnamese	48	50	98	49%	30	71	101	30%
<b>Total</b>	<b>1,377</b>	<b>458</b>	<b>1,835</b>	<b>75%</b>	<b>323</b>	<b>444</b>	<b>767</b>	<b>42%</b>

**School Programs by Language (continued)**

**First Time Test Takers**

**Re-Exam Test Takers**

<b>Manicurist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Chinese	37	8	45	82%	9	12	21	43%
English	476	135	611	78%	75	116	191	39%
Korean	1	3	4	25%	4	1	5	0%
Spanish	26	33	59	44%	14	24	38	37%
Vietnamese	345	145	490	70%	134	198	332	40%
<b>Total</b>	<b>885</b>	<b>324</b>	<b>1,209</b>	<b>73%</b>	<b>236</b>	<b>351</b>	<b>587</b>	<b>40%</b>

**First Time Test Takers**

**Re-Exam Test Takers**

<b>Hairstylist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Chinese	0	1	1	0%	0	2	2	0%
English	0	1	1	0%	0	0	0	0%
Spanish	1	0	1	100%	0	0	0	0%
<b>Total</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33%</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0%</b>

Licenses Issued

The total number of licenses issued has increased from 8,905 to 8,925, a 0.22% increase from the last quarter.

**Licenses Issued Fiscal Year 23/24**

<b>License Type</b>	<b>Jul-Sep</b>	<b>Oct-Dec</b>	<b>Jan-Mar</b>	<b>Apr-June</b>	<b>YTD</b>
Barber	701	898	849		2,448
Barber Apprentice	271	405	278		954
Cosmetologist	2,001	2,018	2,317		6,336
Cosmetologist Apprentice	201	221	212		634
Electrologist	26	16	19		61
Electrologist Apprentice	-	-	-		-
Esthetician	2,070	1,934	1,802		5,806
Manicurist	1,367	1,363	1,290		4,020
Hairstylist	2	8	9		19
Establishment	1,521	2,023	2,118		5,662
Mobile Unit	2	3	2		7
Personal Service Permit	28	16	29		73
<b>Totals</b>	<b>8,190</b>	<b>8,905</b>	<b>8,925</b>		<b>26,020</b>



### Licenses Issued Last 5 Years

26,020 licenses have been issued in FY 23/24.

### **Licenses Issued Last 5 Years**

<b>License Type</b>	<b>FY 19/20</b>	<b>FY 20/21</b>	<b>FY 21/22</b>	<b>FY 22/23</b>	<b>FY23/24</b>
Barber	1,691	1,085	3,036	1,952	2,448
Barber Apprentice	810	874	1,422	1,398	954
Cosmetologist	4,810	3,153	6,901	6,246	6,336
Cosmetologist Apprentice	642	584	963	1,035	634
Electrologist	30	26	66	62	61
Electrologist Apprentice	-	-	-	-	-
Esthetician	3,699	2,887	7,505	7,601	5,806
Manicurist	3,437	2,065	4,581	4,350	4,020
Hairstylist	-	-	-	-	19
Establishment	6,937	6,302	6,604	6,351	5,662
Mobile Unit	5	8	12	11	7
Personal Service Permit	-	-	16	116	73
<b>Totals</b>	<b>22,061</b>	<b>16,976</b>	<b>31,090</b>	<b>29,122</b>	<b>26,020</b>

### License Population

Compared to the previous quarter, the license population has increased from 636,441 to 640,034, a 0.56% increase.

### **License Population**

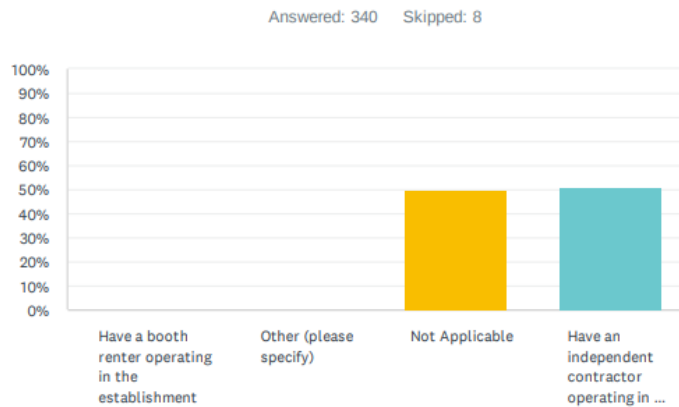
Barber	38,173
Barber Apprentice	2,481
Cosmetologist	302,110
Cosmetologist Apprentice	1,750
Electrologist	1,593
Electrologist Apprentice	-
Esthetician	106,722
Manicurist	128,451
Hairstylist	19
Personal Service Permit	207
Establishment	58,452
Mobile Unit	76
<b>Total</b>	<b>640,034</b>

## Survey Results

### Establishments:

The Board continues to collect information regarding the type of workers within establishments. Fifty percent of respondents report having independent contractors. This is slightly lower than last quarter's responses of 51% reporting having independent contractors. The other 50% of respondents report that these categories of employment as not applicable to their establishments.

### Q2 Please mark all that are applicable to your establishment



ANSWER CHOICES	RESPONSES	
Have a booth renter operating in the establishment	0.00%	0
Other (please specify)	0.00%	0
Not Applicable	49.71%	169
Have an independent contractor operating in the establishment	50.88%	173
Total Respondents: 340		

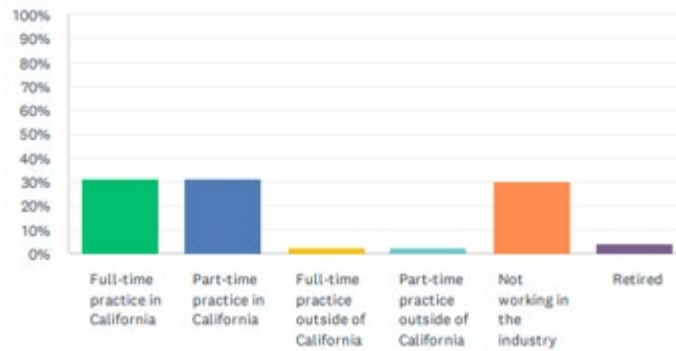
### Independent Licensees:

The Board received 30,740 responses to the survey of independent licensee renewals during January through March 2024 time period. An analysis of the recent quarter's data shows that employment status is 23 % of the licensees identify as employees, 36.5% as independent contractor, 8.7% Sole Owners, and 31.8% are not working in the industry.

When looking at licensees working in California who identify as having full-time vs part-time employment a significant difference in the type of employment can be identified. Licensees who work full-time are evenly distributed among those who identify as employees (36%), independent contractors (42%), salon owners (20%), with those not working in the industry being under 1%. Licensees who work part-time, however, have a higher percentage self-identified as independent contractors with 60% identified in this category. This is followed by 30% identified as employees, 5.8% as salon owners and 3.8% as not working in the industry.

## Q2 Indicate Employment Status (All Respondents)

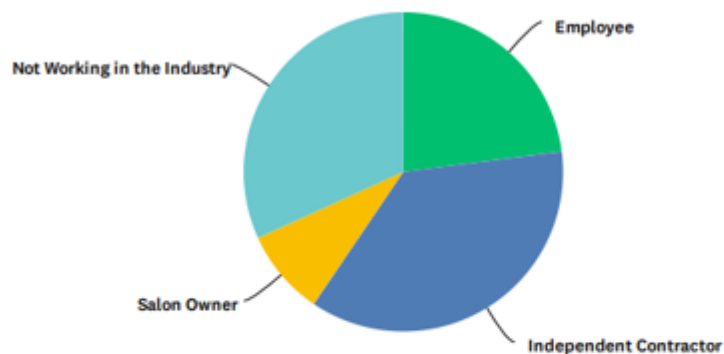
Answered: 30,624 Skipped: 116



ANSWER CHOICES	RESPONSES	
Full-time practice in California	31.17%	9,547
Part-time practice in California	31.01%	9,496
Full-time practice outside of California	2.27%	694
Part-time practice outside of California	1.92%	588
Not working in the industry	29.97%	9,179
Retired	3.66%	1,120
<b>TOTAL</b>		<b>30,624</b>

## Q3 Indicate Employment Identification (All Respondents)

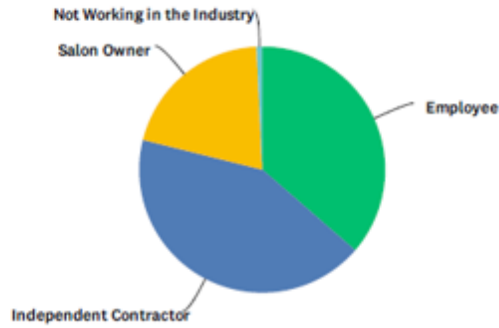
Answered: 30,588 Skipped: 152



ANSWER CHOICES	RESPONSES	
Employee	22.97%	7,026
Independent Contractor	36.52%	11,172
Salon Owner	8.70%	2,660
Not Working in the Industry	31.81%	9,730
<b>TOTAL</b>		<b>30,588</b>

## Q2 Analysis of Licensees Identified as Full-Time

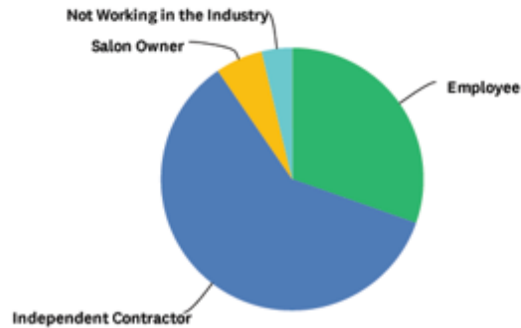
Answered: 99,364 Skipped: 149



	EMPLOYEE (1)	INDEPENDENT CONTRACTOR (2)	SALON OWNER (3)	NOT WORKING IN THE INDUSTRY (4)	TOTAL
Q2: Full-time practice in California	36.4% 36,154	42.5% 42,255	20.4% 20,237	0.7% 718	100.0% 99,364
Total Respondents	36,154	42,255	20,237	718	99,364

## Q2 Analysis of Licensees Identified as Part-Time

Answered: 101,139 Skipped: 196



	EMPLOYEE (1)	INDEPENDENT CONTRACTOR (2)	SALON OWNER (3)	NOT WORKING IN THE INDUSTRY (4)	TOTAL
Q2: Part-time practice in California	30.4% 30,770	60.0% 60,691	5.8% 5,882	3.8% 3,796	100.0% 101,139
Total Respondents	30,770	60,691	5,882	3,796	101,139

## DISCIPLINARY REVIEW COMMITTEE

### Staffing Update

Current Number of Positions Allocated	Current Number of Vacant Positions
3	1

### Disciplinary Review Committee Appeals

Compared to the previous quarter, for the North, the number of appeals received has increased by 6% and the amount pending has decreased by 58%. Compared to the previous quarter, for the South, the number of appeals received has decreased by 5.5% and the amount of pending has increased by 53%.

### Disciplinary Review Committee Appeals Fiscal Year 23/24

Northern	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	0	0	62		62
Received	29	32	34		95
Pending <sup>1</sup>	34	58	24		24 <sup>2</sup>

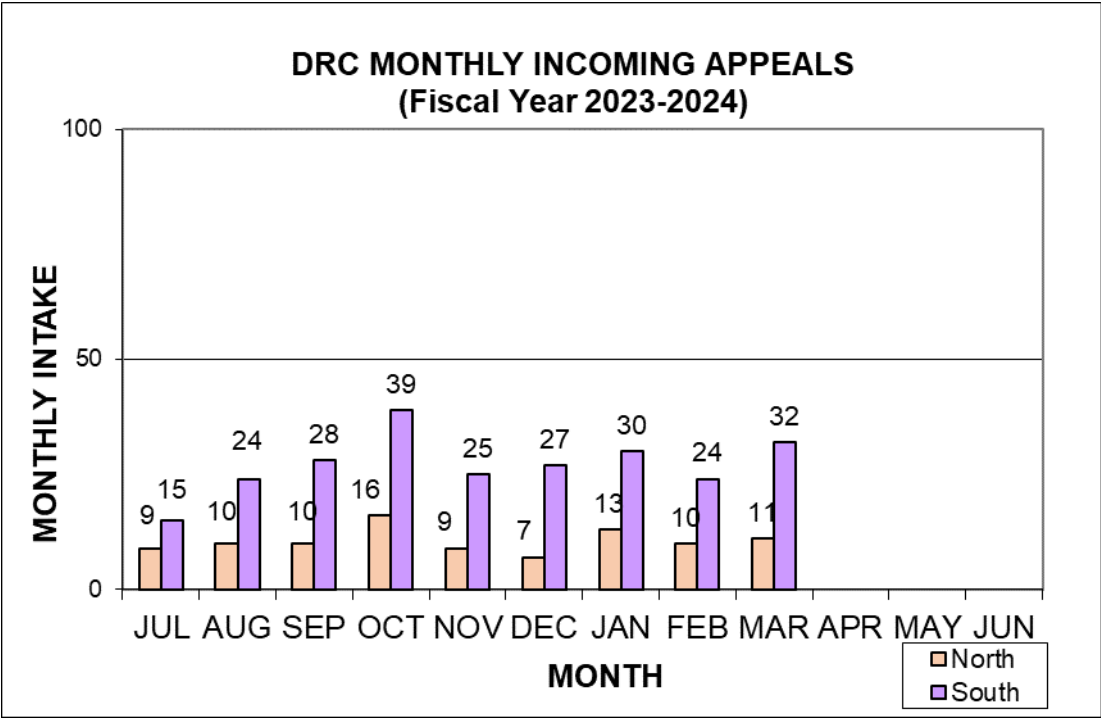
Southern	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	107	58	0		165
Received	67	91	86		244
Pending <sup>1</sup>	95	117	179		179 <sup>2</sup>

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

<sup>2</sup>Figure represents number of pending requests as of report date 03/31/2024.

Following the April hearing, the below hearing shows the number of pending appeals as of 4/22/24.

Pending	LA	SAN DIEGO	NORTH
Pending <sup>1</sup>	33	44	29





# MEMORANDUM

<b>DATE</b>	May 6, 2024
<b>TO</b>	Board of Barbering and Cosmetology
<b>FROM</b>	Addison Beach, Enforcement Manager Denise Murata, Enforcement Manager
<b>SUBJECT</b>	<b>Agenda Item 7c Enforcement Report</b>

## STAFFING UPDATE

Current Number of Positions Allocated	Current Number of Vacant Positions
20.5	1

## Probation

PROBATION CASES				
FY 2023/24				
	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun
Active Cases	82	76	68	
Tolled Cases	36	35	31	
Subsequent Discipline	5	6	15	
Immediate Suspension	1	1	2	
Reinstatements	1	1	3	
<b>Total Cases</b>	<b>125</b>	<b>119</b>	<b>119</b>	

## Attorney General's Office

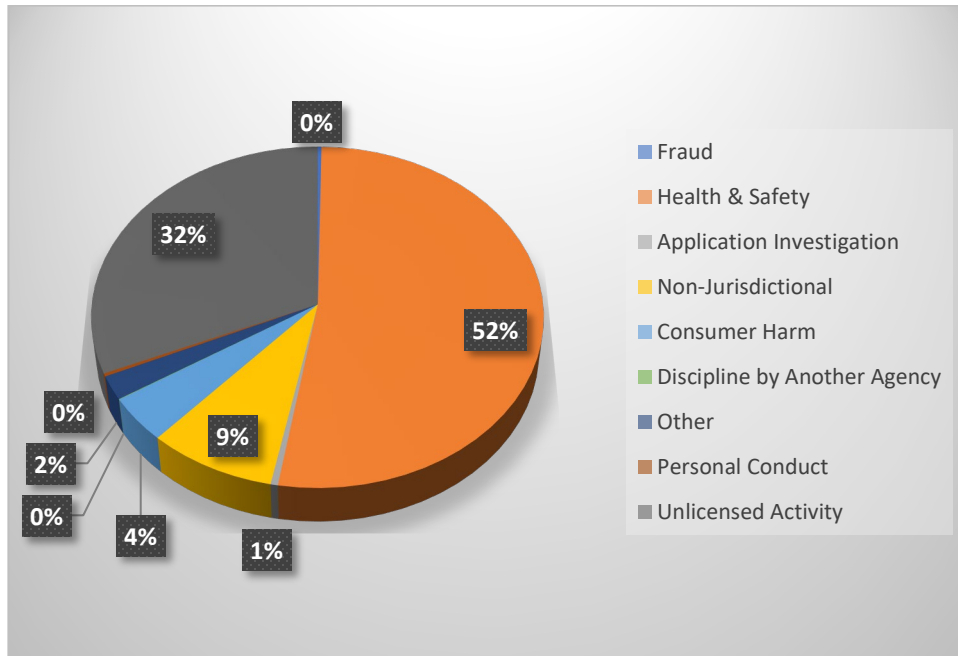
The number of cases referred to the Attorney General's Office in the third quarter of FY 2023/24 is 25. The Board currently has 65 cases at the Attorney General's Office.

## Complaint Intake

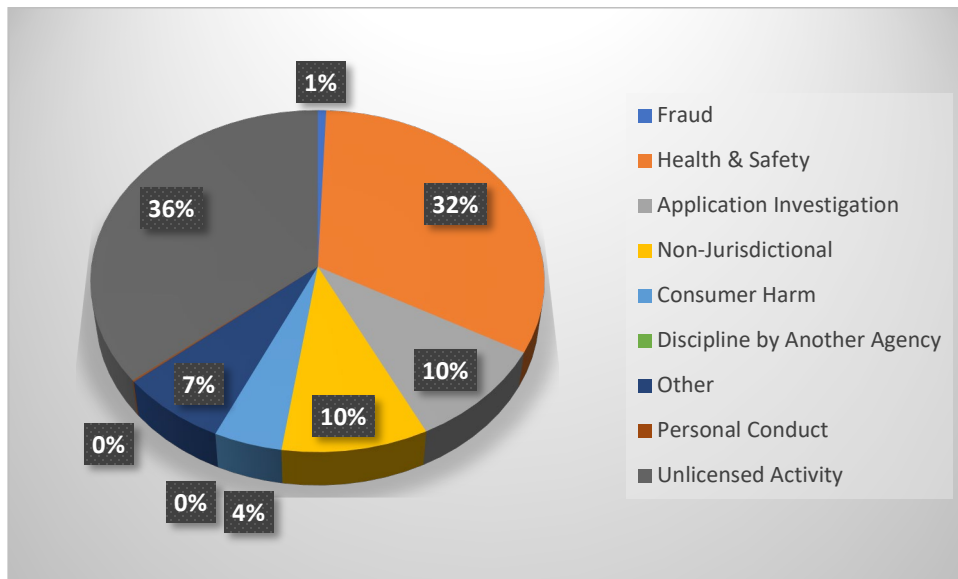
The number of complaints received in the third quarter of FY 23/24 is 1,405. The Enforcement Division has received a total of 4,213 complaints for the first three quarters of the fiscal year.

COMPLAINTS RECEIVED				
FY 2023/24				
Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
1,487	1,321	1,405		4,213

**Complaints Received by Complaint Type –April 2019 through March 2024  
(Last Five Years)**



**Complaints Received by Complaint Type – January 1, 2024 through March 31, 2024**





## **Enforcement Statistics**

<b>COMPLAINTS</b>							
	FY2021/22	FY2022/23	FY2023/24				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Complaints Received	4,467	5,153	1,487	1,321	1,405		<b>4,213</b>
Referred to DOI	17	59	5	13	6		<b>24</b>
Complaints Closed	4,542	4,052	1,440	1,877	1,844		<b>5,161</b>
Total Complaints Pending	1,356	2,502	2,577	2,033	1,588		<b>1,588</b>
Average Days to Close (Quarterly)	110	127	181	138	117		<b>145</b>

<b>APPLICATION INVESTIGATIONS</b>							
	FY2021/22	FY2022/23	FY2023/24				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Received	16	20	1	2	0		<b>3</b>
Pending	6	54	5	4	1		<b>1</b>
Closed	10	15	2	4	2		<b>8</b>

<b>ATTORNEY GENERAL</b>							
	FY2021/22	FY2022/23	FY2023/24				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Referred	29	74	8	12	25		<b>45</b>
Accusations Filed	18	43	11	11	13		<b>35</b>
Statement of Issues Filed	2	4	1	1	1		<b>3</b>
Total Pending Cases	26	73	59	53	65		<b>65</b>

<b>DISCIPLINARY PROCESS</b>							
	FY2021/22	FY2022/23	FY2023/24				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Proposed Decisions	3	3	1	2	0		<b>3</b>
Default Decision	2	5	5	8	2		<b>15</b>
Stipulation	5	11	5	2	3		<b>10</b>

DISCIPLINARY OUTCOMES							
	FY2021/22	FY2022/23	FY2023/24				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Revocation	9	8	6	9	2		17
Revoke, Stay, Probation	3	5	0	0	0		0
Revoke, Stay, Suspend/Prob	2	5	3	1	2		6
Revocation, Stay w/ Suspend	0	0	0	0	0		0
Probation Only	0	1	0	1	0		1
Suspension Only	0	0	0	0	0		0
Suspension & Probation	0	0	0	0	0		0
Suspension, Stay, Probation	2	0	0	0	0		0
Surrender of License	3	2	1	0	1		2
Public Reprimands	0	0	0	1	0		1
License Denied	0	0	1	0	0		1
Other	0	2	0	0	0		0
<b>Total</b>	<b>20</b>	<b>23</b>	<b>11</b>	<b>12</b>	<b>5</b>		<b>28</b>

PROBATION							
	FY2021/22	FY2022/23	FY2023/24				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Active	112	97	82	76	68		68



# MEMORANDUM

<b>DATE</b>	May 6, 2024
<b>TO</b>	Board of Barbering and Cosmetology
<b>FROM</b>	Tiffany Moore, Cite and Fine, Inspections Manager Ashwin Mehta, Cite and Fine, Inspections Manager
<b>SUBJECT</b>	<b>Agenda Item 7c Schools, Inspections, and Cite and Fine Report</b>

## STAFFING UPDATE

	Inspections Unit	Cite & Fine Unit
Current Number of Positions Allocated	21	12
Current Number of Vacant Positions	1	3

## Schools

The Board currently has 265 approved schools and 9 open school cases. The Board received 34 cases in quarter three of FY 2023/24.

## Externs

The chart below indicates how many schools are participating in the extern program and how many establishments externs are working in.

Extern Programs						
	2020	2021	2022	2023	2024	Total
<b>Number of Schools</b>	12	10	13	16	6	57
<b>Number of Establishments</b>	56	74	62	94	8	294

## Inspections and Citations Statistics

CITATIONS							
	FY2021/22	FY2022/23	FY2023/24				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Establishments	3,262	3,646	774	593	816		<b>2,183</b>
Barber	276	355	73	65	101		<b>239</b>
Barber Apprentice	83	71	21	9	7		<b>37</b>
Cosmetologist	542	751	183	112	146		<b>441</b>
Cosmetologist Apprentice	19	29	9	0	0		<b>9</b>
Electrologist	0	1	0	0	1		<b>1</b>
Electrologist Apprentice	0	0	0	0	0		<b>0</b>
Manicurist	399	719	145	130	132		<b>407</b>
Esthetician	132	139	33	50	30		<b>113</b>
Unlicensed Est.	315	364	69	78	41		<b>188</b>
Unlicensed Individual	267	299	71	78	75		<b>224</b>
<b>Total</b>	<b>5,295</b>	<b>6,374</b>	<b>1,378</b>	<b>1,115</b>	<b>1,349</b>		<b>3,842</b>

INSPECTIONS							
	FY2021/22	FY2022/23	FY2023/24				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan*-Mar	Apr-Jun	YTD
Establishments w/ violations	4,479	4,868	1,524	1,411	414		<b>2,645</b>
Establishments w/o violations	2,119	1,211	276	384	203		<b>722</b>
<b>Total</b>	<b>6,598</b>	<b>6,079</b>	<b>1,800</b>	<b>1,795</b>	<b>617</b>		<b>3,367</b>

\*Inspections updated through January 2024.

### Inspections

#### OUT OF BUSINESS and CLOSED ON CALL

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Out of Business	115	117	153	150	138	143	197						<b>1,013</b>
Closed on Call	203	199	193	262	220	253	357						<b>1,687</b>
<b>TOTAL ISSUED</b>	<b>318</b>	<b>316</b>	<b>346</b>	<b>412</b>	<b>358</b>	<b>396</b>	<b>554</b>						<b>2,700</b>

#### ESTABLISHMENT INSPECTIONS REPORTS ISSUED

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishments w/ violations	646	598	487	639	379	393	414						<b>3,556</b>
Establishments w/o violations	103	89	90	104	141	139	203						<b>869</b>
<b>TOTAL ISSUED</b>	<b>749</b>	<b>687</b>	<b>577</b>	<b>743</b>	<b>520</b>	<b>532</b>	<b>617</b>						<b>4,425</b>

\*Inspections Conducted through January 2024.

**Citations**

As of April 16, 2024, the Cite and Fine Unit is at a 70 day turn-around time frame from when an inspection is completed to when the citation is mailed out to the establishment or licensee. This an increase in 10 days from the last quarter which was a 60 day turn-around time frame. Between the first and third quarter we have filled all but one of our vacant inspector positions, this has resulted in an increase in the number of inspections conducted. As a result there as been a rise in the workload for the Cite and Fine analysts increasing the processing time frame for citations. During this FY we have had staffing issues in Cite and Fine and two analysts have taken positions with other agencies. We are working to fill those vacancies and to redirect other staff to help with processing citations.

FY 23-24	July 23	Aug 23	Sept 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24
Number of Inspectors	15	16	16	16	18	17	19	19	19
Number of Inspections	754	737	830	916	831	865	1102	1193	1340
Inspection reports processed									
Closed on Call	162	248	201	211	167	210	227	286	362
Out of Business	109	134	38	173	78	164	71	220	332
No Violation	84	115	73	101	48	146	160	131	204
Citations Issued	422	511	446	421	283	419	500	477	370
<b>Total Processed</b>	<b>777</b>	<b>1008</b>	<b>758</b>	<b>906</b>	<b>576</b>	<b>939</b>	<b>958</b>	<b>1114</b>	<b>1268</b>
Number of Days to process Citations	28	31	25	32	35	39	60	55	55

\*The above demonstrates the change in the in the number inspections completed with the addition of inspectors and the increase in the number of days to process citations.

**Citations Issued**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishment	238	277	262	231	154	224	283	309	224				2202
Individual	136	182	147	119	94	157	175	121	121				1252
Unlicensed Establishments	23	28	16	31	19	20	15	15	11				178
Unlicensed Individuals	25	24	21	40	16	18	27	33	15				219
<b>TOTAL ISSUED</b>	<b>422</b>	<b>511</b>	<b>446</b>	<b>421</b>	<b>283</b>	<b>419</b>	<b>500</b>	<b>478</b>	<b>371</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,851</b>

**Request For Payment Notices**

BBC is actively sending request for payment notices to establishments and individuals that have outstanding fines. First request for payment notices is sent about 30 days after the fine was due. Second request for payment notices are sent approximately 30 days after the first notice. Third request for payment notices are sent via certified mail approximately 30 days after the second notice. Citations for licensees that have not paid their fine in full after the third request for payment notice are sent to the Franchise Tax Board. Citations for unlicensed individuals that have not paid their fine in full after the third request for payment notice, are referred to a collection agency.

REQUEST FOR PAYMENT NOTICES SENT - FY 2023-2024					
	July-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Total
<b>Request for Payment Notice 1</b>	374	1,022	921		2,317
<b>Request for Payment Notice 2</b>	276	220	1403		1,899
<b>Request for Payment Notice 3</b>	191	98	696		985
<b>Referred to Collections</b>	0	6	5		11
<b>Referred to FTB</b>	0	3	240		243
<b>Grand Total</b>	<b>841</b>	<b>1,349*</b>	<b>3,265</b>		<b>5,455</b>

\*During the third quarter of FY 2023-2024 the Cite and Fine unit filled the vacant Program Technician II position whose duty is to process the aged outstanding citations. As a result, there has been an increase in the amount of Request for Payment Notices sent between quarter one, two, and three.

### **Payment Plans**

Per B&P 7408.1 and CCR 974.3 the Board may enter a payment plan for citations with administrative fines that exceed five hundred dollars (\$500.00). Of the 301 payment plans created, 161 citations have been paid in full giving a success rate of 54%. It is taking an average of 256 days for the fines to be paid in full. The average fine amount is \$1,268.42 for payment plans. 39% of payment plans are cancelled due to not complying with the payment schedule.

<b>PAYMENT PLANS - FY 2023-2024</b>					
	<b>July – September</b>	<b>October - December</b>	<b>January- March</b>	<b>April- June</b>	<b>Total</b>
<b>*Payment Plan Requested</b>	49	50	51		150
<b>Payment Plan Developed</b>	33	12	16		61
<b>Paid in Full</b>	26	3	9		38
<b>Payment Plan Cancelled</b>	56	9	55		120
<b>Total Pending Payment Plans</b>	108	87	47		47
<b>Initial Fine Amount Total:</b>	<b>\$124,800.00</b>	<b>\$122,125.00</b>	<b>\$73,200.00</b>		<b>\$73,200.00</b>
<b>Total Amount Paid</b>	<b>\$44,198.17</b>	<b>\$46,290.67</b>	<b>\$35,806.40</b>		<b>\$35,806.40</b>
<b>Current Total Balance:</b>	<b>\$80,601.83</b>	<b>\$75,834.33</b>	<b>\$37,393.60</b>		<b>\$37,393.60</b>

### **Violations – No Fines Assessed**

For inspections conducted in 2023, 22,901 violations were cited. Of those violations the fine amounts for 6,667 were reduced to zero. The violations that had the fine amount reduced most often were 986-Neck Dusters/Brushes, 965-Display of licenses, 988-Liquids, Creams, Powders, and Cosmetics. These three violations account for 46% of the violations for which no fines were assessed. There were no fines assessed for these violations because they were 1<sup>st</sup> offenses and the violations were minor.



## MEMORANDUM

<b>DATE</b>	May 6, 2024
<b>TO</b>	Members, Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 7d – Outreach Update</b>




### Recent Outreach Events

- On January 25, 2024 the Board held a “Meet the Employer” virtual workshop with Stockton Unified School District (high schools). This was led by the Board’s HR Liasion, Shelby Edminston.
- On February 15, 2024 the Board held a “Meet the Employer” virtual workshop with Stockton Unified School District (high schools). This was led by the Board’s HR Liasion, Shelby Edminston.
- On February 27, 2024, the Board held a “Meet the Employer” virtual workshop with colleges in the Los Rios Community College District. This was led by the Board’s HR Liasion, Shelby Edmiston.




### Listservs

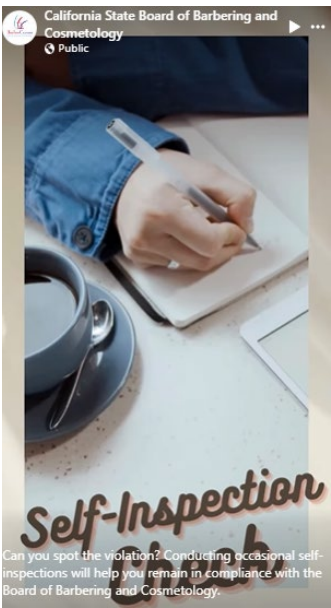

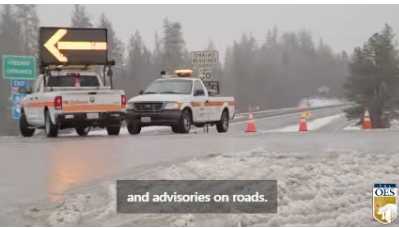
- February 16, 2024, the Board emailed Interested Parties regarding the agenda for the February 26, 2024, Board Meeting.
- February 22, 2024, the Board emailed Schools regarding the passing score for the Cosmetology examination and it was changed to 73% as of January 19, 2024. The manicuring, esthetics and electrology examinations have been reviewed and those passing scores remain the same.
- March 15, 2024, the Board emailed Interested Parties regarding the agenda for the March 25, 2024 Legislation and Budget Committee Meeting.
- The Board will continue to send (at minimum) a monthly email blast to licensees and interested parties.


## Social Media Posts


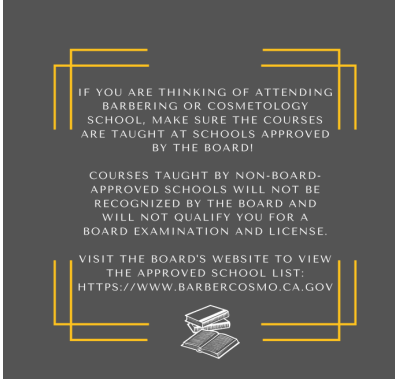

Image	Caption	Date	Type of Social media post	DCA Repost																														
 <table border="1"> <thead> <tr> <th>Hair Styling Services</th> <th>Cosmetologist</th> <th>Hairstylist</th> </tr> </thead> <tbody> <tr><td>Bleaching Hair</td><td>✓</td><td></td></tr> <tr><td>Blowdrying Hair</td><td>✓</td><td>✓</td></tr> <tr><td>Chemically Relaxing Hair</td><td>✓</td><td></td></tr> <tr><td>Dyeing Hair</td><td>✓</td><td></td></tr> <tr><td>Haircutting</td><td>✓</td><td>✓</td></tr> <tr><td>Hairstyling</td><td>✓</td><td>✓</td></tr> <tr><td>Permanent Waving Hair</td><td>✓</td><td></td></tr> <tr><td>Shampooing Hair</td><td>✓</td><td>✓</td></tr> <tr><td>Waving or Straightening</td><td>✓</td><td>✓</td></tr> </tbody> </table> <p>FOR MORE FULL LIST, VISIT <a href="http://WWW.BARBERCOSMO.CA.GOV">WWW.BARBERCOSMO.CA.GOV</a></p>	Hair Styling Services	Cosmetologist	Hairstylist	Bleaching Hair	✓		Blowdrying Hair	✓	✓	Chemically Relaxing Hair	✓		Dyeing Hair	✓		Haircutting	✓	✓	Hairstyling	✓	✓	Permanent Waving Hair	✓		Shampooing Hair	✓	✓	Waving or Straightening	✓	✓	<p>Ever wondered what the difference is between the new hairstylist license and the cosmetologist license? Visit our website to see all of the scope of practice flyers.  <a href="http://barbercosmo.ca.gov/licen">http://barbercosmo.ca.gov/licen</a> sees</p>	1/24/24	Image	
Hair Styling Services	Cosmetologist	Hairstylist																																
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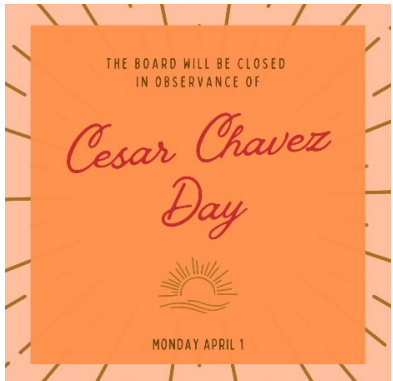
	<p>These are some common services Cosmetologists licensed by the California Board of Barbering and Cosmetology may or may not provide. A licensed Cosmetologist can provide hair services, hair removal, skin care, apply makeup, and nail services.</p>	<p>2/13/24</p>	<p>Image</p>	<p>DCA shared with consumers on their social media pages</p>
	<p>The Board will be holding the Legislative and Budget committee meeting on Tuesday, February 20, 2024 starting at 9:00am. Individuals may participate in person or virtual.  Location:  1747 North Market Blvd  HQ2 Hearing Room #186  Sacramento, CA 95834  For agendas, meeting materials, and meeting links, visit the Board’s website at:  <a href="https://www.barbercosmo.ca.gov/about_us/meetings/index.shtml">https://www.barbercosmo.ca.gov/about_us/meetings/index.shtml</a>  You can also watch the Live Webcasts at:  <a href="https://thedcapage.blog/webcasts">https://thedcapage.blog/webcasts</a></p>	<p>2/14/24</p>	<p>Image</p>	
	<p>The Board will be closed Monday, February 19, in observance of Presidents' Day</p>	<p>2/16/24</p>	<p>Image</p>	

	<p>Can you spot the violation? Conducting occasional self-inspections will help you remain in compliance with the Board of Barbering and Cosmetology.</p> <p>You can find a copy of the “Self Inspection Worksheet” in English and other translated languages by following the link below: <a href="https://www.barbercosmo.ca.gov/licensees/index.shtml">https://www.barbercosmo.ca.gov/licensees/index.shtml</a></p>	<p>2/22/24</p>	<p>Reel</p>	
	<p>Join us virtually or in-person on February 26, 2024 for our Board Meeting in Sacramento. This meeting starts at 9:00am. Location: Department of Consumer Affairs HQ1 Hearing Room #102 1625 North Market Blvd Sacramento, CA 95834 For agendas, meeting materials, and meeting links, visit the Board’s website.</p>	<p>2/23/24</p>	<p>Image</p>	
	<p>As California braces for the incoming blizzard, Cal OES wants all Californians to be safe and prepared. Make sure to follow warnings and advisories, stay informed and do not travel into the snow until it is cleared by your local authorities. Learn more: <a href="https://wp.me/pd8T7h-8V1">https://wp.me/pd8T7h-8V1</a></p>	<p>2/29/24</p>	<p>Video</p>	

 <p><b>NATIONAL CONSUMER PROTECTION WEEK</b> MARCH 3-9</p>	<p>"National Consumer Protection Week #NCPW2024 is the perfect opportunity to learn about the resources available to you online! Visit the "consumers" tab of our website for vital consumer resources and publications, available 24 hours per day-7 days per week. <a href="https://www.barbercosmo.ca.gov/consumers/index.shtml">https://www.barbercosmo.ca.gov/consumers/index.shtml</a>"</p>	<p>3/6/24</p>	<p>Image</p>	
 <p><b>Women's HISTORY MONTH</b></p>	<p>The Board of Barbering and Cosmetology celebrates #WomensHistoryMonth2024 and the women who make a difference in our community!</p>	<p>3/7/24</p>	<p>Image</p>	
 <p><b>INTERNATIONAL Women's Day</b></p>	<p>Happy International Women's Day! Today, the Board of Barbering and Cosmetology celebrates the incredible achievements and resilience of women from all walks of life worldwide.</p>	<p>3/8/24</p>	<p>Image</p>	

 <p><b>NATIONAL CONSUMER PROTECTION WEEK</b> MARCH 3-9</p>	<p>Just because National Consumer Protection Week #NCPW2024 is coming to an end doesn't mean you can't continue to be an informed consumer. We have several resources you can take advantage of year-round to ensure you are full of knowledge. Visit our website to learn more: <a href="https://www.barbercosmo.ca.gov/consumers/index.shtml">https://www.barbercosmo.ca.gov/consumers/index.shtml</a></p>	<p>3/8/24</p>	<p>Image</p>	
 <p>IF YOU ARE THINKING OF ATTENDING BARBERING OR COSMETOLOGY SCHOOL, MAKE SURE THE COURSES ARE TAUGHT AT SCHOOLS APPROVED BY THE BOARD!</p> <p>COURSES TAUGHT BY NON-BOARD-APPROVED SCHOOLS WILL NOT BE RECOGNIZED BY THE BOARD AND WILL NOT QUALIFY YOU FOR A BOARD EXAMINATION AND LICENSE.</p> <p>VISIT THE BOARD'S WEBSITE TO VIEW THE APPROVED SCHOOL LIST: <a href="https://www.barbercosmo.ca.gov">HTTPS://WWW.BARBERCOSMO.CA.GOV</a></p>	<p>If you are thinking of attending barbering or cosmetology school, make sure the courses are taught at schools approved by the Board!</p> <p>Courses taught by non-Board approved schools will not be recognized by the Board and will not qualify you for a Board examination and license.</p> <p>Visit the Board's website to view the approved school list: <a href="https://www.barbercosmo.ca.gov/">https://www.barbercosmo.ca.gov/</a></p>	<p>3/13/24</p>	<p>Image</p>	<p>DCA shared with consumers on their social media pages</p>
 <p>Types of NAIL SHAPES</p> <p>SQUOVAL TIP, COFFIN TIP, STILETTO TIP, SQUARE TIP, ROUND TIP</p> <p><a href="https://barbercosmo.ca.gov">https://barbercosmo.ca.gov</a></p>	<p>Look for a valid manicurist or cosmetologist license! It should be posted at their work station.</p>	<p>3/15/24</p>	<p>Image</p>	<p>DCA shared with consumers on their social media pages</p>

	<p>Effective March 25, 2024 - The Board will be located at 1625 N. Market Blvd. Sacramento, CA 95834.</p>	<p>3/20/24</p>	<p>Image</p>	<p>DCA shared with consumers on their social media pages</p>
	<p>The Board is holding the Legislation and Budget Committee meeting on Monday March 25, 2024 at 9:00am – until completion of business. You can watch the Live Webcasts at: <a href="https://thedcapage.blog/webcasts/">https://thedcapage.blog/webcasts/</a> Location: Department of Consumer Affairs 1625 N. Market Blvd. HQ1 Hearing room 102 Sacramento, CA 95834 For agendas, meeting materials, and meeting links, visit the Board's website at: <a href="https://www.barbercosmo.ca.gov/about_us/meetings/index.shtml">https://www.barbercosmo.ca.gov/about_us/meetings/index.shtml</a></p>	<p>3/22/24</p>	<p>Image</p>	

	<p>The Board is holding the Legislation and Budget Committee meeting on TODAY March 25, 2024 at 9:00am – until completion of business.</p> <p>You can watch the Live Webcasts at:  <a href="https://thedcapage.blog/webcasts/">https://thedcapage.blog/webcasts/</a></p> <p>For agendas, meeting materials, and meeting links, visit the Board's website at:  <a href="https://www.barbercosmo.ca.gov/about_us/meetings/index.shtml">https://www.barbercosmo.ca.gov/about_us/meetings/index.shtml</a></p>	3/25/24	Image	
	<p>The Board is now located at 1625 N. Market Blvd. Sacramento, CA 95834.</p>	3/26/24	Image	
	<p>The Board of Barbering and Cosmetology will be closed on Monday April 1, 2024, in observance of Cesar Chavez Day.</p>	3/29/24	Image	



## MEMORANDUM

<b>DATE</b>	May 6, 2024
<b>TO</b>	Members, Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 7e – Strategic Plan Update</b>

The Board continues to work on the goals and objectives identified in its 2022-2027 Strategic plan. Between January and March of 2024, the Board has participated in the following goal related activities:

- Task 1.4.2: The Board has participated in one “Meet the Employer” virtual meetings at Los Rios Community College District.
- Task 2.3.1: The SB 803 clean-up regulatory package was filed with the Office of Administrative Law on April 19, 2024, for final review and approval.
- Task 2.3.3: The pre-apprentice training course development is complete. On February 26, 2024 the Board approved the language for the rule making process for the regulations that will include this course.
- Task 3.3.2: Staff developed and released a [Simplified Chinese webpage](#) accessible on the Board’s homepage to make finding publications easier for the Chinese licensees and applicants.
- Task 4.3.3: Staff began working with the vendor on configuration of the Mobile Inspection Application. Staff have meeting with the vendor weekly and in the next few weeks staff will be able to start testing some aspects of the inspectors experience using the application.
- Task 6.2.6: Staff are still publishing the quarterly newsletter, *The BarberCosmo Update*. The sixth issue was published April 3, 2024. Staff are working to get it translated into the four languages.
- Task 6.6.4 The Board has participated in two “Meet the Employer” virtual meetings at Stockton Unified School District high schools.

## Goal 1: Board Administration

<b>1.1</b>	<b>Establish and implement a comprehensive training plan for managers and staff to strengthen and develop their customer service skills in the workplace and improve the experience of stakeholders and consumers when interacting with the Board.</b>		
<b>Success Measure:</b>	<b>Completed training, improved Consumer Satisfaction Survey responses.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>Current Status</b>
1.1.1	Research training opportunities.	Q1 2023 and Ongoing Quarterly	Completed and Ongoing
	<ul style="list-style-type: none"> <li>• Continuing to look at trainings that benefit the staff.</li> <li>• SOLID customer service training completed 4/6/2023 and 2/5/2024.</li> </ul>		
1.1.2	Review training emails from CalHR, CPS, and SOLID for customer service class opportunities.	Q1 2023 and Ongoing Monthly	Completed and Ongoing
	<ul style="list-style-type: none"> <li>• Customer service and DEI trainings scheduled with SOLID.</li> </ul>		
1.1.3	Create a quarterly calendar of potential classes for each unit.	Q1 2023 and Ongoing Quarterly	Completed and Ongoing
	<ul style="list-style-type: none"> <li>• Spreadsheet of classes created and scheduled.</li> </ul>		
1.1.4	Spot check email responses sent for tone and correct information.	Q1 2023 and Ongoing Monthly	Completed and Ongoing
	<ul style="list-style-type: none"> <li>• Reviewing staff emails a few times a week and addressing items as needed.</li> </ul>		
1.1.5	Spot check letters sent for tone and correct information.	Q1 2023 and Ongoing Monthly	Completed and Ongoing
	<ul style="list-style-type: none"> <li>• Reviewing attached letters in BreZEze as well as when managers shadow staff.</li> <li>• Reviewing letters and will plan a future project to refine the templates that are currently being used.</li> </ul>		
1.1.6	Managers deliver tips at monthly unit meetings.	Q1 2023 and Ongoing Monthly	Completed Ongoing
	<ul style="list-style-type: none"> <li>• Managers started dedicating an agenda item on each monthly unit meeting to customer service in 2022.</li> </ul>		
1.1.7	Share a successful customer service story in each quarter in the newsletter.	Q1 2023 and Ongoing Quarterly	Completed Ongoing
	<ul style="list-style-type: none"> <li>• Managers are asking staff for customer service stories in monthly meetings.</li> <li>• The first successful customer service story was shared in the April 2023 monthly newsletter.</li> </ul>		
1.1.8	Create a customer satisfaction survey.	Q2 2023	Completed
	<ul style="list-style-type: none"> <li>• Customer satisfaction survey added to BarberCosmo signatures.</li> </ul>		
1.1.9	Conduct annual training for the team.	Q3 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>• Conducted quarterly safety training and customer service training for all staff.</li> </ul>		



<b>1.2</b>	<b>Establish and implement internal communications to notify board members and staff of industry issues, health and safety concerns, trends, and products for the furtherance of consumer protection and safety.</b>		
<b>Success Measure:</b>	Report created; newsletters contain reports.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>Current Status</b>
1.2.1	Continue to highlight issues, concerns, trends, products in monthly newsletter. • Started Industry Trends/Concerns section in September 2021.	Q4 2022 and Ongoing	Completed Ongoing
1.2.2	Unit Managers (especially enforcement) report to EO and AEO of trends observed in industry. • Trends reported on monthly reports to chiefs and shared at manager meetings.	Q1 2023 and Ongoing	Completed Ongoing
1.2.3	Enhance reporting in newsletter data to show increases, decreases, and trends. • Managers started reporting trends in February 2023 (comparing the number of calls and emails received, complaints received, establishments inspected, enforcement cases assigned to analysts, and more to the previous month to show increase/decrease).	Q1 2023 and Ongoing	Completed Ongoing
1.2.4	Engage Health & Safety Advisory Committee to get industry input on trends being observed in the field. • Will be discussed at the October 2024 committee meeting.	Q3 2023 and Ongoing	Pending
<b>1.3</b>	<b>Fill staff vacancies to improve operational effectiveness.</b>		
<b>Success Measure:</b>	Vacancy rate remains under 15%.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>Current Status</b>
1.3.1	Submit RPA package to DCA OHR as soon as vacancies are available. • Staff currently submits RPA packages when notified of vacancies, refills, and reclassifications.	Q1 2023 and Ongoing	Completed Ongoing
1.3.2	Get applications scored as they become available. • Managers score applications within one week of receiving them.	Q1 2023 and Ongoing	Completed Ongoing
1.3.3	Interview promptly. • Managers schedule interviews within one week of scoring the applications.	Q1 2023 and Ongoing	Completed Ongoing
1.3.4	Management complete hiring process as quickly as possible. • Reference checks and Official Personnel File reviews are completed as soon as managers are aware of eligibility and then the required documents are submitted to the HR Liaison.	Q1 2023 and Ongoing	Completed Ongoing
1.3.5	Create and train on written procedures for all hiring managers with timelines.	Q1 2023 and Ongoing	Completed Ongoing

	<ul style="list-style-type: none"> <li>Onboarding checklist updated with timeframes and shared with hiring managers.</li> </ul>		
1.3.6	Post job openings on social media, Indeed, and other sources.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>Staff post on social media, Indeed, and Handshake as of December 2022.</li> </ul>		
1.3.7	Track data on 'where did you hear about this position?'	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>Staff track the supplemental surveys submitted through SurveyMonkey asking how they heard about the position.</li> </ul>		
1.3.8	Include job announcements on website promptly.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>Once vacancies are posted on CalHR, Board staff submits tickets to OIS to post job announcements on the Board's website within 2 days.</li> </ul>		
<b>1.4</b>	<b>Develop a plan to work with community and state colleges to increase employment pipelines to recruit effective staff.</b>		
<b>Success Measure:</b>	<b>Vacancy rate remains under 15%.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
1.4.1	Work with Sac State and campus clubs on outreach events and opportunities.	Q4 2022 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>"Meet the Employer" events held in 2022 and 2023 with CSUS and ARC.</li> <li>Virtual "Meet the Employer" events scheduled for 2024.</li> </ul>		
1.4.2	Find other colleges and campus clubs to partner with on outreach events and opportunities.	Q2 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>Staff reached out to the Los Rios Community College District, UC Davis, and junior colleges in the area.</li> <li>Posting on Sierra College's virtual job bulletin board.</li> </ul>		
1.4.3	Seek out career fairs and other outreach events/opportunities with multiple colleges.	Q2 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>Staff reached out to the Los Rios Community College District and other junior colleges in the area.</li> </ul>		
<b>1.5</b>	<b>Enhance board member training with industry and staff presentations to bridge the gap between licensed and public board members.</b>		
<b>Success Measure:</b>	<b>Increased engagement from Public Board members.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
1.5.1	Present flow charts/information on internal processes.	Q4 2022	Completed
	<ul style="list-style-type: none"> <li>Flowcharts were presented at the October 24, 2022, board meeting.</li> </ul>		
1.5.2	Update board member manual to include info on license types and scopes of practice.	Q4 2022	Completed
	<ul style="list-style-type: none"> <li>Updated approved by the Board at the 04/17/2023 board meeting.</li> </ul>		

1.5.3	Provide industry presentations at board meetings that cover specific license types.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>• April 2023 board meeting had electrology presentation.</li> <li>• July 2023 board meeting will have esthetics presentation.</li> <li>• October 2023 board meeting tentatively scheduled for hairstyling presentation.</li> </ul>		
<b>1.6</b>	<b>Utilize existing board sub-committees on a regular schedule to discuss larger issues and provide more resources for the Board to make informed decisions.</b>		
<b>Success Measure:</b>	<b>Committees make recommendations to full Board on larger issues.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
1.6.1	Schedule committee meetings.	Q4 2022 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>• Schedule created and sent to board members annually.</li> </ul>		
1.6.2	Provide background info on topics going before committees.	Q4 2022 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>• Committee members receive memorandums with background information.</li> </ul>		
1.6.3	Encourage committee chairs to provide direct ideas and actionable suggestions.	Q1 2023 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>• “Action Needed” and questions to lead discussion are provided on memorandums.</li> </ul>		
<b>Goal 2: Legislation and Regulation</b>			
<b>2.1</b>	<b>Review policies and regulations that advocate for and support consumer protection to ensure consumer safety.</b>		
<b>Success Measure:</b>	<b>Regulations and procedures are updated and current.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
2.1.1	Find out if inspectors are noticing any trends.	Q1 2023 and ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>• Topic added to all inspector meeting agendas and quarterly trainings.</li> <li>• Manager will watch for trends while reviewing inspection reports.</li> </ul>		
2.1.2	Review enforcement processes to ensure consumer safety is being provided.	Q3 2023 and Ongoing	Pending
2.1.3	Review and update health & safety regulations.	Q4 2023	Pending
	<ul style="list-style-type: none"> <li>• Regulation updates drafted. Staff working with Reg Counsel.</li> </ul>		
2.1.4	Update school regulation pertaining to health & safety.	Q4 2023	Pending
	<ul style="list-style-type: none"> <li>• Staff reviewing schools and externships language.</li> </ul>		

<b>2.2</b>	<b>Establish relationships with legislators to educate them on industry topics and advance Board interests.</b>		
<b>Success Measure:</b>	<b>At least one meeting held.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
2.2.1	Generate a list of potential legislators on B&P (or others). • List generated and provided to EO.	Q2 2023 and Ongoing	Completed
2.2.2	Develop and provide a Fact Sheet to hand out to legislators. • Fact Sheet developed and provided to EO.	Q2 2023 (updated annually)	Completed
2.2.3	Reach out to legislators to set up meetings. • One meeting held – will continue to reach out to legislators.	Q2 2023	Completed
2.2.4	Hold meetings with legislators. • Met with Senator Bradford's Office and Assembly Member Carrillo.	Q2 2023	Completed
<b>2.3</b>	<b>Implement Senate Bill 803 with thoroughly vetted regulations to remain in compliance with the law and support the industry.</b>		
<b>Success Measure:</b>	<b>Regulations are adopted; Hair Stylist and Pre-Apprentice licenses implemented.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
2.3.1	Develop and implement SB 803 regulations. • Regulations in process – final filing package submitted to OAL on 04/19/2024.	Q3 2023	Pending
2.3.2	Develop and implement new hairstylist license. • Applications drafted and posted on website. • Exam available as of July 1, 2023.	Q3 2023	Completed
2.3.3	Develop and implement pre-apprentice training. • Development of course completed. Staff working on regulation package.	Q3 2023	Pending
<b>2.4</b>	<b>Establish schedule of regular legislative and budget committee meetings to remain current with industry related issues and policies.</b>		
<b>Success Measure:</b>	<b>Meetings are scheduled.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
2.4.1	Create calendar for regular Legislative and Budget committee meetings. • Monthly meetings scheduled.	Q4 2022	Completed

<b>2.5</b>	<b>Develop regulation packages for on-going regulations that affect the industry to provide clarity on state statutes.</b>		
<b>Success Measure:</b>	Updated regulations filed with OAL.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
2.5.1	Review statutes & regulations to determine if there are regulations that need to be updated. • Staff reviewed regulations for updates.	Q4 2023	Completed
2.5.2	Make recommendation to the Board of any findings. • Staff provides recommendations to Committees to review prior to the full Board.	Q1 2024	Completed
2.5.3	Depending on board response, pursue a regulation package.	Q1 2024	Pending
<b>Goal 3: Licensing</b>			
<b>3.1</b>	<b>Explore and develop a list of ongoing educational options for licensees to increase consumer awareness and safety.</b>		
<b>Success Measure:</b>	Completion of all educational option tasks at least once.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
3.1.1	Post on social media. • Staff are posting on social media weekly at a minimum. • Posts are a mix of images and reels, with captions in English and other languages.	Q4 2022 and Ongoing	Completed Ongoing
3.1.2	Listserv email blast. • Email blasts are sent monthly.	Q4 2022 and Ongoing	Completed Ongoing
3.1.3	Coordinate attendance at in-person trade shows. • Staff attended in-person trade shows. • In-person trade shows on hold for 2024 due to the budget freeze.	Q4 2022 and Ongoing	Completed Ongoing
3.1.4	Explore mass text messages. • Education and Outreach Committee decided to table this until fee study is completed. As of 2024, there is a budget freeze.	Q1 2023	Completed
3.1.5	Hold more town hall meetings. • Cosmetology and Barber townhalls with PSI held. • Held three virtual townhalls for licensees. • Staff planning on a townhall in 2024 regarding the Proof of Training document.	Q4 2023	Completed
3.1.6	Make informational videos. • Staff creating Reels for social media.	Q4 2023	Completed

<b>3.2</b>	<b>Explore additional technology options to make the application process more efficient for licensees.</b>		
<b>Success Measure:</b>	BreEZe changes are implemented.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
3.2.1	Determine BreEZe process and need for future streamlining (e.g., make attach button bigger).	Q4 2024 and Ongoing	Completed
	<ul style="list-style-type: none"> <li>BreEZe meetings held every Friday to discuss opportunities for Breeze improvements. Multiple BreEZe improvements have been made and more are in the works.</li> </ul>		
3.2.2	Implement BreEZe enhancement to allow all applications to be submitted electronically.	Q4 2023	Pending
	<ul style="list-style-type: none"> <li>Several BreEZe tickets submitted.</li> </ul>		
<b>3.3</b>	<b>Review language used in board materials and communications to ensure that the language is accessible to licensees.</b>		
<b>Success Measure:</b>	Board materials have been updated.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
3.3.1	Review all Board materials, determine what needs to be updated.	Q1 2024	Pending
	<ul style="list-style-type: none"> <li>Staff reviewing website for items to be updated.</li> </ul>		
3.3.2	Use more inclusive language (e.g., pronouns, non-English – include translation services).	Q1 2024	Completed
	<ul style="list-style-type: none"> <li>Staff created a Simplified Chinese webpage accessible on the homepage to make finding Simplified Chinese publications easier.</li> </ul>		
3.3.3	Implement changes identified.	Q4 2024	Pending
<b>Goal 4: Inspections</b>			
<b>4.1</b>	<b>Increase inspector wages to attract and retain quality inspectors.</b>		
<b>Success Measure:</b>	Inspector pay-scales are increased.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
4.1.1	Work with DCA HR to increase wages.	Q4 2023	Completed
	<ul style="list-style-type: none"> <li>Completed for Inspector I position.</li> </ul>		

<b>4.2</b>	<b>Conduct yearly updated training with Board inspectors to develop language skills, cultural competency, customer service, report writing, and inspectors' industry-specific knowledge to increase competency and consistency.</b>		
<b>Success Measure:</b>	<b>Monthly training plan has been implemented.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
4.2.1	Research and develop monthly training plan for inspectors monthly meeting. • Managers provide training in every meeting on relevant topics.	Q2 2023 and Ongoing	Completed
4.2.2	Research and develop more in-depth quarterly training. • Managers provide training on safety in the field and Excel. • Continuing to research additional training opportunities.	Q2 2023 and Ongoing	Completed
<b>4.3</b>	<b>Increase technology for inspections to streamline the process for inspectors and licensees.</b>		
<b>Success Measure:</b>	<b>Mobile inspection process available to inspectors.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
4.3.1	Attend vendor demos for mobile inspector report. • Attended several demonstrations.	Q1 2023	Completed
4.3.2	Select a vendor. • Vendor selected.	Q1 2023	Completed
4.3.3	Work with vendor on configuration and implementation. • Configuration will begin within the next couple of months.	Q4 2023	Pending
4.3.4	Develop training materials for inspectors.	Q4 2023	Pending
<b>Goal 5: Enforcement</b>			
<b>5.1</b>	<b>Obtain special investigator positions to increase the efficiency of investigating consumer harm complaints.</b>		
<b>Success Measure:</b>	<b>Special investigator positions obtained.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
5.1.1	Create and submit package to re-classify inspector positions to special investigator. • Completed and two positions filled.	Q4 2022	Completed
5.1.2	Recruit for new special investigator positions. • Special Investigator positions posted in March 2023 and filled.	Q2 2023	Completed

<b>5.2</b>	<b>Collaborate with the Bureau of Private Post-Secondary Education (BPPE) to conduct quality school investigations, to improve the qualifications of applicants and consumer protection.</b>		
<b>Success Measure:</b>	Joint inspections held.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
5.2.1	Establish regular meetings with BPPE.	Q4 2022 and Ongoing	Completed Ongoing
5.2.2	Schedule and conduct joint inspections of schools.	Q1 2023 and Ongoing	On Hold
<b>5.3</b>	<b>Investigate unlicensed activity in licensed and unlicensed locations (including phone application/web-based on-demand services) to increase consumer protection.</b>		
<b>Success Measure:</b>	Procedures have been updated and implemented.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
5.3.1	Create and update procedures for investigating unlicensed activity done outside of establishments.	Q1 2023 and Ongoing	Completed Ongoing
5.3.2	Create and update procedures for forwarding cases to DOI for investigation. • Met with DCA's Division of Investigation January 2023. Updating procedures.	Q1 2023 and Ongoing	Pending
<b>5.4</b>	<b>Explore and collaborate with industry booking platforms to require license verification to enhance consumer protection.</b>		
<b>Success Measure:</b>	Met with at least one booking platform contact.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
5.4.1	Research which booking platforms for industry services exist. • Researching what booking sites/application platforms are available. • Next plan of action will be to review enforcement complaints for social media to see what is commonly used.	Q1 2024	Pending
5.4.2	Determine contacts for booking platforms.	Q1 2024	Pending
5.4.3	Develop standardized language for contacting booking platforms.	Q1 2024	Pending
5.4.4	Attempt to hold meetings with booking platforms contact person.	Q1 2024	Pending
5.4.5	Present request for booking platforms to require license.	Q1 2024	Pending



<b>5.5</b>	<b>Review probationary process and existing remedial education information to ensure remedial education procedure and communication is clear.</b>		
<b>Success Measure:</b>	<b>Report delivered to the Board.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
5.5.1	Review the remedial education procedures.	Q4 2023	Pending
5.5.2	Review the orientation materials for probationers including remedial education.	Q4 2023	Pending
5.5.3	Review probationary process.	Q4 2023	Pending
5.5.4	Develop and update to the Board.	Q1 2024	Pending
<b>5.6</b>	<b>Develop remedial education material to assist in probationer compliance.</b>		
<b>Success Measure:</b>	<b>Recommendation made to the Board.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
5.6.1	Review existing remedial education requirements.	Q4 2023	Pending
5.6.2	Develop materials to present to the Board.	Q4 2023	Pending
5.6.3	Make recommendation to the Board on new remedial education program for probationers.	Q3 2023	Pending
<b>Goal 6: Outreach</b>			
<b>6.1</b>	<b>Ensure outreach communication is at an accessible level to increase public understanding.</b>		
<b>Success Measure:</b>	<b>Outreach communication is updated.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
6.1.1	Review existing outreach communication.	Q1 2023	Completed
6.1.2	Determine what materials need to be updated.	Q1 2023	Completed

6.1.3	Use more inclusive language (pronouns, non-English, etc.).	Q1 2023	Completed
6.1.4	Present recommendations to the Outreach Committee.	Q2 2023	Completed
6.1.5	Implement changes identified.	Q2 2023	Completed
<b>6.2</b>	<b>Explore different avenues for outreach and engagement to encourage self-development of licensees and awareness/engagement of the public.</b>		
<b>Success Measure:</b>	<b>Annual completion of tasks.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
6.2.1	Look to update/develop handouts and website information.	Q4 2022 and Ongoing	Completed Ongoing
6.2.2	Develop monthly email blasts.	Q4 2022 and Ongoing	Completed Ongoing
6.2.3	Post on social media.	Q4 2022 and Ongoing	Completed Ongoing
6.2.4	Hold town halls.	Q4 2022 and Ongoing	Completed Ongoing
6.2.5	Attend trade shows.	Q4 2022 and Ongoing	Completed Ongoing
6.2.6	Publish quarterly newsletter.	Q4 2022 and Ongoing	Completed Ongoing
	<ul style="list-style-type: none"> <li>• Issue 1 published October 2022. Now on Issue No. 6.</li> </ul>		

<b>6.3</b>	<b>Assess current engagement levels on Board's website, newsletters, social media, mailers, etc. to better utilize resources and determine if they are reaching the proper audiences.</b>		
<b>Success Measure:</b>	Engagement levels have been assessed.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
6.3.1	Pull website analytics, compare to previous year(s).	Q4 2022 and Ongoing	Completed Ongoing
6.3.2	Conduct more surveys/polls (about email, social media, website, mail).	Q1 2024 and Ongoing	Completed
6.3.3	Ask for feedback/conduct a feedback survey.	Q1 2024 and Ongoing	Completed
6.3.4	Explore analytics from social media sites (Facebook, Instagram). • Followers have increased due to increased frequency of posts.	Q1 2024 and Ongoing	Completed
<b>6.4</b>	<b>Solicit feedback from licensees on a more continuous basis to engage with licensees.</b>		
<b>Success Measure:</b>	Feedback has been received; increased survey responses.		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
6.4.1	Continue sending postcard surveys after inspections done and re-examine questions. • Reviewing and updating the postcard survey questions.	Q1 2023 and Ongoing	Pending
6.4.2	Determine if there is a QR code to issue after complaint closed.	Q1 2023 and Ongoing	Pending
6.4.3	Identify topics of interest. • Created a SurveyMonkey link for the public to complete after their interactions with the Board by email and this will be implemented soon. Also exploring the option of an automated phone survey and sending surveys by mail or posting a link to the website.	Q2 2023 and Ongoing	Pending
6.4.4	Explore adding a survey QR code to email signatures.	Q1 2024 and Ongoing	Completed
6.4.5	Explore offering a rating of how phone calls went (CIC or Admin).	Q1 2024 and Ongoing	Pending
6.4.6	Request feedback about program area effectiveness.	Q1 2024 and Ongoing	Pending
6.4.7	Conduct surveys/polls by all formats	Q1 2024 and Ongoing	Pending

6.4.8	Conduct a post-town hall survey on the topic addressed, desire for future events.	Q1 2024 and Ongoing	Pending
<b>6.5</b>	<b>Encourage the public to participate in online Board activities to inform, educate, and collaborate.</b>		
<b>Success Measure:</b>	<b>Increased public participation in online Board activities</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
6.5.1	Reach out to schools about upcoming events. • Schools notified of upcoming board meetings by email.	Q4 2022 and Ongoing	Completed Ongoing
6.5.2	Distribute board meeting reminders by email, flyers, mail, etc. • Post on social media about upcoming board meetings.	Q4 2022 and Ongoing	Completed Ongoing
6.5.3	Distribute town hall reminders by email, flyers, mail, etc.	Q4 2023 and Ongoing	Completed
6.5.4	In career outreach activities, include information about other board events.	Q4 2023 and Ongoing	Completed
6.5.5	Add info to the call tree options. • Reviewing phone tree to see where information can be clarified and added.	Q4 2023 and Ongoing	Completed
6.5.6	Explore more non-industry consumer events (state fairs, etc.). • The State Fair does not offer complimentary booths. • The Bridal Showcase at Cal Expo will no longer be held. • The International Wedding Festival does not want the Board at their event. • Staff will continue to research other consumer events.	Q4 2023 and Ongoing	Completed
<b>6.6</b>	<b>Provide information at high schools, occupational schools, and public outreach events on the industry and how to become licensed to increase licensed activity and engage with potential licensees.</b>		
<b>Success Measure:</b>	<b>Completion of events and increased applications for licensure.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>CurrentStatus</b>
6.6.1	Post information on social media.	Q4 2022 and Ongoing	Completed Ongoing
6.6.2	Include schools in email blasts • Start including schools in email blasts to licensees and interested parties.	Q1 2023	Completed
6.6.3	Ask schools to post info internally (website, bulletin boards, etc.).	Q4 2023 and Ongoing	Completed

	<ul style="list-style-type: none"> <li>• What to Know Before Choosing a Barber and Cosmetology School pamphlets emailed and mailed to multiple high school districts.</li> <li>• Information shared at school outreach events for them to post and distribute to students.</li> </ul>		
6.6.4	Hold more outreach events at approved industry schools.	Q4 2023 and Ongoing	Completed
6.6.5	Identify contacts at high schools, occupational schools.	Q1 2024	Completed
	<ul style="list-style-type: none"> <li>• Contacts identified and contacted.</li> </ul>		
6.6.6	Identify venues (bridal shows, state fairs, etc.) to attend.	Q1 2024	Completed
	<ul style="list-style-type: none"> <li>• The State Fair does not offer complimentary booths.</li> <li>• The Bridal Showcase at Cal Expo will no longer be held.</li> <li>• The International Wedding Festival does not want the Board at their event.</li> <li>• Staff will continue to research other consumer events.</li> </ul>		
6.6.7	Hold more outreach events at high schools, occupational schools, county job fairs, etc.	Q3 2024	Completed
	<ul style="list-style-type: none"> <li>• Outreach event on March 22, 2023, at two high schools in the Stockton Unified School District.</li> <li>• Outreach event on March 30, 2023, at Highlands High School Career Day.</li> <li>• Staff will research opportunities with county job fairs and other events.</li> </ul>		
<b>6.7</b>	<b>Explore within the outreach committee to create Board-specific outreach/media to expand access of information to the public and licensees.</b>		
<b>Success Measure:</b>	<b>Outreach plan has been developed and implemented.</b>		
<b>Objectives/Tasks</b>		<b>Target Completion</b>	<b>Current Status</b>
6.7.1	Ask committee to provide more specific direction on which concerns to prioritize to raise awareness.	Q2 2023	Completed
	<ul style="list-style-type: none"> <li>• Discussed at 3/13 Education and Outreach Committee meeting.</li> <li>• Will promote scope of practice, how to become licensed, how to stay in compliance.</li> </ul>		
6.7.2	Request additional topic to parallel Safe Sandal Season.	Q2 2023	Completed
	<ul style="list-style-type: none"> <li>• Discussed at 3/13 Education and Outreach Committee meeting.</li> <li>• Will promote scope of practice, how to become licensed, how to stay in compliance.</li> </ul>		
6.7.3	Develop an outreach plan based on Committee input.	Q4 2023	Completed
	<ul style="list-style-type: none"> <li>• Started posting more Did You Know and Enforcement Reminders as recommended by the Education and Outreach committee.</li> </ul>		
6.7.4	Re-evaluate outreach plan annually.	Q1 2025 and Ongoing	Pending



## MEMORANDUM

DATE May 6, 2024

TO: Members, Board of Barbering and Cosmetology

FROM: Steve Weeks, Committee Chairperson

SUBJECT: Report on the April 22, 2024, Licensing and Examination Committee Meetings

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On April 22, 2024, the Licensing and Examination Committee (Committee) convened and Steve Weeks was elected to continue to serve as Committee Chair.

The Committee discussed concerns regarding individuals operating as a corporation or Limited Liability Company (LLC) member if their personal license was previously disciplined. Executive Officer Kristy Underwood reported that when an establishment application is received, staff check the licenses of all the officers listed on the application for prior disciplinary action. The Board's current regulations, however, do not require corporations or LLCs to inform the Board if an officer or member has changed. If the Board wants to add this requirement, it will require a regulatory change.

Chair Weeks advised that he was more concerned with another situation where a corporation owner could hire an individual that has been disciplined to act as a manager. Executive Officer Kristy Underwood stated that the Board has a requirement for a Board licensed individual be identified as in charge of an establishment during its operating hours, however that person is not required to be listed in the establishment application, reported to the Board, nor is there any language banning someone prior discipline on their license from acting in this capacity. Legal Counsel Sabina Knight expressed her concern that this could be a barrier to employment.

The Committee requested that the Board staff expand research into how other Board's and licensing entities are handling similar concerns. In addition, the Committee requested the Board research the impact of the Federal Corporation Transparency Act on the Boards licensing of establishments and disclosure of past discipline. This research will be provided at the next Committee meeting.



## MEMORANDUM

<b>DATE</b>	May 6, 2024
<b>TO</b>	Members, Board of Barbering and Cosmetology
<b>FROM</b>	Reese Isbell, Committee Chairperson
<b>SUBJECT</b>	Report on the March 25, 2024, and April 22, 2024, Legislative and Budget Committee Meetings, Consideration of Committee Recommendations and Possible Action on Proposed Bills

The Legislative and Budget Committee convened on March 25, 2024, and April 22, 2024, to discuss and recommend positions for the full Board regarding active legislation. Below are summaries of the legislative bills discussed. Full bill analyses and bill texts are included as attachments.

### **2024 Proposed Bills**

- **AB 1328 (Gipson) Cosmetology Licensure Compact**

**Location:** Senate

**Status:** 06/06/2023 From Business, Professions, and Economic Development Committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on B.,P. & E.D. This bill is now a 2-year bill.

**Summary:** This bill would enact the Cosmetology Licensure Compact to facilitate the interstate practice and regulation of cosmetology. The compact would require the board to grant a multistate license to practice cosmetology to an applicant meeting specified requirements.

**Board Position:** Sponsor and Support (position taken at 04/17/2023 Board Meeting)

**No Action Needed.**

- **AB 2166 (Weber) Barbering and cosmetology: hair types and textures**

**Location:** Assembly

**Status:** 04/18/2024 Assembly Floor, read second time. Ordered to Consent Calendar.

**Summary:** This bill would require barbers, cosmetologist, and hairstylist to receive instruction in providing services to individuals with all hair types and textures, including various curl or wave patterns, hair strand thicknesses, and volumes of hair. It would require written tests to determine the applicant's skill in, and knowledge of, providing services to individuals with varying hair types and textures.

**Board Position:** Support (position taken at 02/26/2024 Board Meeting)

**No Action Needed.**

- **AB 2412 (Reyes) Healing arts: California Body Contouring Council: practitioners**

**Location:** Assembly

**Status:** 04/19/24 Assembly Business and Professions Committee – Hearing canceled at the request of author and sponsor. Pulled by author.

**Summary:** This bill would establish the California Body Contouring Practitioner Act, would define body contouring as noninvasive, nonmedical treatment intended to shape or contour the fatty areas of the body, as specified. The bill would create the California Body Contouring Council for the purpose of regulating the practice of body contouring.

**Board Position:** Watch (as of 02/26/2024 Board Meeting)

**No Action Needed.**



• **AB 2444 (Lee) Barbering and cosmetology: licensees: manicurists**

**Location:** Assembly

**Status:** 04/18/24 Assembly Labor and Employment Committee, do pass and re-refer to Committee on Appropriations.

**Summary:** This bill would require informational materials on basic labor laws to be inserted by the Board into the application and renewal forms and would require the Board to work with the Department of Industrial Relations to develop social media posts on basic labor laws.

**Board Position:** Oppose (position taken at 02/26/2024 Board Meeting, before amended in Assembly 04/09/2024)

**3/25/2024 Legislation and Budget Committee Meeting Discussion Points:**

- The Committee questioned whether the Board could absorb the costs and workload that would be needed to develop a video regarding basic labor laws.
- The Committee determined that the Board provides basic labor law information on its website. In addition, the Board includes a section regarding basic labor laws in the health and safety course curriculum that is a required element of training.
- The Committee expressed concern that the Board would be provider of the labor laws video, which is outside the Board's purview.

**4/22/2024 Legislation and Budget Committee Meeting Discussion Points:**

- It is important that the workers within and owners of the Board's licensed establishments understand labor laws.
- The Committee determined that requiring the Board to provide basic labor law information as part of an application would have a significant cost for printing and mailing.
- Many applicants prefer to send paper applications, so postage would also be higher for applicants.
- The Committee questioned if mailing documents is the best method of reaching the target population and if the documents will be read.
- Placing the Department of Industrial Relations (DIR) laws in the Board's jurisdiction is concerning as it is not the Board's expertise.
- Including basic labor law information with Board applications would increase the number of calls and emails received that the Board does not have the expertise to answer.
- Labor law information does not pertain to independent contractors, which compose an estimated 35% of the licensee population. Printing this information would be a waste of resources, especially during a budget freeze.
- The Board's social media outreach is doing well. Requiring the Board to collaborate with the DIR could cause delays in posting.
- Cost for printing and mailing would be better utilized toward community outreach.

**Action Needed:** Upon discussion, the Board should take a position on AB 2444 as amended.

• **AB 2862 (Gipson) Licenses: African American applicants**

**Location:** Assembly

**Status:** 04/18/24 Re-referred to Committee on Judiciary.

**Summary:** This department-wide bill would require the Board to prioritize African American applicants, especially those who are descended from a person enslaved in the United States.

**4/22/2024 Legislation and Budget Committee Meeting Discussion Points:**

- This bill would have a major workload impact and raises concerns that processing times would be delayed.
- The Board does not collect information on ethnicity so it is unclear how this would be implemented.
- The bill doesn't specify how applicants would prove that they are descended from a person enslaved.

**Board Position:** N/A

**Committee Recommendation:** Watch

**Action Needed:** Upon discussion, the Board should take a position on AB 2862.

• **SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees**

**Location:** Assembly

**Status:** Held in Assembly Appropriations. Not set for a hearing or to be voted on. Incorporated into SB 1451.

**Summary:** Would require that the hairstylist application and examination fee be the actual cost to the board for developing, purchasing, grading, and administering the examination, and limit a hairstylist's initial license fee to \$50.

**Board Position:** Support (position taken at 04/17/2023 Board Meeting)

**No Action Needed.**

- **SB 1084 (Nguyen) Barbering and cosmetology: Hairstyling License**

**Location:** Senate

**Status:** Pulled by author.

**Summary:** This bill would repeal those provisions relating to the license as a hairstylist and would make conforming changes. The bill would require a person who engages in the practices of arranging, beautifying, cleansing, curling, dressing, shampooing, or waving the hair of a person at an establishment to provide notice to consumers of the person's licensure status.

**Board Position:** Oppose (position taken at 02/26/2024 Board Meeting)

**No Action Needed.**

- **SB 1451 (Ashby) Professions and vocations**

**Location:** Senate

**Status:** 04/22/24 Senate Committee on Business, Professions and Economic Development. Do pass and re-refer to Committee on Appropriations.

**Summary:** Would require that the hairstylist application and examination fee be the actual cost to the board for developing, purchasing, grading, and administering the examination, and limit a hairstylist's initial license fee to no more than \$50.

**4/22/2024 Legislation and Budget Committee Discussion Points:**

- This has the same hairstylist clean-up language that was previously in SB 817, which the Board took a support position on.

**Board Position:** N/A

**Committee Recommendation:** Support

**Action Needed:** Upon discussion, the Board should take a position on SB 1451.

**Bill Text**

Bill text are included in the meeting materials and are also available online at the links provided below.

The text version of Assembly Bill 1328 is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB1328](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1328)

The text version of Assembly Bill 2166 is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2166](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2166)

The text version of Assembly Bill 2412 is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2412](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2412)

The text version of Assembly Bill 2444 is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2444](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2444)

The text version of Assembly Bill 2862 is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2862](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2862)

The text version of Senate Bill 817 is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB817](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB817)

The text version of Senate Bill 1084 is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB1084](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1084)

The text version of Senate Bill 1451 is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB1451](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1451)

# BOARD OF BARBERING & COSMETOLOGY

## Bill Analysis

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**Author:** Assembly Member Gipson

**Subject:** Barbering and Cosmetology:  
Interstate Cosmetology Licensure Compact.

**Bill Number:** AB 1328

**Version:** June 06, 2023

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### **Existing Law:**

- The Barbering and Cosmetology Act, provides for the licensure and regulation of barbers, cosmetologist, hairstylist, electrologist, estheticians and manicurists by the State Board of Barbering and Cosmetology (BBC). (BPC 7301 et seq)
- Requires the board to grant a license to an individual who already possesses an unrestricted license in good standing from another state upon completion of an application and payment of applicable fees. (BPC 7331)
- Requires the board to expedite licensure process (BPC 115.5) and/or grant temporary license (BPC § 115.6) to an applicant who is married to, or in a domestic partnership or other legal union with an active-duty member of the Armed forces and who holds a current, active, and unrestricted license in another state.

### **This Bill:**

- Enacts the Cosmetology Licensure Compact (Compact) to facilitate California's participation in a multistate licensing program whereby cosmetologists can receive reciprocity to practice in other states that have adopted the Compact and vice versa.
- The Compact shall come into effect on the date on which the Compact is enacted into law by seven member states.
- Establishes the Cosmetology Licensure Compact Commission (Commission), a joint government agency comprised of member states that have enacted the Compact.
- Requires the Commission to provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system.
- Empowers the Commission to promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact.
- Requires a state seeking to join the Compact to do all of the following:
  - a. License and regulate cosmetology.
  - b. Have a mechanism or entity in place to receive and investigate complaints about licensees practicing in that state
  - c. Require its licensees to pass a cosmetology competency examination prior to being licensed.
  - d. Requires that its licensees satisfy educational or training requirements in cosmetology.
  - e. Implement procedure for considering one or more of the following categories of information from applicants for licensure: criminal history; disciplinary history; or background check.
  - f. Participate in the Compact's data system.

- g. Share information related to adverse actions with the Commission and other member states, both through the data system and otherwise.
  - h. Notify the commission and other member states of the existence of investigative information or current significant investigative information in the state's possession regarding a licensee practicing in that state.
  - i. Comply with any rules enacted by the Commission.
  - j. Accept licensees from other member states.
- Clarifies that nothing in the compact affects the requirements for any single-state license.
  - Requires the BBC and other member state licensing authorities to cooperate with the Commission and with each entity exercising independent regulatory authority over the practice of cosmetology according to the provisions of the Compact.
  - Automatically suspends a multistate license if the licensee is subjected to a disciplinary order by a member state that imposes an adverse action on the license.
  - Authorizes member states to participate in joint investigations of licensees.
  - Requires active-duty military personnel and their spouses to designate a home state where they have a current license to practice cosmetology in good standing.
  - Authorizes a member state to withdraw from the Compact by enacting a statute repealing its enactment of the Compact.

**Analysis:**

- This will ensure that all cosmetologists meet the same standards regardless of where they practice, thereby increasing consumer protection and safety.
- Will reduce unnecessary burdens related to cosmetology licensure while allowing the Board access to enforcement information through a shared database and grant the Board the authority to participate in joint investigations with other states.

**Implementation Issues:**

- The language in this bill would enact precisely the specific language provided by the Council of State Governments (CSG) and US Department of Defense (DOD) in their model legislation. As such, it has not been tailored to fit the structure of California statutes, nor has it been modified to ensure consistence with the Barbering and Cosmetology Act. However, the CSG and DOD have made it clear that states must enact the model legislation exactly to ensure participation in the Compact. – *As per Assembly Business & Professions analysis 04/21/23*
- The Council of State Governments (CGS) wanted the 06/06/23 amendments. Mostly non-substantive formatting updates and changing ~~Active Duty Military personnel~~ to Active Military Members.

**Board Position: Sponsor**

- On January 23, 2023, the Board voiced support of joining the inter-state compact and motioned to move forward with a legislative proposal.
- On April 17, 2023, the Board voted to Sponsor and Support AB 1328.

**Status:**

- 06/06/23: Referred to Senate Business, Professions, and Economic Development committee.

**Registered Support:**

California State Board of Barbering and Cosmetology (*Sponsor*)  
Barbicide  
Bellus Academy  
Blueco Brands  
Floyd's Barbershop  
Future of The Beauty Industry Coalition  
Great Clips  
Hair Cuttery  
Intercoiffure  
International SalonSpa Business Network  
JCPenney Salon  
Military Services in California  
Professional Beauty Employment Coalition  
San Diego Military Advisory Council  
Sport Clips  
Ulta Beauty  
United States Department of Defense

**Registered Opposition:**

None on file.

**AB 1328 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB1328](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1328)

AMENDED IN SENATE JUNE 6, 2023  
AMENDED IN ASSEMBLY MARCH 23, 2023  
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1328**

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**Introduced by Assembly Member Gipson**

February 16, 2023

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An act to add Article 14 (commencing with Section 7430) to Chapter 10 of Division 3 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1328, as amended, Gipson. Cosmetology Licensure Compact.

Existing law, the Barbering and Cosmetology Act, establishes in the Department of Consumer Affairs the State Board of Barbering and Cosmetology to license and regulate the practice of cosmetology. A violation of the act is a misdemeanor, unless otherwise provided. Existing law requires the board to grant a license to an applicant who holds a current license to practice issued by another state that is not revoked, suspended, or otherwise restricted and is in good standing, upon submission of a completed application form and fees.

This bill would enact the Cosmetology Licensure Compact, the purpose of which is to facilitate the interstate practice and regulation of cosmetology. The compact would require the board to grant a multistate license to practice cosmetology to an applicant who meets specified eligibility requirements, including holding an active and unencumbered license to practice cosmetology issued by the board in this state. The compact would require the state to recognize a multistate license issued by each member state as authorizing the licensee to



practice cosmetology in this state. The compact would require the board to select a delegate to serve on the Cosmetology Licensure Compact Commission, a joint governmental agency consisting of all member states that have enacted the compact, and would enact specified provisions relating to the establishment, operation, powers, and duties of the commission. The compact would specify procedures for the adoption of rules by the commission for purposes of implementing and administering the compact and would state that the rules of the commission shall have the force of law, except as specified. The compact would require the board to take specified actions relating to the administration and enforcement of the compact, including receiving complaints about individuals practicing cosmetology and communicating investigative information about any adverse action to the other member states through a data system, as specified. The compact would authorize the board to charge a fee to grant a multistate license or for the renewal of a multistate license. The bill would authorize the commission to levy and collect an annual assessment from the state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of operations and activities of the commission. Because the bill would expand the scope of a crime under the act to holders of multistate licenses practicing in this state, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Article 14 (commencing with Section 7430) is  
 2 added to Chapter 10 of Division 3 of the Business and Professions  
 3 Code, to read:

4  
 5 Article 14. Cosmetology Licensure Compact

6  
 7 7430. (a) The Legislature hereby enacts the Cosmetology  
 8 Licensure Compact as set forth in Section 7431.

1 (b) The State Board of Barbering and Cosmetology is designated  
2 as the state licensing authority for purposes of the compact.

3 7431. ARTICLE 1- PURPOSE

4 The purpose of this Compact is to facilitate the interstate practice  
5 and regulation of Cosmetology with the goal of improving public  
6 access to, and the safety of, Cosmetology Services and reducing  
7 unnecessary burdens related to Cosmetology licensure. Through  
8 this Compact, the Member States seek to establish a regulatory  
9 framework which provides for a new multistate licensing program.  
10 Through this new licensing program, the Member States seek to  
11 provide increased value and mobility to licensed Cosmetologists  
12 in the Member States, while ensuring the provision of safe,  
13 effective, and reliable services to the public.

14 This Compact is designed to achieve the following objectives,  
15 and the Member States hereby ratify the same intentions by  
16 subscribing hereto:

17 ~~Provide~~

18 A. *Provide* opportunities for interstate practice by Cosmetologists  
19 who meet uniform requirements for multistate licensure;

20 B. Enhance the abilities of Member States to protect public health  
21 and safety, and prevent fraud and unlicensed activity within the  
22 profession;

23 C. Ensure and encourage cooperation between Member States  
24 in the licensure and regulation of the Practice of Cosmetology;

25 D. Support relocating military members and their spouses;

26 E. Facilitate the exchange of information between Member States  
27 related to the licensure, investigation, and discipline of the Practice  
28 of Cosmetology;

29 F. Provide for the licensure and mobility of the workforce in the  
30 profession, while addressing the shortage of workers and lessening  
31 the associated burdens on the Member States.

32 ARTICLE 2- DEFINITIONS

33 As used in this Compact, and except as otherwise provided, the  
34 following definitions shall govern the terms herein:

35 ~~“Active Duty Military”~~

36 A. *“Active Military Member”* means any ~~individual in person~~  
37 *with full-time duty status in the active uniformed service armed*  
38 *forces of the United States States*, including members of the  
39 National Guard and Reserve.

1 B. “Adverse Action” means any administrative, civil, equitable,  
 2 or criminal action permitted by a Member State’s laws which is  
 3 imposed by a State Licensing Authority or other regulatory body  
 4 against a—~~or~~ Cosmetologist, including actions against an  
 5 individual’s license or Authorization to Practice such as revocation,  
 6 suspension, probation, monitoring of the Licensee, limitation of  
 7 the Licensee’s practice, or any other Encumbrance on a license  
 8 affecting an individual’s ability to participate in the Cosmetology  
 9 industry, including the issuance of a cease and desist order.

10 C. “Authorization to Practice” means a legal authorization  
 11 associated with a Multistate License permitting the Practice of  
 12 Cosmetology in that Remote State, which shall be subject to the  
 13 enforcement jurisdiction of the State Licensing Authority in that  
 14 Remote State.

15 D. “Alternative Program” means a—~~non-disciplinary~~  
 16 *nondisciplinary* monitoring or prosecutorial diversion program  
 17 approved by a Member State’s State Licensing Authority.

18 E. “Background Check” means the submission of information  
 19 for an applicant for the purpose of obtaining that applicant’s  
 20 criminal history record information, as further defined in C.F.R.  
 21 § 20.3(d), from the Federal Bureau of Investigation and the agency  
 22 responsible for retaining State criminal or disciplinary history in  
 23 the applicant’s Home State.

24 F. “Charter Member State” means Member States who have  
 25 enacted legislation to adopt this Compact where such legislation  
 26 predates the effective date of this Compact as defined in Article  
 27 13.

28 G. “Commission” the government agency whose membership  
 29 consists of all States that have enacted this Compact, which is  
 30 known as the Cosmetology Licensure Compact Commission, as  
 31 defined in Article 9, and which shall operate as an instrumentality  
 32 of the Member States.

33 H. “Cosmetologist” means an individual licensed in their Home  
 34 State to practice Cosmetology.

35 ~~“Cosmetology”,~~

36 I. “*Cosmetology*,” “~~Cosmetology Services~~,” *Services*,” and the  
 37 “Practice of Cosmetology” mean the care and services provided  
 38 by a Cosmetologist as set forth in the Member State’s statutes and  
 39 regulations in the State where the services are being provided.

40 J. “Current Significant Investigative Information” means:

1 ~~Investigative~~

2 1. *Investigative* Information that a State Licensing Authority,  
3 after an inquiry or investigation that complies with a Member  
4 State’s due process requirements, has reason to believe is not  
5 groundless and, if proved true, would indicate a violation of that  
6 State’s laws regarding fraud or the Practice of Cosmetology; or

7 2. Investigative Information that indicates that a Licensee has  
8 engaged in fraud or represents an immediate threat to public health  
9 and safety, regardless of whether the Licensee has been notified  
10 and had an opportunity to respond.

11 K. “Data System” means a repository of information about  
12 Licensees, including but not limited to license status, Investigative  
13 Information, and Adverse Actions.

14 L. “Disqualifying Event” means any event which shall disqualify  
15 an individual from holding a Multistate License under this  
16 Compact, which the Commission may by Rule or order specify.

17 M. “Encumbered License” means a license in which an Adverse  
18 Action restricts the Practice of Cosmetology by a Licensee, or  
19 where said Adverse Action has been reported to the Commission.

20 N. “Encumbrance” means a revocation or suspension of, or any  
21 limitation on, the full and unrestricted Practice of Cosmetology  
22 by a State Licensing Authority.

23 O. “Executive Committee” means a group of delegates elected  
24 or appointed to act on behalf of, and within the powers granted to  
25 them by, the Commission.

26 P. “Home State” means the Member State which is a Licensee’s  
27 primary State of residence, and where that Licensee holds an active  
28 and unencumbered license to practice Cosmetology.

29 Q. “Investigative Information” means information, records, or  
30 documents received or generated by a State Licensing Authority  
31 pursuant to an investigation or other inquiry.

32 R. “Jurisprudence Requirement” means the assessment of an  
33 individual’s knowledge of the laws and rules governing the Practice  
34 of Cosmetology in a State.

35 S. “Licensee” means an individual who currently holds a license  
36 from a Member State to practice as a Cosmetologist.

37 T. “Member State” means any State that has adopted this  
38 Compact.

39 U. “Multistate License” means a license issued by and subject  
40 to the enforcement jurisdiction of the State Licensing Authority

1 in a Licensee’s Home State, which authorizes the Practice of  
2 Cosmetology in Member States and includes Authorizations to  
3 Practice Cosmetology in all Remote States pursuant to this  
4 Compact.

5 V. “Remote State” means any Member State, other than the  
6 Licensee’s Home State.

7 W. “Rule” means any rule or regulation promulgated by the  
8 Commission under this Compact which has the force of law.

9 X. “Single-State License” means a Cosmetology license issued  
10 by a Member State that authorizes practice of Cosmetology only  
11 within the issuing State and does not include any authorization  
12 outside of the issuing State.

13 Y. “State” means a State, territory, or possession of the United  
14 States and the District of Columbia.

15 Z. “State Licensing Authority” means a Member State’s  
16 regulatory body responsible for issuing Cosmetology licenses or  
17 otherwise overseeing the Practice of Cosmetology in that State.

18 ARTICLE 3- MEMBER STATE REQUIREMENTS

19 ~~To~~

20 A. To be eligible to join this Compact, and to maintain eligibility  
21 as a Member State, a State must:

- 22 1. License and regulate Cosmetology;
- 23 2. Have a mechanism or entity in place to receive and investigate  
24 complaints about Licensees practicing in that State;
- 25 3. Require that Licensees within the State pass a Cosmetology  
26 competency examination prior to being licensed to provide  
27 Cosmetology Services to the public in that State;
- 28 4. Require that Licensees satisfy educational or training  
29 requirements in Cosmetology prior to being licensed to provide  
30 Cosmetology Services to the public in that State;
- 31 5. Implement procedures for considering one or more of the  
32 following categories of information from applicants for licensure:  
33 criminal history; disciplinary history; or Background Check. Such  
34 procedures may include the submission of information by  
35 applicants for the purpose of obtaining an applicant’s Background  
36 Check as defined herein;
- 37 6. Participate in the Data System, including through the use of  
38 unique identifying numbers;

1 7. Share information related to Adverse Actions with the  
2 Commission and other Member States, both through the Data  
3 System and otherwise;

4 8. Notify the Commission and other Member States, in  
5 compliance with the terms of the Compact and Rules of the  
6 Commission, of the existence of Investigative Information or  
7 Current Significant Investigative Information in the State’s  
8 possession regarding a Licensee practicing in that State;

9 9. Comply with such Rules as may be enacted by the  
10 Commission to administer the Compact; and

11 10. Accept Licensees from other Member States as established  
12 herein.

13 B. Member States may charge a fee for granting a license to  
14 practice Cosmetology.

15 C. Individuals not residing in a Member State shall continue to  
16 be able to apply for a Member State’s Single-State License as  
17 provided under the laws of each Member State. However, the  
18 Single-State License granted to these individuals shall not be  
19 recognized as granting a Multistate License to provide services in  
20 any other Member State.

21 D. Nothing in this Compact shall affect the requirements  
22 established by a Member State for the issuance of a Single-State  
23 License.

24 E. A Multistate License issued to a Licensee by a Home State  
25 to a resident of that State shall be recognized by each Member  
26 State as authorizing a Licensee to practice Cosmetology in each  
27 Member State.

28 F. At no point shall the Commission have the power to define  
29 the educational or professional requirements for a license to  
30 practice Cosmetology. The Member States shall retain sole  
31 jurisdiction over the provision of these requirements.

32 ARTICLE 4- MULTISTATE LICENSE

33 ~~To~~

34 A. To be eligible to apply to their Home State’s State Licensing  
35 Authority for an initial Multistate License under this Compact, a  
36 Licensee must hold an active and unencumbered Single-State  
37 License to practice Cosmetology in their Home State.

38 B. Upon the receipt of an application for a Multistate License,  
39 according to the Rules of the Commission, a Member State’s State

1 Licensing Authority shall ascertain whether the applicant meets  
2 the requirements for a Multistate License under this Compact.

3 C. If an applicant meets the requirements for a Multistate License  
4 under this Compact and any applicable Rules of the Commission,  
5 the State Licensing Authority in receipt of the application shall,  
6 within a reasonable time, grant a Multistate License to that  
7 applicant, and inform all Member States of the grant of said  
8 Multistate License.

9 D. A Multistate License to practice Cosmetology issued by a  
10 Member State’s State Licensing Authority shall be recognized by  
11 each Member State as authorizing the practice thereof as though  
12 that Licensee held a Single-State License to do so in each Member  
13 State, subject to the restrictions herein.

14 E. A Multistate License granted pursuant to this Compact may  
15 be effective for a definite period of time, concurrent with the  
16 licensure renewal period in the Home State.

17 F. To maintain a Multistate License under this Compact, a  
18 Licensee must:

19 ~~Agree~~

20 *1. Agree* to abide by the rules of the State Licensing Authority,  
21 and the State scope of practice laws governing the Practice of  
22 Cosmetology, of any Member State in which the Licensee provides  
23 services;

24 *2.* Pay all required fees related to the application and process,  
25 and any other fees which the Commission may by Rule require;  
26 and

27 *3.* Comply with any and all other requirements regarding  
28 Multistate Licenses which the Commission may by Rule provide.

29 G. A Licensee practicing in a Member State is subject to all  
30 scope of practice laws governing Cosmetology Services in that  
31 State.

32 H. The Practice of Cosmetology under a Multistate License  
33 granted pursuant to this Compact will subject the Licensee to the  
34 jurisdiction of the State Licensing Authority, the courts, and the  
35 laws of the Member State in which the Cosmetology Services are  
36 provided.

37 ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE  
38 BY A NEW HOME STATE

39 ~~A~~

1 A. A Licensee may hold a Multistate License, issued by their  
2 Home State, in only one Member State at any given time.

3 B. If a Licensee changes their Home State by moving between  
4 two Member States:

5 ~~The~~

6 1. *The* Licensee shall immediately apply for the reissuance of  
7 their Multistate License in their new Home State. The Licensee  
8 shall pay all applicable fees and notify the prior Home State in  
9 accordance with the Rules of the Commission.

10 2. Upon receipt of an application to reissue a Multistate License,  
11 the new Home State shall verify that the Multistate License is  
12 active, unencumbered and eligible for reissuance under the terms  
13 of the Compact and the Rules of the Commission. The Multistate  
14 License issued by the prior Home State will be deactivated and all  
15 Member States notified in accordance with the applicable Rules  
16 adopted by the Commission.

17 3. If required for initial licensure, the new Home State may  
18 require a Background Check as specified in the laws of that State,  
19 or the compliance with any Jurisprudence Requirements of the  
20 new Home State.

21 4. Notwithstanding any other provision of this Compact, if a  
22 Licensee does not meet the requirements set forth in this Compact  
23 for the reissuance of a Multistate License by the new Home State,  
24 then the Licensee shall be subject to the new Home State  
25 requirements for the issuance of a Single-State License in that  
26 State.

27 C. If a Licensee changes their primary state of residence by  
28 moving from a Member State to a non-Member State, or from a  
29 non-Member State to a Member State, then the Licensee shall be  
30 subject to the State requirements for the issuance of a Single-State  
31 License in the new Home State.

32 D. Nothing in this Compact shall interfere with a Licensee's  
33 ability to hold a Single-State License in multiple States; however,  
34 for the purposes of this Compact, a Licensee shall have only one  
35 Home State, and only one Multistate License.

36 E. Nothing in this Compact shall interfere with the requirements  
37 established by a Member State for the issuance of a Single-State  
38 License.



1 ARTICLE 6- AUTHORITY OF THE COMPACT  
 2 COMMISSION AND MEMBER STATE LICENSING  
 3 AUTHORITIES

4 ~~Nothing~~

5 A. *Nothing* in this Compact, nor any Rule or regulation of the  
 6 Commission, shall be construed to limit, restrict, or in any way  
 7 reduce the ability of a Member State to enact and enforce laws,  
 8 regulations, or other rules related to the Practice of Cosmetology  
 9 in that State, where those laws, regulations, or other rules are not  
 10 inconsistent with the provisions of this Compact.

11 B. Insofar as practical, a Member State's State Licensing  
 12 Authority shall cooperate with the Commission and with each  
 13 entity exercising independent regulatory authority over the Practice  
 14 of Cosmetology according to the provisions of this Compact.

15 C. Discipline shall be the sole responsibility of the State in which  
 16 Cosmetology Services are provided. Accordingly, each Member  
 17 State's State Licensing Authority shall be responsible for receiving  
 18 complaints about individuals practicing Cosmetology in that State,  
 19 and for communicating all relevant Investigative Information about  
 20 any such Adverse Action to the other Member States through the  
 21 Data System in addition to any other methods the Commission  
 22 may by Rule require.

23 ARTICLE 7- ADVERSE ACTIONS

24 ~~A~~

25 A. A Licensee's Home State shall have exclusive power to impose  
 26 an Adverse Action against a Licensee's Multistate License issued  
 27 by the Home State.

28 B. A Home State may take Adverse Action on a Multistate  
 29 License based on the Investigative Information, Current Significant  
 30 Investigative Information, or Adverse Action of a Remote State.

31 C. In addition to the powers conferred by State law, each Remote  
 32 State's State Licensing Authority shall have the power to:

33 ~~Take~~

34 1. *Take* Adverse Action against a Licensee's Authorization to  
 35 Practice Cosmetology through the Multistate License in that  
 36 Member State, provided that:

37 ~~Only~~

38 a. *Only* the Licensee's Home State shall have the power to take  
 39 Adverse Action against the Multistate License issued by the Home  
 40 State; and

1 ~~For~~

2 *b. For* the purposes of taking Adverse Action, the Home State’s  
3 State Licensing Authority shall give the same priority and effect  
4 to reported conduct received from a Remote State as it would if  
5 such conduct had occurred within the Home State. In so doing,  
6 the Home State shall apply its own State laws to determine the  
7 appropriate action.

8 ~~Issue~~

9 *2. Issue* cease and desist orders or impose an Encumbrance on  
10 a Licensee’s Authorization to Practice within that Member State.

11 ~~Complete~~

12 *3. Complete* any pending investigations of a Licensee who  
13 changes their primary state of residence during the course of such  
14 an investigation. The State Licensing Authority shall also be  
15 empowered to report the results of such an investigation to the  
16 Commission through the Data System as described herein.

17 ~~Issue~~

18 *4. Issue* subpoenas for both hearings and investigations that  
19 require the attendance and testimony of witnesses, as well as the  
20 production of evidence. Subpoenas issued by a State Licensing  
21 Authority in a Member State for the attendance and testimony of  
22 witnesses or the production of evidence from another Member  
23 State shall be enforced in the latter State by any court of competent  
24 jurisdiction, according to the practice and procedure of that court  
25 applicable to subpoenas issued in proceedings before it. The issuing  
26 State Licensing Authority shall pay any witness fees, travel  
27 expenses, mileage, and other fees required by the service statutes  
28 of the State in which the witnesses or evidence are located.

29 ~~If~~

30 *5. If* otherwise permitted by State law, recover from the affected  
31 Licensee the costs of investigations and disposition of cases  
32 resulting from any Adverse Action taken against that Licensee.

33 ~~Take~~

34 *6. Take* Adverse Action against the Licensee’s Authorization to  
35 Practice in that State based on the factual findings of another  
36 Remote State.

37 D. A Licensee’s Home State shall complete any pending  
38 investigation(s) of a Cosmetologist who changes their primary  
39 state of residence during the course of the investigation(s). The  
40 Home State shall also have the authority to take appropriate

1 action(s) and shall promptly report the conclusions of the  
2 investigations to the Data System.

3 E. If an Adverse Action is taken by the Home State against *the*  
4 Licensee’s Multistate License, the Licensee’s Authorization to  
5 Practice in all other Member States shall be deactivated until all  
6 Encumbrances have been removed from the Home State license.  
7 All Home State disciplinary orders that impose an Adverse Action  
8 against a Licensee’s Multistate License shall include a statement  
9 that the Cosmetologist’s Authorization to Practice is deactivated  
10 in all Member States during the pendency of the order.

11 F. Nothing in this Compact shall override a Member State’s  
12 authority to accept a Licensee’s participation in an Alternative  
13 Program in lieu of Adverse Action. A Licensee’s Multistate License  
14 shall be suspended for the duration of the Licensee’s participation  
15 in any Alternative Program.

16 G. Joint Investigations

17 ~~In~~

18 1. *In* addition to the authority granted to a Member State by its  
19 respective scope of practice laws or other applicable State law, a  
20 Member State may participate with other Member States in joint  
21 investigations of Licensees.

22 2. Member States shall share any investigative, litigation, or  
23 compliance materials in furtherance of any joint or individual  
24 investigation initiated under the Compact.

25 ARTICLE 8- ACTIVE-~~DUTY~~ MILITARY MEMBERS AND  
26 THEIR SPOUSES

27 Active-~~Duty~~ Military personnel, *Military Members*, or their  
28 spouses, shall designate a Home State where the individual has a  
29 current license to practice Cosmetology in good standing. The  
30 individual may retain their Home State designation during any  
31 period of service when that individual or their spouse is on active  
32 duty assignment.

33 ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE  
34 COSMETOLOGY LICENSURE COMPACT COMMISSION

35 ~~The~~

36 A. *The* Compact Member States hereby create and establish a  
37 joint government agency whose membership consists of all  
38 Member States that have enacted the Compact known as the  
39 Cosmetology Licensure Compact Commission. The Commission  
40 is an instrumentality of the Compact Member States acting jointly

1 and not an instrumentality of any one State. The Commission shall  
2 come into existence on or after the effective date of the Compact  
3 as set forth in Article 13.

4 B. Membership, Voting, and Meetings

5 ~~Each~~

6 1. *Each* Member State shall have and be limited to one (1)  
7 delegate selected by that Member State's State Licensing Authority.

8 2. The delegate shall be an administrator of the State Licensing  
9 Authority of the Member State or their designee.

10 3. The Commission shall by Rule or bylaw establish a term of  
11 office for delegates and may by Rule or bylaw establish term limits.

12 4. The Commission may recommend removal or suspension of  
13 any delegate from office.

14 5. A Member State's State Licensing Authority shall fill any  
15 vacancy of its delegate occurring on the Commission within 60  
16 days of the vacancy.

17 6. Each delegate shall be entitled to one vote on all matters that  
18 are voted on by the Commission.

19 7. The Commission shall meet at least once during each calendar  
20 year. Additional meetings may be held as set forth in the bylaws.  
21 The Commission may meet by telecommunication, video  
22 conference or other similar electronic means.

23 C. The Commission shall have the following powers:

24 ~~Establish~~

25 1. *Establish* the fiscal year of the Commission;

26 ~~Establish~~

27 2. *Establish* code of conduct and conflict of interest policies;

28 ~~Adopt~~

29 3. *Adopt* Rules and bylaws;

30 ~~Maintain~~

31 4. *Maintain* its financial records in accordance with the bylaws;

32 ~~Meet~~

33 5. *Meet* and take such actions as are consistent with the  
34 provisions of this Compact, the Commission's Rules, and the  
35 bylaws;

36 6. Initiate and conclude legal proceedings or actions in the name  
37 of the Commission, provided that the standing of any State  
38 Licensing Authority to sue or be sued under applicable law shall  
39 not be affected;

- 1 7. Maintain and certify records and information provided to a  
2 Member State as the authenticated business records of the  
3 Commission, and designate an agent to do so on the Commission's  
4 behalf;
- 5 8. Purchase and maintain insurance and bonds;
- 6 9. Borrow, accept, or contract for services of personnel,  
7 including, but not limited to, employees of a Member State;
- 8 10. Conduct an annual financial review;
- 9 11. Hire employees, elect or appoint officers, fix compensation,  
10 define duties, grant such individuals appropriate authority to carry  
11 out the purposes of the Compact, and establish the Commission's  
12 personnel policies and programs relating to conflicts of interest,  
13 qualifications of personnel, and other related personnel matters;
- 14 12. As set forth in the Commission Rules, charge a fee to a  
15 Licensee for the grant of a Multistate License and thereafter, as  
16 may be established by Commission Rule, charge the Licensee a  
17 Multistate License renewal fee for each renewal period. Nothing  
18 herein shall be construed to prevent a Home State from charging  
19 a Licensee a fee for a Multistate License or renewals of a Multistate  
20 License, or a fee for the jurisprudence requirement if the Member  
21 State imposes such a requirement for the grant of Multistate  
22 License;
- 23 13. Assess and collect fees;
- 24 14. Accept any and all appropriate gifts, donations, grants of  
25 money, other sources of revenue, equipment, supplies, materials,  
26 and services, and receive, utilize, and dispose of the same; provided  
27 that at all times the Commission shall avoid any appearance of  
28 impropriety or conflict of interest;
- 29 15. Lease, purchase, retain, own, hold, improve, or use any  
30 property, real, personal, or mixed, or any undivided interest therein;
- 31 16. Sell, convey, mortgage, pledge, lease, exchange, abandon,  
32 or otherwise dispose of any property real, personal, or mixed;
- 33 17. Establish a budget and make expenditures;
- 34 18. Borrow money;
- 35 19. Appoint committees, including standing committees,  
36 composed of members, State regulators, State legislators or their  
37 representatives, and consumer representatives, and such other  
38 interested persons as may be designated in this Compact and the  
39 bylaws;

1 20. Provide and receive information from, and cooperate with,  
2 law enforcement agencies

3 21. Elect a Chair, Vice Chair, Secretary and Treasurer and such  
4 other officers of the Commission as provided in the Commission's  
5 bylaws;

6 22. Establish and elect an Executive Committee, including a  
7 chair and a vice chair;

8 23. Adopt and provide to the ~~Participating~~ *Member* States an  
9 annual report.

10 24. Determine whether a State's adopted language is materially  
11 different from the model Compact language such that the State  
12 would not qualify for participation in the Compact; and

13 25. Perform such other functions as may be necessary or  
14 appropriate to achieve the purposes of this Compact.

15 D. The Executive Committee

16 ~~The~~

17 1. *The* Executive Committee shall have the power to act on behalf  
18 of the Commission according to the terms of this Compact. The  
19 powers, duties, and responsibilities of the Executive Committee  
20 shall include:

21 ~~Overseeing~~

22 a. *Overseeing* the day-to-day activities of the administration of  
23 the Compact including compliance with the provisions of the  
24 Compact, the Commission's Rules and bylaws, and other such  
25 duties as deemed necessary;

26 b. Recommending to the Commission changes to the Rules or  
27 bylaws, changes to this Compact legislation, fees charged to  
28 Compact Member States, fees charged to Licensees, and other  
29 fees;

30 c. Ensuring Compact administration services are appropriately  
31 provided, including by contract;

32 d. Preparing and recommending the budget;

33 e. Maintaining financial records on behalf of the Commission;

34 f. Monitoring Compact compliance of Member States and  
35 providing compliance reports to the Commission;

36 g. Establishing additional committees as necessary;

37 h. Exercise the powers and duties of the Commission during the  
38 interim ~~between~~

39 ~~Commission~~ *between Commission* meetings, except for adopting  
40 or amending Rules, adopting or amending bylaws, and exercising

1 any other powers and duties expressly reserved to the Commission  
 2 by Rule or bylaw; and  
 3 ~~Other~~  
 4 *i. Other* duties as provided in the Rules or bylaws of the  
 5 Commission.  
 6 2. The Executive Committee shall be composed of up to seven  
 7 voting members:  
 8 ~~The~~  
 9 *a. The* chair and vice chair of the Commission and any other  
 10 members of the Commission who serve on the Executive  
 11 Committee shall be voting members of the Executive Committee;  
 12 and  
 13 *b. Other* than the chair and ~~vice chair, secretary~~ *vice chair,*  
 14 *secretary,* and treasurer, the Commission shall elect three voting  
 15 members from the current membership of the Commission.  
 16 *c. The* Commission may elect ~~ex-officio, ex officio,~~ nonvoting  
 17 members from a recognized national Cosmetology professional  
 18 association as approved by the Commission. The Commission’s  
 19 bylaws shall identify qualifying organizations and the manner of  
 20 appointment if the number of organizations seeking to appoint an  
 21 ex officio member exceeds the number of members specified in  
 22 this Article.  
 23 3. The Commission may remove any member of the Executive  
 24 Committee as provided in the Commission’s bylaws.  
 25 4. The Executive Committee shall meet at least annually.  
 26 ~~Annual~~  
 27 *a. Annual* Executive Committee meetings, as well as any  
 28 Executive Committee meeting at which it does not take or intend  
 29 to take formal action on a matter for which a Commission vote  
 30 would otherwise be required, shall be open to the public, except  
 31 that the Executive Committee may meet in a closed, ~~non-public~~  
 32 *nonpublic* session of a public meeting when dealing with any of  
 33 the matters covered under Article 9.F.4.  
 34 *b. The* Executive Committee shall give five business days  
 35 advance notice of its public meetings, posted on its website and  
 36 as determined to provide notice to persons with an interest in the  
 37 public matters the Executive Committee intends to address at those  
 38 meetings.  
 39 5. The Executive Committee may hold an emergency meeting  
 40 when acting for the Commission to:

1 ~~Meet~~  
2 *a. Meet* an imminent threat to public health, safety, or welfare;  
3 ~~Prevent~~  
4 *b. Prevent* a loss of Commission or ~~Participating~~ *Member State*  
5 funds; or  
6 ~~Protect~~  
7 *c. Protect* public health and safety.  
8 E. The Commission shall adopt and provide to the Member States  
9 an annual report.  
10 F. Meetings of the ~~Commission~~ *Commission*.  
11 ~~All~~  
12 *1. All* meetings of the Commission that are not closed pursuant  
13 to Article 9.F.4 shall be open to the public. Notice of public  
14 meetings shall be posted on the Commission’s website at least  
15 thirty (30) days prior to the public meeting.  
16 *2.* Notwithstanding Article 9.F.1, the Commission may convene  
17 an emergency public meeting by providing at least twenty-four  
18 (24) hours prior notice on the Commission’s website, and any other  
19 means as provided in the Commission’s Rules, for any of the  
20 reasons it may dispense with notice of proposed rulemaking under  
21 Article 11.L. The Commission’s legal counsel shall certify that  
22 one of the reasons justifying an emergency public meeting has  
23 been met.  
24 *3.* Notice of all Commission meetings shall provide the time,  
25 date, and location of the meeting, and if the meeting is to be held  
26 or accessible via telecommunication, video conference, or other  
27 electronic means, the notice shall include the mechanism for access  
28 to the meeting.  
29 *4.* The Commission may convene in a closed, ~~non-public~~  
30 *nonpublic* meeting for the Commission to discuss:  
31 ~~Non-compliance~~  
32 *a. Noncompliance* of a Member State with its obligations under  
33 the Compact;  
34 ~~The~~  
35 *b. The* employment, compensation, discipline or other matters,  
36 practices or procedures related to specific employees or other  
37 matters related to the Commission’s internal personnel practices  
38 and procedures;  
39 ~~Current~~



- 1     *c.* Current or threatened discipline of a Licensee by the  
 2 Commission or by a Member State’s Licensing Authority;  
 3     ~~Current,~~  
 4     *d.* Current, threatened, or reasonably anticipated litigation;  
 5     ~~Negotiation~~  
 6     *e.* Negotiation of contracts for the purchase, lease, or sale of  
 7 goods, services, or real estate;  
 8     ~~Accusing~~  
 9     *f.* Accusing any person of a crime or formally censuring any  
 10 person;  
 11     ~~Trade~~  
 12     *g.* Trade secrets or commercial or financial information that is  
 13 privileged or confidential;  
 14     ~~Information~~  
 15     *h.* Information of a personal nature where disclosure would  
 16 constitute a clearly unwarranted invasion of personal privacy;  
 17     ~~Investigative~~  
 18     *i.* Investigative records compiled for law enforcement purposes;  
 19     ~~Information~~  
 20     *j.* Information related to any investigative reports prepared by  
 21 or on behalf of or for use of the Commission or other committee  
 22 charged with responsibility of investigation or determination of  
 23 compliance issues pursuant to the Compact;  
 24     ~~Legal Advice~~  
 25     *k.* Legal advice;  
 26     ~~Matters~~  
 27     *l.* Matters specifically exempted from disclosure to the public  
 28 by federal or Member State law; or  
 29     ~~Other~~  
 30     *m.* Other matters as promulgated by the Commission by Rule.  
 31     ~~If~~  
 32     5. If a meeting, or portion of a meeting, is closed, the presiding  
 33 officer shall state that the meeting will be closed and reference  
 34 each relevant exempting provision, and such reference shall be  
 35 recorded in the minutes.  
 36     6. The Commission shall keep minutes that fully and clearly  
 37 describe all matters discussed in a meeting and shall provide a full  
 38 and accurate summary of actions taken, and the reasons therefore,  
 39 including a description of the views expressed. All documents  
 40 considered in connection with an action shall be identified in such

1 minutes. All minutes and documents of a closed meeting shall  
2 remain under seal, subject to release only by a majority vote of  
3 the Commission or order of a court of competent jurisdiction.

4 G. Financing of the Commission

5 ~~The~~

6 1. *The* Commission shall pay, or provide for the payment of, the  
7 reasonable expenses of its establishment, organization, and ongoing  
8 activities.

9 2. The Commission may accept any and all appropriate sources  
10 of revenue, donations, and grants of money, equipment, supplies,  
11 materials, and services.

12 3. The Commission may levy on and collect an annual  
13 assessment from each Member State and impose fees on Licensees  
14 of Member States to whom it grants a Multistate License to cover  
15 the cost of the operations and activities of the Commission and its  
16 staff, which must be in a total amount sufficient to cover its annual  
17 budget as approved each year for which revenue is not provided  
18 by other sources. The aggregate annual assessment amount for  
19 Member States shall be allocated based upon a formula that the  
20 Commission shall promulgate by Rule.

21 4. The Commission shall not incur obligations of any kind prior  
22 to securing the funds adequate to meet the same; nor shall the  
23 Commission pledge the credit of any Member States, except by  
24 and with the authority of the Member State.

25 5. The Commission shall keep accurate accounts of all receipts  
26 and disbursements. The receipts and disbursements of the  
27 Commission shall be subject to the financial review and accounting  
28 procedures established under its bylaws. All receipts and  
29 disbursements of funds handled by the Commission shall be subject  
30 to an annual financial review by a certified or licensed public  
31 accountant, and the report of the financial review shall be included  
32 in and become part of the annual report of the Commission.

33 H. Qualified Immunity, Defense, and Indemnification

34 ~~The~~

35 1. *The* members, officers, executive director, employees and  
36 representatives of the Commission shall be immune from suit and  
37 liability, both personally and in their official capacity, for any  
38 claim for damage to or loss of property or personal injury or other  
39 civil liability caused by or arising out of any actual or alleged act,  
40 error, or omission that occurred, or that the person against whom

1 the claim is made had a reasonable basis for believing occurred  
2 within the scope of Commission employment, duties or  
3 responsibilities; provided that nothing in this paragraph shall be  
4 construed to protect any such person from suit or liability for any  
5 damage, loss, injury, or liability caused by the intentional or willful  
6 or wanton misconduct of that person. The procurement of insurance  
7 of any type by the Commission shall not in any way compromise  
8 or limit the immunity granted hereunder.

9 2. The Commission shall defend any member, officer, executive  
10 director, employee, and representative of the Commission in any  
11 civil action seeking to impose liability arising out of any actual or  
12 alleged act, error, or omission that occurred within the scope of  
13 Commission employment, duties, or responsibilities, or as  
14 determined by the Commission that the person against whom the  
15 claim is made had a reasonable basis for believing occurred within  
16 the scope of Commission employment, duties, or responsibilities;  
17 provided that nothing herein shall be construed to prohibit that  
18 person from retaining their own counsel at their own expense; and  
19 provided further, that the actual or alleged act, error, or omission  
20 did not result from that person's intentional or willful or wanton  
21 misconduct.

22 3. The Commission shall indemnify and hold harmless any  
23 member, officer, executive director, employee, and representative  
24 of the Commission for the amount of any settlement or judgment  
25 obtained against that person arising out of any actual or alleged  
26 act, error, or omission that occurred within the scope of  
27 Commission employment, duties, or responsibilities, or that such  
28 person had a reasonable basis for believing occurred within the  
29 scope of Commission employment, duties, or responsibilities,  
30 provided that the actual or alleged act, error, or omission did not  
31 result from the intentional or willful or wanton misconduct of that  
32 person.

33 4. Nothing herein shall be construed as a limitation on the  
34 liability of any Licensee for professional malpractice or  
35 misconduct, which shall be governed solely by any other applicable  
36 State laws.

37 5. Nothing in this Compact shall be interpreted to waive or  
38 otherwise abrogate a Member State's State action immunity or  
39 State action affirmative defense with respect to antitrust claims

1 under the Sherman Act, Clayton Act, or any other State or federal  
2 antitrust or anticompetitive law or regulation.

3 6. Nothing in this Compact shall be construed to be a waiver of  
4 sovereign immunity by the Member States or by the Commission.

5 ARTICLE 10- DATA SYSTEM

6 ~~The~~

7 A. *The* Commission shall provide for the development,  
8 maintenance, operation, and utilization of a coordinated database  
9 and reporting system.

10 B. The Commission shall assign each applicant for a Multistate  
11 License a unique identifier, as determined by the Rules of the  
12 Commission.

13 C. Notwithstanding any other provision of State law to the  
14 contrary, a Member State shall submit a uniform data set to the  
15 Data System on all individuals to whom this Compact is applicable  
16 as required by the Rules of the Commission, including:

17 ~~Identifying~~

18 1. *Identifying* information;

19 ~~Licensure~~

20 2. *Licensure* data;

21 ~~Adverse~~

22 3. *Adverse* Actions against a license and information related  
23 thereto;

24 ~~Non-confidential~~

25 4. *Nonconfidential* information related to Alternative Program  
26 participation, the beginning and ending dates of such participation,  
27 and other information related to such participation;

28 5. Any denial of application for licensure, and the reason(s) for  
29 such denial (excluding the reporting of any criminal history record  
30 information where prohibited by law);

31 6. The existence of Investigative Information;

32 7. The existence of Current Significant Investigative Information;  
33 and

34 8. Other information that may facilitate the administration of  
35 this Compact or the protection of the public, as determined by the  
36 Rules of the Commission.

37 D. The records and information provided to a Member State  
38 pursuant to this Compact or through the Data System, when  
39 certified by the Commission or an agent thereof, shall constitute  
40 the authenticated business records of the Commission, and shall

1 be entitled to any associated hearsay exception in any relevant  
 2 judicial, quasi-judicial or administrative proceedings in a Member  
 3 State.

4 E. The existence of Current Significant Investigative Information  
 5 and the existence of Investigative Information pertaining to a  
 6 Licensee in any Member State will only be available to other  
 7 Member States.

8 F. It is the responsibility of the Member States to monitor the  
 9 database to determine whether Adverse Action has been taken  
 10 against such a Licensee or License applicant. Adverse Action  
 11 information pertaining to a Licensee or License applicant in any  
 12 Member State will be available to any other Member State.

13 G. Member States contributing information to the Data System  
 14 may designate information that may not be shared with the public  
 15 without the express permission of the contributing State.

16 H. Any information submitted to the Data System that is  
 17 subsequently expunged pursuant to federal law or the laws of the  
 18 Member State contributing the information shall be removed from  
 19 the Data System.

20 ARTICLE 11- RULEMAKING

21 ~~The~~

22 A. *The* Commission shall promulgate reasonable Rules in order  
 23 to effectively and efficiently implement and administer the  
 24 purposes and provisions of the Compact. A Rule shall be invalid  
 25 and have no force or effect only if a court of competent jurisdiction  
 26 holds that the Rule is invalid because the Commission exercised  
 27 its rulemaking authority in a manner that is beyond the scope and  
 28 purposes of the Compact, or the powers granted hereunder, or  
 29 based upon another applicable standard of review.

30 B. The Rules of the Commission shall have the force of law in  
 31 each Member State, provided however that where the Rules of the  
 32 Commission conflict with the laws of the Member State that  
 33 establish the Member State’s scope of practice laws governing the  
 34 Practice of Cosmetology as held by a court of competent  
 35 jurisdiction, the Rules of the Commission shall be ineffective in  
 36 that State to the extent of the conflict.

37 C. The Commission shall exercise its rulemaking powers  
 38 pursuant to the criteria set forth in this Article and the Rules  
 39 adopted thereunder. Rules shall become binding as of the date  
 40 specified by the Commission for each Rule.

1 D. If a majority of the legislatures of the Member States rejects  
2 a Rule or portion of a Rule, by enactment of a statute or resolution  
3 in the same manner used to adopt the Compact within four (4)  
4 years of the date of adoption of the Rule, then such Rule shall have  
5 no further force and effect in any Member State or to any State  
6 applying to participate in the Compact.

7 E. Rules shall be adopted at a regular or special meeting of the  
8 Commission.

9 F. Prior to adoption of a proposed Rule, the Commission shall  
10 hold a public hearing and allow persons to provide oral and written  
11 comments, data, facts, opinions, and arguments.

12 G. Prior to adoption of a proposed Rule by the Commission, and  
13 at least thirty (30) days in advance of the meeting at which the  
14 Commission will hold a public hearing on the proposed Rule, the  
15 Commission shall provide a notice of proposed rulemaking:

16 ~~On~~

17 1. *On* the website of the Commission or other publicly accessible  
18 platform;

19 ~~To~~

20 2. *To* persons who have requested notice of the Commission's  
21 notices of proposed rulemaking, and

22 3. In such other way(s) as the Commission may by Rule specify.

23 H. The notice of proposed rulemaking shall include:

24 ~~The~~

25 1. *The* time, date, and location of the public hearing at which  
26 the Commission will hear public comments on the proposed Rule  
27 and, if different, the time, date, and location of the meeting where  
28 the Commission will consider and vote on the proposed Rule;

29 2. If the hearing is held via telecommunication, video conference,  
30 or other electronic means, the Commission shall include the  
31 mechanism for access to the hearing in the notice of proposed  
32 rulemaking;

33 3. The text of the proposed Rule and the reason therefor;

34 4. A request for comments on the proposed Rule from any  
35 interested person; and

36 5. The manner in which interested persons may submit written  
37 comments.

38 ~~All~~

1     *I.* All hearings will be recorded. A copy of the recording and all  
2 written comments and documents received by the Commission in  
3 response to the proposed Rule shall be available to the public.

4     *J.* Nothing in this Article shall be construed as requiring a  
5 separate hearing on each Rule. Rules may be grouped for the  
6 convenience of the Commission at hearings required by this Article.

7     *K.* The Commission shall, by majority vote of all members, take  
8 final action on the proposed Rule based on the rulemaking record  
9 and the full text of the Rule.

10     ~~The~~

11     1. *The* Commission may adopt changes to the proposed Rule  
12 provided the changes do not enlarge the original purpose of the  
13 proposed Rule.

14     2. The Commission shall provide an explanation of the reasons  
15 for substantive changes made to the proposed Rule as well as  
16 reasons for substantive changes not made that were recommended  
17 by commenters.

18     3. The Commission shall determine a reasonable effective date  
19 for the Rule. Except for an emergency as provided in Article 11.L,  
20 the effective date of the Rule shall be no sooner than forty-five  
21 (45) days after the Commission issuing the notice that it adopted  
22 or amended the Rule.

23     *L.* Upon determination that an emergency exists, the Commission  
24 may consider and adopt an emergency Rule with five (5) days'  
25 notice, with opportunity to comment, provided that the usual  
26 rulemaking procedures provided in the Compact and in this Article  
27 shall be retroactively applied to the Rule as soon as reasonably  
28 possible, in no event later than ninety (90) days after the effective  
29 date of the Rule. For the purposes of this provision, an emergency  
30 Rule is one that must be adopted immediately to:

31     ~~Meet~~

32     1. *Meet* an imminent threat to public health, safety, or welfare;

33     ~~Prevent~~

34     2. *Prevent* a loss of Commission or Member State funds;

35     ~~Meet~~

36     3. *Meet* a deadline for the promulgation of a Rule that is  
37 established by federal law or rule; or

38     4. Protect public health and safety.

39     *M.* The Commission or an authorized committee of the  
40 Commission may direct revisions to a previously adopted Rule for

1 purposes of correcting typographical errors, errors in format, errors  
2 in consistency, or grammatical errors. Public notice of any revisions  
3 shall be posted on the website of the Commission. The revision  
4 shall be subject to challenge by any person for a period of thirty  
5 (30) days after posting. The revision may be challenged only on  
6 grounds that the revision results in a material change to a Rule. A  
7 challenge shall be made in writing and delivered to the Commission  
8 prior to the end of the notice period. If no challenge is made, the  
9 revision will take effect without further action. If the revision is  
10 challenged, the revision may not take effect without the approval  
11 of the Commission.

12 N. No Member State’s rulemaking requirements shall apply  
13 under this Compact.

14 ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND  
15 ENFORCEMENT

16 ~~Oversight~~

17 A. *Oversight*

18 ~~The~~

19 1. *The* executive and judicial branches of State government in  
20 each Member State shall enforce this Compact and take all actions  
21 necessary and appropriate to implement the Compact.

22 2. Venue is proper and judicial proceedings by or against the  
23 Commission shall be brought solely and exclusively in a court of  
24 competent jurisdiction where the principal office of the  
25 Commission is located. The Commission may waive venue and  
26 jurisdictional defenses to the extent it adopts or consents to  
27 participate in alternative dispute resolution proceedings. Nothing  
28 herein shall affect or limit the selection or propriety of venue in  
29 any action against a Licensee for professional malpractice,  
30 misconduct or any such similar matter.

31 3. The Commission shall be entitled to receive service of process  
32 in any proceeding regarding the enforcement or interpretation of  
33 the Compact and shall have standing to intervene in such a  
34 proceeding for all purposes. Failure to provide the Commission  
35 service of process shall render a judgment or order void as to the  
36 Commission, this Compact, or promulgated Rules.

37 B. Default, Technical Assistance, and Termination

38 ~~If~~

39 1. *If* the Commission determines that a Member State has  
40 defaulted in the performance of its obligations or responsibilities



1 under this Compact or the promulgated Rules, the Commission  
2 shall provide written notice to the defaulting State. The notice of  
3 default shall describe the default, the proposed means of curing  
4 the default, and any other action that the Commission may take,  
5 and shall offer training and specific technical assistance regarding  
6 the default.

7 2. The Commission shall provide a copy of the notice of default  
8 to the other Member States.

9 3. If a State in default fails to cure the default, the defaulting  
10 State may be terminated from the Compact upon an affirmative  
11 vote of a majority of the delegates of the Member States, and all  
12 rights, privileges and benefits conferred on that State by this  
13 Compact may be terminated on the effective date of termination.  
14 A cure of the default does not relieve the offending State of  
15 obligations or liabilities incurred during the period of default.

16 4. Termination of membership in the Compact shall be imposed  
17 only after all other means of securing compliance have been  
18 exhausted. Notice of intent to suspend or terminate shall be given  
19 by the Commission to the governor, the majority and minority  
20 leaders of the defaulting State's legislature, the defaulting State's  
21 State Licensing Authority and each of the Member States' State  
22 Licensing Authority.

23 5. A State that has been terminated is responsible for all  
24 assessments, obligations, and liabilities incurred through the  
25 effective date of termination, including obligations that extend  
26 beyond the effective date of termination.

27 6. Upon the termination of a State's membership from this  
28 Compact, that State shall immediately provide notice to all  
29 Licensees who hold a Multistate License within that State of such  
30 termination. The terminated State shall continue to recognize all  
31 licenses granted pursuant to this Compact for a minimum of one  
32 hundred eighty (180) days after the date of said notice of  
33 termination.

34 7. The Commission shall not bear any costs related to a State  
35 that is found to be in default or that has been terminated from the  
36 Compact, unless agreed upon in writing between the Commission  
37 and the defaulting State.

38 8. The defaulting State may appeal the action of the Commission  
39 by petitioning the U.S. District Court for the District of Columbia  
40 or the federal district where the Commission has its principal

1 offices. The prevailing party shall be awarded all costs of such  
2 litigation, including reasonable attorney’s fees.

3 C. Dispute Resolution

4 ~~Upon~~

5 1. *Upon* request by a Member State, the Commission shall  
6 attempt to resolve disputes related to the Compact that arise among  
7 Member States and between Member and non-Member States.

8 2. The Commission shall promulgate a Rule providing for both  
9 mediation and binding dispute resolution for disputes as  
10 appropriate.

11 D. Enforcement

12 ~~The~~

13 1. *The* Commission, in the reasonable exercise of its discretion,  
14 shall enforce the provisions of this Compact and the Commission’s  
15 Rules.

16 2. By majority vote as provided by Commission Rule, the  
17 Commission may initiate legal action against a Member State in  
18 default in the United States District Court for the District of  
19 Columbia or the federal district where the Commission has its  
20 principal offices to enforce compliance with the provisions of the  
21 Compact and its promulgated Rules. The relief sought may include  
22 both injunctive relief and damages. In the event judicial  
23 enforcement is necessary, the prevailing party shall be awarded  
24 all costs of such litigation, including reasonable attorney’s fees.  
25 The remedies herein shall not be the exclusive remedies of the  
26 Commission. The Commission may pursue any other remedies  
27 available under federal or the defaulting Member State’s law.

28 3. A Member State may initiate legal action against the  
29 Commission in the U.S. District Court for the District of Columbia  
30 or the federal district where the Commission has its principal  
31 offices to enforce compliance with the provisions of the Compact  
32 and its promulgated Rules. The relief sought may include both  
33 injunctive relief and damages. In the event judicial enforcement  
34 is necessary, the prevailing party shall be awarded all costs of such  
35 litigation, including reasonable attorney’s fees.

36 4. No individual or entity other than a Member State may enforce  
37 this Compact against the Commission.

38 ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND  
39 AMENDMENT

40 ~~The~~

1 A. *The* Compact shall come into effect on the date on which the  
2 Compact statute is enacted into law in the seventh Member State.

3 1. On or after the effective date of the Compact, the Commission  
4 shall convene and review the enactment of each of the Charter  
5 Member States to determine if the statute enacted by each such  
6 Charter Member State is materially different than the model  
7 Compact statute.

8 ~~A~~

9 a. A Charter Member State whose enactment is found to be  
10 materially different from the model Compact statute shall be  
11 entitled to the default process set forth in Article 12.

12 ~~H~~

13 b. *If* any Member State is later found to be in default, or is  
14 terminated or withdraws from the Compact, the Commission shall  
15 remain in existence and the Compact shall remain in effect even  
16 if the number of Member States should be less than seven (7).

17 2. Member States enacting the Compact subsequent to the  
18 Charter Member States shall be subject to the process set forth in  
19 Article 9.C.24 to determine if their enactments are materially  
20 different from the model Compact statute and whether they qualify  
21 for participation in the Compact.

22 3. All actions taken for the benefit of the Commission or in  
23 furtherance of the purposes of the administration of the Compact  
24 prior to the effective date of the Compact or the Commission  
25 coming into existence shall be considered to be actions of the  
26 Commission unless specifically repudiated by the Commission.

27 4. Any State that joins the Compact shall be subject to the  
28 Commission’s Rules and bylaws as they exist on the date on which  
29 the Compact becomes law in that State. Any Rule that has been  
30 previously adopted by the Commission shall have the full force  
31 and effect of law on the day the Compact becomes law in that  
32 State.

33 B. Any Member State may withdraw from this Compact by  
34 enacting a statute repealing that State’s enactment of the Compact.

35 ~~A~~

36 1. A Member State’s withdrawal shall not take effect until one  
37 hundred eighty (180) days after enactment of the repealing statute.

38 2. Withdrawal shall not affect the continuing requirement of the  
39 withdrawing State’s State Licensing Authority to comply with the

1 investigative and Adverse Action reporting requirements of this  
2 Compact prior to the effective date of withdrawal.

3 3. Upon the enactment of a statute withdrawing from this  
4 Compact, a State shall immediately provide notice of such  
5 withdrawal to all Licensees within that State. Notwithstanding any  
6 subsequent statutory enactment to the contrary, such withdrawing  
7 State shall continue to recognize all licenses granted pursuant to  
8 this Compact for a minimum of 180 days after the date of such  
9 notice of withdrawal.

10 C. Nothing contained in this Compact shall be construed to  
11 invalidate or prevent any licensure agreement or other cooperative  
12 arrangement between a Member State and a non-Member State  
13 that does not conflict with the provisions of this Compact.

14 D. This Compact may be amended by the Member States. No  
15 amendment to this Compact shall become effective and binding  
16 upon any Member State until it is enacted into the laws of all  
17 Member States.

18 ARTICLE 14- CONSTRUCTION AND SEVERABILITY

19 ~~This~~

20 A. *This* Compact and the Commission's rulemaking authority  
21 shall be liberally construed so as to effectuate the purposes, and  
22 the implementation and administration of the Compact. Provisions  
23 of the Compact expressly authorizing or requiring the promulgation  
24 of Rules shall not be construed to limit the Commission's  
25 rulemaking authority solely for those purposes.

26 B. The provisions of this Compact shall be severable and if any  
27 phrase, clause, sentence or provision of this Compact is held by a  
28 court of competent jurisdiction to be contrary to the constitution  
29 of any Member State, a State seeking participation in the Compact,  
30 or of the United States, or the applicability thereof to any  
31 government, agency, person or circumstance is held to be  
32 unconstitutional by a court of competent jurisdiction, the validity  
33 of the remainder of this Compact and the applicability thereof to  
34 any other government, agency, person or circumstance shall not  
35 be affected thereby.

36 C. Notwithstanding Article 14.B, the Commission may deny a  
37 State's participation in the Compact or, in accordance with the  
38 requirements of Article 12, terminate a Member State's  
39 participation in the Compact, if it determines that a constitutional  
40 requirement of a Member State is a material departure from the

1 Compact. Otherwise, if this Compact shall be held to be contrary  
2 to the constitution of any Member State, the Compact shall remain  
3 in full force and effect as to the remaining Member States and in  
4 full force and effect as to the Member State affected as to all  
5 severable matters.

6 ARTICLE 15- CONSISTENT EFFECT AND CONFLICT  
7 WITH OTHER STATE LAWS

8 ~~Nothing~~

9 A. *Nothing* herein shall prevent or inhibit the enforcement of  
10 any other law of a Member State that is not inconsistent with the  
11 Compact.

12 B. Any laws, statutes, regulations, or other legal requirements  
13 in a Member State in conflict with the Compact are superseded to  
14 the extent of the conflict.

15 C. All permissible agreements between the Commission and the  
16 Member States are binding in accordance with their terms.

17 SEC. 2. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.

# BOARD OF BARBERING & COSMETOLOGY

## BILL ANALYSIS

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**Author:** Assembly Member Weber

**Subject:** Barbering and Cosmetology:  
Hair Types and Textures

**Bill Number:** AB 2166

**Version:** Introduced, February 6, 2024

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### **Existing Law:**

Existing law specifies the content and hours that schools must teach for each of the Board's licensing types. The following is the current requirements for services regarding hair under each license type:

#### **Barbering**

Two hundred hours in chemical hair services, which includes coloring, straightening, waving, bleaching, hair analysis, predisposition and strand tests, safety precautions, formula mixing, and the use of dye removers.

Two hundred hours in hairstyling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting, including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

#### **Cosmetology**

Two hundred hours in chemical hair services, which includes coloring, straightening, waving, bleaching, hair analysis, predisposition and strand tests, safety precautions, formula mixing, and the use of dye removers.

Two hundred hours in hairstyling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting, including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

#### **Hairstyling**

Two hundred hours in hair styling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

**This Bill:**

This bill specifies that for barbering and cosmetology:

Instruction in chemical hair services shall include instruction regarding the provision of services to individuals with all hair types and textures, including but not limited to, various curl or wave patterns, hair strand thickness, and volumes of hair.

Instruction in hairstyling services shall include instruction regarding the provisions of services to individuals with all hair types and textures, including but not limited to, various curl or wave patterns, hair strand thickness, and volumes of hair.

The bill specifies for hairstyling:

Instruction in hairstyling services shall include instruction regarding the provisions of services to individuals with all hair types and textures, including but not limited to, various curl or wave patterns, hair strand thickness, and volumes of hair.

This bill also states that the written test shall determine the applicant's skill in, knowledge of, providing services to individuals with varying hair types and textures, as applicable to the practice for which the applicant has applied for licensure.

**Analysis:**

The coalition for Creating a Respectful and Open World of Natural Hair known as The Crown Act is the coalition that created the law to prohibit race-based hair discrimination. The CROWN Act has been implemented in 23 states, including California. In July 2019, Governor Newsom signed into law Senate Bill 188 which amended the Education Code of California to prohibit discrimination in schools and in the workplace pertaining traditional hairstyles and amended the definition of race to include traits historically associated with race, including but not limited to, hair texture and defined protective styles to include braids, locks, and twists.

In 2023, the state of New York implemented legislation, Senate Bill 2023-S6528, requiring all cosmetology schools to provide education on textured hair as part of their cosmetology course curriculum as well as include questions on license examinations as a condition of licensure.

The two textbooks that are used in California both have sections that include textured hair; however, it is not clear that this is taught in all schools. This bill would require schools to modify their curriculum to ensure students are taught skills in textured hair. It is assumed that many schools already include textured hair services, but some do not.

**Fiscal Impact:**

The fiscal impact of this bill would be minimal. Should this bill be signed into law, the Board would notify schools of the requirement.

**Board Position: Support**

On February 26, 2024, the Board voted to Support AB 2166.

**Status:**

04/18/24: Assembly Floor, Read second time. Ordered to Consent Calendar.

**Registered Support:**

Professional Beauty Association (*Sponsor*)  
Aveda Arts and Sciences Institute  
Conference of California Bar Associations  
Henkel  
L'Oreal USA  
Personal Care Products Council  
State Board of Barbering and Cosmetology  
Texture Education Collective  
Two individuals

**Registered Opposition:**

None on file.

**AB 2166 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB2166](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2166)



**ASSEMBLY BILL**

**No. 2166**

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**Introduced by Assembly Member Weber**

February 6, 2024

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An act to amend Sections 7338, 7362.5, and 7363 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2166, as introduced, Weber. Barbering and cosmetology: hair types and textures.

(1) Existing law, the Barbering and Cosmetology Act, the violation of which is a crime, 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 requires the examination of applicants for a license issued by the board to consist of written tests to determine the applicant's skill in, and knowledge of, the practice of the occupation for which a license is sought.

This bill would additionally require those written tests to determine the applicant's skill in, and knowledge of, providing services to individuals with varying hair types and textures.

(2) Existing law requires a course in barbering or cosmetology to include, at a minimum, technical and practical instruction in specified areas, including instruction in chemical hair services and hairstyling services, as described. Existing law also requires a course in hairstyling, as provided, to include instruction in hairstyling services, as described.

This bill would additionally require that instruction in chemical hair services and hairstyling services to include instruction in the provision of services to individuals with all hair types and textures, including, but not limited to, various curl or wave patterns, hair strand thicknesses,

and volumes of hair. By expanding the crimes relating to violation of the Barbering and Cosmetology Act, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 7338 of the Business and Professions  
2 Code is amended to read:

3 7338. (a) The examination of applicants for a license shall  
4 consist of a written examination that evaluates competency in  
5 protecting the health and safety of consumers of the services  
6 provided by licensees.

7 (b) The examination shall include written tests to determine the  
8 applicant’s skill in, and knowledge of, the practice of the  
9 occupation for which a license is sought and shall include written  
10 tests in antisepsis, disinfection, and the use of mechanical apparatus  
11 and electricity as applicable to the practice for which the applicant  
12 has applied for licensure.

13 (c) *The written tests, as specified in subdivision (b), shall*  
14 *determine the applicant’s skill in, and knowledge of, providing*  
15 *services to individuals with varying hair types and textures, as*  
16 *applicable to the practice for which the applicant has applied for*  
17 *licensure.*

18 SEC. 2. Section 7362.5 of the Business and Professions Code  
19 is amended to read:

20 7362.5. (a) A course in barbering or cosmetology established  
21 by a school shall consist of not less than 1,000 hours of practical  
22 and technical instruction in the practice of barbering or  
23 cosmetology, as defined in Section 7316.

24 (b) The curriculum for a barbering course shall, at a minimum,  
25 include technical and practical instruction in the following areas:

26 (1) One hundred hours in health and safety, which includes  
27 hazardous substances, chemical safety, safety data sheets,

1 protection from hazardous chemicals, preventing chemical injuries,  
2 health and safety laws and regulations, and preventing  
3 communicable diseases.

4 (2) One hundred hours in disinfection and sanitation, which  
5 includes disinfection procedures to protect the health and safety  
6 of consumers as well as the technician and proper disinfection  
7 procedures for equipment used in establishments.

8 (3) (A) Two hundred hours in chemical hair services, which  
9 includes coloring, straightening, waving, bleaching, hair analysis,  
10 predisposition and strand tests, safety precautions, formula mixing,  
11 and the use of dye removers.

12 (B) *Instruction in chemical hair services shall include instruction*  
13 *regarding the provision of services to individuals with all hair*  
14 *types and textures, including, but not limited to, various curl or*  
15 *wave patterns, hair strand thicknesses, and volumes of hair.*

16 (4) (A) Two hundred hours in hairstyling services, which  
17 includes arranging, blow drying, cleansing, curling, dressing, hair  
18 analysis, shampooing, waving, and nonchemical straightening,  
19 and hair cutting, including the use of shears, razors, electrical  
20 clippers and trimmers, and thinning shears, for wet and dry cutting.

21 (B) *Instruction in hairstyling services shall include instruction*  
22 *regarding the provision of services to individuals with all hair*  
23 *types and textures, including, but not limited to, various curl or*  
24 *wave patterns, hair strand thicknesses, and volumes of hair.*

25 (5) Two hundred hours in shaving and trimming of the beard,  
26 which includes preparing the client's hair for shaving, assessing  
27 the condition of the client's skin, performing shaving techniques,  
28 applying aftershave antiseptic following facial services, and  
29 massaging the face and rolling cream massages.

30 (c) The curriculum for a cosmetology course shall, at a  
31 minimum, include technical and practical instruction in the  
32 following areas:

33 (1) One hundred hours in health and safety, which includes  
34 hazardous substances, chemical safety, safety data sheets,  
35 protection from hazardous chemicals, preventing chemical injuries,  
36 health and safety laws and regulations, and preventing  
37 communicable diseases.

38 (2) One hundred hours in disinfection and sanitation, which  
39 includes disinfection procedures to protect the health and safety

1 of consumers as well as the technician and proper disinfection  
2 procedures for equipment used in establishments.

3 (3) (A) Two hundred hours in chemical hair services, which  
4 includes coloring, straightening, waving, bleaching, hair analysis,  
5 predisposition and strand tests, safety precautions, formula mixing,  
6 and the use of dye removers.

7 (B) *Instruction in chemical hair services shall include instruction*  
8 *regarding the provision of services to individuals with all hair*  
9 *types and textures, including, but not limited to, various curl or*  
10 *wave patterns, hair strand thicknesses, and volumes of hair.*

11 (4) (A) Two hundred hours in hairstyling services, which  
12 includes arranging, blow drying, cleansing, curling, dressing, hair  
13 analysis, shampooing, waving, and nonchemical straightening,  
14 and hair cutting, including the use of shears, razors, electrical  
15 clippers and trimmers, and thinning shears, for wet and dry cutting.

16 (B) *Instruction in hairstyling services shall include instruction*  
17 *regarding the provision of services to individuals with all hair*  
18 *types and textures, including, but not limited to, various curl or*  
19 *wave patterns, hair strand thicknesses, and volumes of hair.*

20 (5) One hundred fifty hours in skin care services, which includes  
21 chemical and manual facials and massaging, stimulating,  
22 exfoliating, cleansing, or beautifying the face, scalp, neck, or body  
23 by the use of hands, esthetic devices, cosmetic products, antiseptics,  
24 lotions, tonics, or creams that do not result in the ablation or  
25 destruction of the live tissue.

26 (6) Fifty hours in hair removal and lash and brow beautification,  
27 which includes tinting and perming eyelashes and brows and  
28 applying eyelashes to any person, and includes removing  
29 superfluous hair from the body of any person by use of depilatories,  
30 tweezers, sugaring, nonprescription chemicals, or waxing, or by  
31 the use of devices and appliances of any kind or description, except  
32 by the use of lasers or light waves, which are commonly known  
33 as rays.

34 (7) One hundred hours in manicure and pedicure, which includes  
35 water and oil manicures, hand and arm massage, foot and ankle  
36 massage, nail analysis, and artificial nail services, including, but  
37 not limited to, acrylic, liquid and powder brush-ons, dip, tips,  
38 wraps, and repairs.

39 SEC. 3. Section 7363 of the Business and Professions Code is  
40 amended to read:

1 7363. (a) A course in hairstyling established by a school shall  
2 consist of not less than 600 hours of practical and technical  
3 instruction.

4 (b) The curriculum for a hairstyling course shall include, at a  
5 minimum, technical and practical instruction in the following areas:

6 (1) One hundred hours in health and safety, which includes  
7 hazardous substances, chemical safety, safety data sheets,  
8 protection from hazardous chemicals, preventing chemical injuries,  
9 health and safety laws and regulations, and preventing  
10 communicable diseases.

11 (2) One hundred hours in disinfection and sanitation, which  
12 includes disinfection procedures to protect the health and safety  
13 of consumers as well as the technician and proper disinfection  
14 procedures for equipment used in establishments.

15 (3) (A) Two hundred hours in hair styling services, which  
16 includes arranging, blow drying, cleansing, curling, dressing, hair  
17 analysis, shampooing, waving, and nonchemical straightening,  
18 and hair cutting including the use of shears, razors, electrical  
19 clippers and trimmers, and thinning shears, for wet and dry cutting.

20 (B) *Instruction in hairstyling services shall include instruction*  
21 *regarding the provision of services to individuals with all hair*  
22 *types and textures, including, but not limited to, various curl or*  
23 *wave patterns, hair strand thicknesses, and volumes of hair.*

24 SEC. 4. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.

# BOARD OF BARBERING & COSMETOLOGY

## BILL ANALYSIS

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**Author:** Assembly Member Reyes

**Subject:** California Body Contouring Council

**Bill Number:** AB 2412

**Version:** Amended, April 8, 2024

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### **Existing Law:**

defined as the scientific manipulation of the soft tissues, for compensation. Existing law creates the California Massage Therapy Council. Existing law specifies that it is an unfair business practice for a person to hold oneself out or to use the title of “certified massage therapist” or “certified massage practitioner” unless that person currently holds an active and valid certificate issued by the council pursuant to these provisions.

### **This Bill:**

This bill, establishes the California Body Contouring Practitioner Act, would define body contouring as noninvasive, nonmedical treatment intended to shape or contour the fatty areas of the body, as specified. The bill would create the California Body Contouring Council (council) for the purpose of regulating the practice of body contouring.

The bill would require the council to be governed by a board of directors comprised of 4 individuals:

1. A president,
2. A vice president,
3. A California licensed physician who shall also perform the following functions by serving as all the following:
  - a. The council’s Medical Director.
  - b. A professional liaison to the California medical community.
  - c. The council’s curriculum adviser.
4. A California licensed cosmetologist

The bill would establish an advisory board comprised of 14 members who shall serve a term of three years and would be responsible for advising the board of directors. The members shall represent California’s diverse communities and cultures and shall be selected for their expertise in the fields of medicine, cosmetology, personal services, personal services equipment, curriculum creation, training and education, California state law, and the practice of body contouring. Members of the advisory board shall be selected, as follows:

1. Each of the following entities shall select one member:
  - a. The Department of Consumer Affairs.
  - b. The Assembly Business and Professions Committee.
  - c. The Senate Business, Professions and Economic Development Committee.
2. Eleven advisory board members shall be selected by the council.

This bill would require the council to develop and make available to students five online, 40-hour educational modules composing a 5-week, 200-hour, physician-approved course in the practice of body contouring, with a fee that shall not exceed \$125.00. The bill would require a student who successfully completes the course of instruction to receive a certificate of completion issued by the

council for the purpose of qualifying that person for a permit to practice body contouring. Practitioner permits would require a specified physical location, and mobile permits, as required.

To become a practitioner of body contouring, the bill would require an applicant to submit an application to the council and provide the council with satisfactory evidence that they have met prescribed requirements, including payment of fees that cover the council's reasonable regulatory cost of administering the program, initial fee shall not exceed \$495.00. Permits to practice body contouring, premises permits, and mobile permits are to be renewed annually, fees shall not exceed \$295.00, with a \$25.00 penalty for every month it is not renewed.

The bill would require practitioners to comply with specified requirements, including, submitting to inspection and investigation by the council, adhering to the ethical standards prescribed by the council, and not exceeding the legal scope of their permit, among other things. The bill would make it unlawful for any person to falsely advertise that they or any other individual is a California Certified and Permitted Body Contouring Practitioner and deem engaging in that or other prohibited behavior unfair competition pursuant to other specified provisions of law.

**Author's submission to Legislative Council for AB 2412:**

Assemblymember Reyes office declares more than 1,000,000 people from all segments of society perform body contouring treatments to willing consumers in California and throughout the world. Currently, there is no official training, vetting, scope of practice, agency, establishment, registry, or system, and no accountability, for a person who performs body contouring treatment. Therefore, persons engaging in this type of service are using techniques that they have learned via demonstrations on the internet, YouTube, Instagram, or Facebook, or from other practitioners.

Aspiring body contourists seek training from persons who claim to be experts in the field. This training can range in price from \$1,500 to \$2,500, or more for online or in-person instruction. Many Californians are paying for this type of training because no official training exists. Because there is no official training or defined scope of practice, persons who wish to perform these procedures are confused, and often misinformed, about what equipment or applications they can safely and effectively use. Without clear, lawfully approved training, a place to make official inquiries, ongoing education, and a process for receipt and investigation of consumer complaints, these individuals are operating without a scope of practice or accountability through no fault of their own.

By offering a standard, physician-approved curriculum, the intent is that the California Body Contouring Council will eliminate price gouging affecting persons seeking to learn how to perform body contouring and ensure that those persons are sufficiently trained. The intent is that training curriculum be developed, approved, and overseen by an advisory board.

It is the intent that the California Body Contouring Council embrace this new, growing industry by providing consumer safety and specialized, all-inclusive training to ensure both clients and body contourists are working in harmony for an in-demand and marketable vocation. Job creation faces many barriers, the council recognizes this dilemma and provides an innovative model of education, implementation, training, a clear scope of practice, and accountability.

**Analysis:**

The Barbering and Cosmetology Act (Act) defines the scope of practice of cosmetology and its specialty branch of skin care, California Business and Profession Code, section 7316 (b) and (c). A person licensed as a cosmetologist or esthetician is required to limit their practice and services rendered to the public to only those areas for which they are licensed, California Business and Professions Code, section 7317. The Act confers no authority to practice medicine or surgery, California Business and Professions code, section 7320. The Board's regulations specifically prohibit invasive procedures which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis or the application of electricity which visibly contracts the muscle, Title 16, California Code of Regulations, section 991. Licensed cosmetologists and estheticians are cautioned not to engage in any invasive procedures.

The Board has seen an ongoing trend of invasive procedure manufacturers promoting their products as approved products for cosmetologists and estheticians. The Board has issued citations to licensees for providing invasive procedures and/or the practice of medicine. To combat the growing trends in the beauty industry the Board has issued no less than 4 social media posts regarding invasive procedures over the past 12 months. In almost every town hall the Board has hosted, the topic of invasive procedures equipment is brought up. The Board continues to direct licensees to what is in regulations, in addition staff has created Scope of Practice fliers to hand out to cosmetologist and estheticians at trade shows and other events around the state to combat the misinformation of what is within scope of practice and what is prohibited.

This bill, AB 2412, proposes to create the California Body Contouring Council and requiring a California Licensed cosmetologist to be on the Board of Directors and a cosmetologist on the advisory board. The requirement of a cosmetologist on the California Body Contouring Council may lead to a misunderstanding that this practice is included in the cosmetologist scope of practice, which currently it is not. Should cosmetologists seek additional licensure through California Body Contouring Council, their use of that scope would not be overseen by the Board of Barbering and cosmetology. Additional education may be needed to clearly communicate which license allows contouring and which do not.

The Board has held discussions with the Department of Consumer Affairs as well as various allied health boards including the Medical Board of California, the Osteopathic Medical Board, the Board of Registered Nursing etc. During these meetings, it was agreed that body contouring is the practice of medicine. Body contouring is often treating conditions such as obesity and cellulite. Treating any medical condition is considered the practice of medicine.

**Fiscal Impact:**

No fiscal impact to the Board

**Board Position: Watch**

On February 26, 2024, the Board voted to watch AB 2412.

**Status:**

4/23/24: ASM Business & Professions Committee – Pulled by author.

**AB 2412 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB2412#99INT](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2412#99INT)



AMENDED IN ASSEMBLY APRIL 8, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2412**

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**Introduced by Assembly Member Reyes**

February 12, 2024

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An act to add Chapter 10.8 (commencing with Section 4660) to Division 2 of the Business and Professions Code, relating to body contouring.

LEGISLATIVE COUNSEL'S DIGEST

AB 2412, as amended, Reyes. Healing arts: California Body Contouring Council: practitioners.

Existing law, the Massage Therapy Act, regulates massage practitioners and therapists who administer massage, defined as the scientific manipulation of the soft tissues, for compensation. Existing law creates the California Massage Therapy Council. Existing law specifies that it is an unfair business practice for a person to hold oneself out or to use the title of “certified massage therapist” or “certified massage practitioner” unless that person currently holds an active and valid certificate issued by the council pursuant to these provisions.

This bill, the California Body Contouring Practitioner Act, would define body contouring as noninvasive, nonmedical treatment intended to shape or contour the fatty areas of the body, as specified. The bill would create the California Body Contouring Council (council) for the purpose of regulating the practice of body contouring. The bill would require the council to issue certificates of completion to individuals who complete a certain educational course, permits to be a California Certified and Permitted Body Contouring Practitioner, permits to maintain a specified physical location, and mobile permits, as prescribed.

The bill would require the council to be governed by a board of directors comprised of 4 individuals. The bill would establish an advisory board comprised of 14 members, as specified, and would make the advisory board responsible for advising the board of directors.

This bill would require the council to develop and make available to students on an internet website 5 online, 40-hour educational modules composing a 5-week, 200-hour, physician-approved course in the practice of body contouring. The bill would require a student who successfully completes the course of instruction to receive a certificate of completion issued by the council for the purpose of qualifying that person for a permit to practice body contouring. To become a practitioner of body contouring, the bill would require an applicant to submit an application of the council and provide the council with satisfactory evidence that they have met prescribed requirements, including payment of certain fees that cover the council’s reasonable regulatory costs of administering the program.

This bill would require permits to practice body contouring, premises permits, and mobile permits to be renewed annually. The bill would establish fees for specified permits, including an initial fee for a permit to practice body contouring that does not exceed \$495, and would require those fees to cover the council’s reasonable regulatory costs of administering the program. The bill would require practitioners to comply with specified requirements, including, submitting to inspection and investigation by the council, adhering to the ethical standards prescribed by the council, and not exceeding the legal scope of their permit, among other things. The bill would make it unlawful for any person to falsely advertise that they or any other individual is a California Certified and Permitted Body Contouring Practitioner and deem engaging in that or other prohibited behavior unfair competition pursuant to other specified provisions of law.

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

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

- 1 SECTION 1. Chapter 10.8 (commencing with Section 4660)
- 2 is added to Division 2 of the Business and Professions Code, to
- 3 read:

1 CHAPTER 10.8. CALIFORNIA BODY CONTOURING PRACTITIONER  
2 ACT

3  
4 4660. This chapter shall be known, and may be cited, as the  
5 California Body Contouring Practitioner Act.

6 4660.1. (a) The Legislature finds and declares all of the  
7 following:

8 (1) More than 1,000,000 people from all segments of society  
9 perform body contouring treatments to willing consumers in  
10 California and throughout the world.

11 (2) Currently, there is no official training, vetting, scope of  
12 practice, agency, establishment, registry, or system, and no  
13 accountability, for a person who performs body contouring  
14 treatment. Therefore, persons engaging in this type of service are  
15 using techniques that they have learned via demonstrations on the  
16 internet, YouTube, Instagram, or Facebook, or from other  
17 practitioners.

18 (3) Aspiring body contourists seek training from persons who  
19 claim to be experts in the field. This training can range in price  
20 from \$1,500 to \$2,500, or more for online or in-person instruction.  
21 Many Californians are paying for this type of training because no  
22 official training exists. Because there is no official training or  
23 defined scope of practice, persons who wish to perform these  
24 procedures are confused, and often misinformed, about what  
25 equipment or applications they can safely and effectively use. ~~In~~  
26 ~~many instances, according to the Medical Board of California,~~  
27 ~~contourists use medical-grade equipment and practice medicine~~  
28 ~~without a license.~~ Without clear, lawfully approved training, a  
29 place to make official inquiries, ongoing education, and a process  
30 for receipt and investigation of consumer complaints, these  
31 individuals are operating without a scope of practice or  
32 accountability through no fault of their own.

33 (b) By offering a standard, physician-approved curriculum, it  
34 is the intent of the Legislature that the California Body Contouring  
35 Council will eliminate price gouging affecting persons seeking to  
36 learn how to perform body contouring and ensure that those persons  
37 are sufficiently trained. It is the intent of the Legislature that  
38 training curriculum be developed, approved, and overseen by an  
39 advisory board.

1 (c) It is the intent of the Legislature that the California Body  
2 Contouring Council embrace this new, growing industry by  
3 providing consumer safety and specialized, all-inclusive training  
4 to ensure both clients and body contourists are working in harmony  
5 for an in-demand and marketable vocation.

6 (d) Job creation faces many barriers. It is the intent of the  
7 Legislature that the California Body Contouring Council recognize  
8 this dilemma and provide an innovative model of education,  
9 implementation, training, a clear scope of practice, and  
10 accountability.

11 4660.3. As used in this chapter, the following definitions apply:

12 (a) “Body contouring” means noninvasive, nonmedical treatment  
13 intended to shape or contour the fatty areas of the body using  
14 wooden or metal tools, enzyme-based scrubs or wraps, sauna  
15 blankets, or light-emitting diodes.

16 (b) “California Certified and Permitted Body Contouring  
17 Practitioner,” “Certified and Permitted Body Contouring  
18 Practitioner,” or “practitioner” means a person who is permitted  
19 to operate as a Certified and Permitted Body Contouring  
20 Practitioner pursuant to this chapter and who has undergone  
21 education, training, certification, and permitting as specified in  
22 this chapter.

23 (c) “Council” means the California Body Contouring Council.

24 4660.5. (a) The use of needles, injections, lasers, radio  
25 frequency, cavitation, electrical muscle stimulation, or any medical  
26 machine or medical instrument by a practitioner is explicitly  
27 prohibited by this chapter unless otherwise permitted pursuant to  
28 another provision of law.

29 (b) This chapter does not authorize a practitioner to diagnose  
30 illness or to assist or guarantee weight loss through the practice of  
31 body contouring.

32 4660.7. (a) The California Body Contouring Council is hereby  
33 established and shall carry out the responsibilities and duties set  
34 forth in this chapter.

35 (b) Protection of the public shall be the highest priority of the  
36 council in exercising its certification and disciplinary authority,  
37 and any of its other functions. If the protection of the public is  
38 inconsistent with other interests sought to be promoted, the  
39 protection of the public shall be paramount.

1 (c) The council may take any reasonable action necessary to  
2 carry out the responsibilities and duties set forth in this chapter,  
3 including, but not limited to, hiring staff, contracting, and  
4 developing policies, procedures, rules, and bylaws to implement  
5 this chapter.

6 (d) The council may require background checks for all  
7 employees, contractors, volunteers, and board members as a  
8 condition of their employment, formation of a contractual  
9 relationship, or participation in council activities.

10 (e) The council shall issue all of the following:

11 (1) Certificates of completion to individuals who have  
12 successfully completed the educational course in the practice of  
13 body contouring described in Section 4660.11.

14 (2) Numbered permits to be a California Certified and Permitted  
15 Body Contouring Practitioner and to perform services within the  
16 designated legal scope of practice to individuals who have satisfied  
17 the requirements described in Section 4660.13.

18 (3) Numbered premises permits to maintain a specified physical  
19 location that complies with all health and safety regulations  
20 established by the council where body contouring may be practiced  
21 by California Certified and Permitted Body Contouring  
22 Practitioners who perform services within the designated scope of  
23 legal practice. The owner and operator of the premises shall be a  
24 California Certified and Permitted Body Contouring Practitioner  
25 that has satisfied the requirements described in Section 4660.17.

26 (4) Numbered mobile permits to maintain a self-contained,  
27 self-supporting, enclosed mobile unit that complies with all health  
28 and safety regulations established by the council where body  
29 contouring may be practiced by California Certified and Permitted  
30 Body Contouring Practitioners who perform services within the  
31 designated scope of legal practice. The owner and operator of the  
32 mobile unit shall be a California Certified and Permitted Body  
33 Contouring Practitioner that has satisfied the requirements  
34 described in Section 4660.19.

35 (f) The council may determine whether the information provided  
36 to it in connection with certification and permitting is true and  
37 correct and meets the requirements of this chapter. If the council  
38 has any reason to question whether the information provided by  
39 an applicant is true and correct, or meets the requirements of this  
40 chapter, the council may make any investigation it deems necessary

1 in order to establish that the information received is accurate and  
2 satisfies the criteria established pursuant to this chapter. An  
3 applicant shall have the burden to prove that they are entitled to  
4 the desired certification or permit.

5 (g) The meetings of the council shall be subject to the  
6 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
7 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
8 the Government Code). The board may adopt additional policies  
9 and procedures that provide greater transparency to persons who  
10 hold certifications or permits, and members of the public, that is  
11 required by the act.

12 4660.9. (a) The council shall be governed by a board of  
13 directors, who shall be compensated, as determined by the council,  
14 and shall be reimbursed for necessary and reasonable expenses  
15 incurred in connection with performing board duties. The board  
16 of directors shall be comprised of all of the following:

17 (1) A president.

18 (2) A vice president.

19 (3) A California licensed ~~physician, appointed by the Medical~~  
20 ~~Board of California,~~ *physician* who shall also perform the following  
21 functions by serving as all of the following:

22 (A) The council's Medical Director.

23 (B) A professional liaison to the ~~Medical Board of California.~~  
24 *California medical community.*

25 (C) The council's curriculum adviser.

26 (4) A California licensed cosmetologist.

27 (b) The council shall be advised by an advisory board comprised  
28 of 14 members who shall represent California's diverse  
29 communities and cultures and shall be selected for their expertise  
30 in the fields of medicine, cosmetology, personal services, personal  
31 services equipment, curriculum creation, training and education,  
32 California state law, and the practice of body contouring. Members  
33 of the *advisory board* ~~of directors~~ shall be selected, as follows:

34 (1) Each of the following entities shall select one member:

35 (A) The Department of Consumer Affairs.

36 (B) The Assembly Business and Professions Committee.

37 (C) The Senate Business, Professions and Economic  
38 Development Committee.

39 (2) Eleven advisory board members shall be selected by the  
40 council.

1 (c) Members of the advisory board shall serve a term of three  
2 years.

3 4660.11. (a) The council shall develop and make available to  
4 students on its internet website five online, 40-hour educational  
5 modules composing a five-week, 200-hour, physician-approved  
6 course in the practice of body contouring. The course shall use  
7 narratives, videos, and multiple-choice quizzes, and be offered in  
8 multiple languages as determined by the council.

9 (b) A student shall have five weeks to complete all five  
10 educational modules, successfully complete five corresponding  
11 module tests, and successfully complete a final, 25-question  
12 comprehensive test covering the curriculum in all five modules in  
13 order to be eligible to receive certification. A student shall be  
14 permitted to review each module, to retake the test for each module,  
15 and to retake the final comprehensive examination an unlimited  
16 number of times during the five-week period. If a student does not  
17 complete the course, does not pass a module test, or does not pass  
18 the final comprehensive examination within the five-week period,  
19 they shall be required to reregister for, and retake, the course.

20 (c) The registration fee for the five-week course shall be an  
21 amount sufficient to support the functions of the council and to  
22 cover the reasonable regulatory cost of administering this chapter,  
23 but shall not exceed one hundred ~~twenty five~~ *twenty-five* dollars  
24 (\$125). This fee shall apply each time a student registers or  
25 reregisters for the course. The council may increase the fee no  
26 more frequently than every four years based upon the rate of  
27 inflation.

28 (d) The course in body contouring shall include each of the  
29 following 40-hour modules:

30 (1) "Introduction to California body contouring," which shall  
31 include instruction on all of the following topics:

32 (A) What is California body contouring.

33 (B) The council's scope of practice.

34 (C) The legalities of California body contouring.

35 (D) The council's code of ethics and contract for success.

36 (E) Permitted tools, equipment, and machines.

37 (2) "Understanding the human body and client safety," which  
38 shall include instruction on all of the following topics:

39 (A) Anatomy and adipose tissue.

- 1 (B) The council’s contraindications, medical history, consent,  
2 and precare and postcare.
- 3 (C) Body contouring table setup.
- 4 (D) Clear, understandable treatment pricing, and length of  
5 service.
- 6 (E) Demonstration of tools, modalities, and equipment.
- 7 (3) “Disinfection and sanitation.”
- 8 (4) “Client treatment and safety,” which shall include instruction  
9 on all of the following topics:
  - 10 (A) Emergency protocols in the treatment room.
  - 11 (B) Mandatory client recordkeeping and incident reporting.
  - 12 (C) Use of hands-only cardiopulmonary resuscitation, the  
13 Heimlich maneuver, epinephrine auto-injectors, and automated  
14 external defibrillators.
  - 15 (D) Division of Occupational Safety and Health (OSHA)  
16 Bloodborne Pathogen Training.
  - 17 (5) “California business setup and laws,” which shall include  
18 instruction on all of the following:
    - 19 (A) Sole proprietor, limited liability company, or corporation.
    - 20 (B) Paying taxes and the Franchise Tax Board.
    - 21 (C) Doing business in different cities.
    - 22 (D) Social media legalities.
    - 23 (E) Using artificial intelligence in your business and integrating  
24 artificial intelligence for client communication.
    - 25 (F) Your business reputation and how to protect it.
    - 26 (e) The assistance of a translator may be used in order for an  
27 applicant who primarily speaks a language other than English to  
28 successfully complete the curricula
    - 29 (f) Successful passage of the final, 25-question comprehensive  
30 test covering the curriculum in all five modules shall demonstrate  
31 that a student has the requisite knowledge and skill in order to  
32 engage in the practice of body contouring. The examination shall  
33 be offered in multiple languages in order to accommodate students  
34 who primarily speak a language other than English as determined  
35 by the council.
    - 36 (g) A student who successfully completes the course of  
37 instruction described in this section shall receive a certificate of  
38 completion issued by the council solely for the purpose of  
39 qualifying the individual for a permit to practice body contouring  
40 pursuant to Section 4660.13. The certificate shall not be transferred,



1 sold, or assigned in any way to any other person or entity for any  
2 reason at any time.

3 (h) The council shall also make available to practitioners via its  
4 internet website, in the same manner described in subdivision (a),  
5 continuing education short courses in the practice of body  
6 contouring covering the topics described in subdivision (d).

7 4660.13. (a) To become a California Certified and Permitted  
8 Body Contouring Practitioner, an applicant shall submit a digital  
9 application to the council and provide the council with satisfactory  
10 evidence that they have met all of the following requirements:

11 (1) Successful completion of the course in the practice of body  
12 contouring described in Section 4660.11, evidenced by a certificate  
13 of completion issued by the council.

14 (2) Evidence of Live Scan fingerprint clearance that does not  
15 report charges of felony rape or domestic abuse.

16 (3) The applicant is 18 years of age or older.

17 (b) The initial fee for a permit to practice body contouring shall  
18 be an amount sufficient to cover the reasonable regulatory cost of  
19 administering this chapter and supporting the functions of the  
20 council, but shall not exceed four hundred ninety-five dollars  
21 (\$495). The council may increase the fee no more frequently than  
22 every four years based upon the rate of inflation.

23 (c) A permit to practice body contouring shall be subject to  
24 renewal each year. The fee to renew a permit to practice body  
25 contouring shall be an amount sufficient to cover the reasonable  
26 cost of administering this chapter and supporting the functions of  
27 the council, but shall not exceed two hundred ninety-five dollars  
28 (\$295). The council may increase the fee no more frequently than  
29 every four years based upon the rate of inflation. The council may  
30 provide for late renewal. If a permit is not renewed annually within  
31 one year of the date of its initial issuance, a twenty-five-dollar  
32 (\$25) penalty shall be charged for every month that it is not  
33 renewed.

34 (d) In order to renew a permit to practice body contouring, a  
35 practitioner shall provide the council evidence of successful  
36 completion of a continuing education short course, offered by the  
37 council pursuant to Section 4660.11, covering one topic of their  
38 choice.

39 (e) A permit shall not be transferred, sold, or assigned in any  
40 way to any other person or entity for any reason at any time.

1 4660.15. (a) A California Certified and Permitted Body  
2 Contouring Practitioner shall do all of the following:  
3 (1) Complete the annual continuing education requirement  
4 described in Section 4660.13.  
5 (2) Submit to inspection and investigation by the council at both  
6 random and predetermined times.  
7 (3) Possess a working, cellular smartphone with them when  
8 they are performing body contouring.  
9 (4) Clearly display any consumer protection notices mandated  
10 by the council at the location where body contouring is performed  
11 for compensation.  
12 (5) Clearly display an active establishment permit or mobile  
13 permit, if applicable, and their individual practitioner permit at the  
14 location where body contouring is performed for compensation.  
15 (6) Adhere to the ethical standards prescribed by the council  
16 and not exceed the legal scope of their permit.  
17 (b) The council shall have the authority to determine disciplinary  
18 actions that may include nonrenewal of a permit and revocation  
19 of an existing permit due to noncompliance with the provisions of  
20 this chapter or the rules and regulations established by the council.  
21 4660.17. (a) An individual who is a Certified and Permitted  
22 Body Contouring Practitioner may apply to the council for a  
23 premises permit authorizing the practice of body contouring at a  
24 specified physical location that complies with all health and safety  
25 regulations established by the council.  
26 (b) A premises permit shall be subject to renewal each year.  
27 (c) The holder of a premises permit shall do all of the following:  
28 (1) Submit to inspection and investigation by the council at both  
29 random and predetermined times.  
30 (2) Maintain a working, cellular smartphone on the premises  
31 during business hours.  
32 (3) Clearly display any consumer protection notices mandated  
33 by the council at the premises.  
34 (4) Clearly display the permit at the premises.  
35 (5) Adhere to the ethical standards prescribed by the council  
36 and not exceed the legal scope of the permit.  
37 (d) A permit shall not be transferred, sold, or assigned in any  
38 way to any other person or entity for any reason at any time.  
39 (e) The council shall have the authority to determine disciplinary  
40 actions that can include nonrenewal of a permit and revocation of

1 an existing permit due to noncompliance with this chapter or the  
2 rules and regulations established by the council.

3 4660.19. (a) An individual who is a Certified and Permitted  
4 Body Contouring Practitioner may apply to the council for a mobile  
5 permit authorizing the practice of body contouring within a  
6 self-contained, self-supporting, enclosed mobile unit that complies  
7 with all health and safety regulations established by the council.

8 (b) A premises permit shall be subject to renewal each year.

9 (c) The holder of a premises permit shall do all of the following:

10 (1) Submit to inspection and investigation by the council at both  
11 random and predetermined times.

12 (2) Maintain a working, cellular smartphone within the mobile  
13 unit during business hours.

14 (3) Clearly display any consumer protection notices mandated  
15 by the council within the mobile unit.

16 (4) Clearly display the permit within the mobile unit.

17 (5) Adhere to the ethical standards prescribed by the council  
18 and not exceed the legal scope of the permit.

19 (d) A permit shall not be transferred, sold, or assigned in any  
20 way to any other person or entity for any reason at any time.

21 (e) The council shall have the authority to determine disciplinary  
22 actions that may include nonrenewal of a permit and revocation  
23 of an existing permit due to noncompliance with this chapter or  
24 the rules and regulations established by the council.

25 4660.21. (a) It is unlawful for any person to state or advertise  
26 or put out any sign or card or other device, or to falsely represent  
27 to the public through any print or electronic media that they or any  
28 other individual is a California Certified and Permitted Body  
29 Contouring Practitioner, or is certified, permitted, licensed, or  
30 registered by a governmental agency as a body contouring  
31 practitioner, sculptor, or specialist.

32 (b) In addition to any other available remedies, engaging in any  
33 of the prohibited behaviors described in subdivision (a) constitutes  
34 unfair competition pursuant to Section 17200.

35 4660.23. The council shall maintain an internet website for  
36 purposes of providing information to the public about the council  
37 and California Certified and Permitted Body Contouring  
38 Practitioners that does all of the following:

- 1 (a) Provides consumers access to a council email address for  
2 filing complaints related to a practitioner and that facilitates  
3 submission of digital images in connection with a complaint.
- 4 (b) Provides a clear and direct message to the consumer about  
5 the legal scope of practice for California Certified and Permitted  
6 Body Contouring Practitioners.
- 7 (c) Displays the council’s code of ethics and scope of legal  
8 practice for California Certified and Permitted Body Contouring  
9 Practitioners.
- 10 (d) Maintains a free registry for consumers and employers to  
11 search for California Certified and Permitted Body Contouring  
12 Practitioners and businesses that have a premises permit for the  
13 practice of body contouring.
- 14 (e) Makes available to students and practitioners the educational  
15 courses described in Section 4660.11.
- 16 (f) Makes available free, voluntary continuing education classes  
17 for body contouring practitioners.
- 18 (g) Maintains a free listing service for employers that hold a  
19 premises permit to post available jobs for California Certified Body  
20 Contouring Practitioners and for spaces, shops, and rooms to rent  
21 or to share where body contouring may be practiced.

# BOARD OF BARBERING & COSMETOLOGY

## BILL ANALYSIS

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**Author:** Assemblymember Lee

**Subject:** Labor Laws for Manicurists

**Bill Number:** AB 2444

**Version:** Amended, April 09, 2024

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### **Existing Law:**

Existing law, the Barbering and Cosmetology Act, 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 requires the board to establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board that impact licensees, including how to ensure licensees are aware of basic labor laws and how to ensure licensees have awareness about physical and sexual abuse their clients may be experiencing.

Existing law defines “basic labor laws” for this purpose, and the definition includes the wage and hour rights of an hourly employee.

Existing law, relating to licenses for activities licensed under existing law, establishes requirements for application for licensure or renewal of licensure, including informational materials on basic labor law being included with the application or renewal form.

Existing law, relating to licenses for establishments where activities licensed under existing law are practiced, establishes requirements for application for licensure or license renewal for any person, firm, or corporation desiring to operate an establishment, including informational materials on basic labor law being included with the application or renewal form.

Existing law requires the board to develop or adopt a health and safety course to be taught in schools approved by the board on, among other topics, basic labor laws.

### **This Bill:**

This bill would add to the definition of “basic labor laws” the right to sick pay.

This bill would require that the informational materials on basic labor law be provided in the application and renewal forms themselves instead of alongside them and would require the informational materials to include information relating to specified law.

This bill would require the Department of Industrial Relations, to develop and, by July 1, 2025, disseminate, a notification to all board-licensed establishments and licensed manicurists that includes specified statements to inform those licensees of a change in the law relating to the employment classification of manicurists and of the legal consequences of employment classification as an employee or misclassification of a worker.

This bill would also require the board, in consultation with the Department of Industrial Relations and community-based organizations, to develop a language-appropriate and culturally-appropriate posts on basic labor laws, as prescribed, on the board’s internet website or other accessible platform.

**Analysis:**

Business and Professions Code section 7303.1 states: Protection of the public shall be the highest priority for the Board of Barbering and Cosmetology in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

The Board provides a Health and Safety curriculum to all schools and it is required to be taught to all students. This curriculum includes information on basic labor laws. The curriculum and all its documents are available in English, Korean, Spanish, and Vietnamese. The board is currently working to expand its translated documents to include Simplified Chinese. The Board’s Health and Safety Committee is also in the process of updating the Health and Safety curriculum.

The Board’s applications currently contain a link to the *Know Your Workers’ Rights* publication that is listed on the Board’s homepage. Applicants must sign under penalty of perjury that they have read and understand the information. This bill removed the link and instead places the entire booklet as part of the application. There is no guarantee that this will encourage individuals to read the information.

Currently the board has 640,034 licensees. This includes 58,452 establishments, and 581,582 individuals. In licensing establishments, the Board does not differentiate the types of services that are performed. There is also no indicator if an establishment is a solo business, an independent contractor business or and employee/employer business.

All licensees of the Board receive a renewal notice approximately 83 days in advance. The current renewal notice is 4 pages. This bill would increase the renewal notices from 4 pages to approximately 20 pages. This is a significant increase in costs with no guarantee the information will be read.

The Board receives a high number of paper applications, even though it offers an on-line process. The examination application is currently 5 pages. This bill will increase this application to 21 pages. The establishment application is currently 10 pages, which means this bill will make this application 26 pages. These applications are printed by individuals, and this would increase their costs of printing and postage. The following table shows the average number of paper applications received:

Application Type	Average Volume of Paper Applications Received
Examination Applications	14,200
Establishment Applications	34,190

The Board acknowledges the importance of the information that is specified in this bill, however, the following points should be considered:

- This bill adds section 7389 (b) which is a specific requirement for the Department of Industrial Relations. This section should be placed in DIR’s laws not the Boards.

- This bill will increase the paper renewal notice from 4 to 20 pages, increasing the costs to the Board on printing and postage (See Fiscal estimate below).
- For individuals who choose to print their application and mail it in, the printable application will go from 5 to 21 pages. This increases the cost to the applicant as well as an increase in postage.
- For individuals who choose to print their establishment application and mail it in, the printable application will go from 10 to 26 pages. This increases the cost to the applicant as well as increases postage.
- The Board's legislative mandate is consumer protection. The increase in labor law references in our Act take the Board beyond that mandate.
- In 2023, of the 97,285 individuals that answered the renewal survey, 35% stated they are Independent Contractors. This means that the Board will be sending this information out to individuals that it does not apply to.
- The Board receives an annual average of 14,200 paper exam applications and 34,190 paper establishment applications. That is over 48,000 individuals who will have to print more than 20 pages of paper as opposed to the current 4-10 pages.
- The Board should not be responsible for collaborating with the DIR for social media posts. The DIR should be required to develop and post items that they are the experts in and the Board can re-post these as a way of sharing information.
- Increasing the Board's involvement in Labor Laws is going to create questions to our Board staff regarding a subject matter we are not experts in.

**Fiscal Impact:**

The fiscal impacts for AB 2444 would result in a minimum estimated **annual** fiscal impact of **\$614,171**.

Fiscal impacts include:

- Initial applications increase on postage; \$3,855 annually \*Estimate 5% will request for BBC to mail and print initial applications.
- Renewal notices increase on postage and printing: \$606,816 annually.
- Regulations \$3,500 per update from DIR.
- Translation costs for each set of DIR informational materials in Korean, Spanish, Korean and Simplified Chinese are unknown costs depending on graphics and quantity.
- Breeze applications will need to be modified, unknown costs.

**Prior Position: Oppose**

On February 26, 2024, the Board voted to oppose the Introduced version of AB 2444.

**Possible Amendments:**

The Board may choose to recommend the following:

All statutes relating to the DIR be removed from the Barbering and Cosmetology Act.

Require the DIR to do a one-time mailing to all Board licensees at the cost to DIR.

Require that the Board maintain its web link to workers rights information, but require the Board to update the publication with current worker's rights laws provided by the DIR.

**Status:**

04/17/24: ASM Labor and Employment, Do pass re-refer to Appropriations committee.

**AB 2444 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2444](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2444)



AMENDED IN ASSEMBLY APRIL 9, 2024

AMENDED IN ASSEMBLY APRIL 2, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2444**

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**Introduced by Assembly Member Lee**  
*(Coauthor: Assembly Member Juan Carrillo)*

February 13, 2024

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An act to amend Sections 7314.3, 7337, 7347, and 7389 of, and to add Section 7389.1 to, the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 2444, as amended, Lee. Barbering and cosmetology: licensees: manicurists.

Existing law, the Barbering and Cosmetology Act, 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 requires the board to establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board that impact licensees, including how to ensure licensees are aware of basic labor laws and how to ensure licensees have awareness about physical and sexual abuse their clients may be experiencing. Existing law defines “basic labor laws” for this purpose, and the definition includes the wage and hour rights of an hourly employee.

This bill would add to the definition of “basic labor laws” the right to sick pay.

Existing law, relating to licenses for activities licensed under existing law, establishes requirements for application for licensure or renewal of licensure, including informational materials on basic labor law being included with the application or renewal form.

This bill would require that the informational materials on basic labor law be provided in the application and renewal forms themselves instead of alongside them, and would require the informational materials to include information relating to specified law.

Existing law, relating to licenses for establishments where activities licensed under existing law are practiced, establishes requirements for application for licensure or license renewal for any person, firm, or corporation desiring to operate an establishment, including informational materials on basic labor law being included with the application or renewal form.

This bill would require that the informational materials on basic labor law be provided in the application and renewal forms themselves instead of alongside them, and would require the informational materials to include information relating to specified law.

Existing law requires the board to develop or adopt a health and safety course to be taught in schools approved by the board on, among other topics, basic labor laws.

This bill would require the Department of Industrial Relations, to develop and, by July 1, 2025, disseminate, a notification to all board-licensed establishments and licensed manicurists that includes specified statements to inform those licensees of a change in the law relating to the employment classification of manicurists and of the legal consequences of employment classification as an employee or misclassification of a worker.

This bill would also require the board, in consultation with the Department of Industrial Relations and community-based organizations, to develop a language-appropriate and culturally-appropriate posts on basic labor laws, as prescribed, on the board's internet website or other accessible platform.

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:

1 (a) The Business and Professions Code requires that beauty  
2 school curriculums, including nail care, and barber school  
3 curriculums include information on basic labor laws.

4 (b) Section 98.10 of the Labor Code requires that all board  
5 establishment owners post, in their shops, language-accessible  
6 information on workplace rights and wage and hour laws.

7 (c) Clause (vi) of subparagraph (L) of paragraph (2) of  
8 subdivision (b) of Section 2778 of the Labor Code requires that,  
9 as of January 1, 2025, the “ABC” test for employee status be  
10 applied to licensed manicurists. This law may result in a person  
11 providing nail services at a nail salon being considered an  
12 employee.

13 (d) According to a 2018 report coauthored by the Labor Center  
14 at the University of California, Los Angeles, and the California  
15 Healthy Nail Salon Collaborative, 78 percent of nail salon workers  
16 earn less than the minimum wage. This is in contrast to the 33  
17 percent national rate for all industries in the country.

18 (e) According to the 2017–21 United States Census Bureau’s  
19 American Community Survey 5-year Estimates, the median wage  
20 of full-time nail salon workers in California is \$10.16, whereas  
21 the median wage of all other full-time workers in California is  
22 \$25.69.

23 (f) A 2016–17 California survey of 93 Vietnamese nail salon  
24 workers found a high prevalence of misclassification and confusion  
25 among nail salon workers and owners regarding employment  
26 classification and pay practices.

27 (g) Most nail salon workers and owners are Vietnamese and  
28 many are limited English speakers.

29 (h) Many nail salon owners are former nail salon workers and  
30 tend to carry on the employment practices experienced in their  
31 former workplaces.

32 (i) Regular education on basic labor law such as minimum wage  
33 and proper employment classification is necessary to ensure that  
34 board-licensed workers, in particular licensed manicurists, are  
35 properly classified, are paid a minimum wage, and *are* afforded  
36 sick pay and all other benefits of “employee” status in California.

37 SEC. 2. Section 7314.3 of the Business and Professions Code  
38 is amended to read:

39 7314.3. (a) The board shall establish a Health and Safety  
40 Advisory Committee to provide the board with advice and

1 recommendations on health and safety issues before the board that  
2 impact licensees, including how to ensure licensees are aware of  
3 basic labor laws and how to ensure licensees have awareness about  
4 physical and sexual abuse their clients may be experiencing.

5 (b) For purposes of this section, “basic labor laws” include, but  
6 are not limited to, all of the following:

7 (1) Key differences between the legal rights, benefits, and  
8 obligations of an employee and an independent contractor.

9 (2) Wage and hour rights of an hourly employee, including, but  
10 not limited to, the right to sick pay.

11 (3) Antidiscrimination laws relating to the use of a particular  
12 language in the workplace.

13 (4) Antiretaliation laws relating to a worker’s right to file  
14 complaints with the Department of Industrial Relations.

15 (5) How to obtain more information about state and federal  
16 labor laws.

17 (c) For purposes of this section, physical and sexual abuse  
18 includes, but is not limited to, the following:

19 (1) Domestic violence.

20 (2) Sexual assault.

21 (3) Human trafficking.

22 (4) Elder abuse.

23 (d) Members of the committee shall receive a per diem pursuant  
24 to Section 103.

25 SEC. 3. Section 7337 of the Business and Professions Code is  
26 amended to read:

27 7337. (a) Every application for admission to examination and  
28 licensure shall be in writing, on forms prepared and furnished by  
29 the board.

30 (b) Each application shall be accompanied by the required fee,  
31 and shall contain proof of the qualifications of the applicant for  
32 examination and licensure. It shall be verified by the oath of the  
33 applicant and shall include a signed acknowledgment that the  
34 applicant understands their rights as a licensee as described in  
35 informational materials on basic labor laws, as specified in Section  
36 7314.3, that the applicant is provided by the board in the  
37 application. Every applicant, as a condition of admittance to the  
38 examination facility, shall present satisfactory proof of  
39 identification. Satisfactory proof of identification shall be in the  
40 form of a valid, unexpired driver’s license or identification card,

1 containing the photograph of the person to whom it was issued,  
2 issued by any state, federal, or other government entity.

3 (c) Every application to renew a license shall include a signed  
4 acknowledgment that the renewal applicant understands their rights  
5 as a licensee as described in informational materials on basic labor  
6 laws, as specified in Section 7314.3, that the renewal applicant is  
7 provided by the board in the renewal application.

8 (d) (1) The “informational materials on basic labor laws,”  
9 referred to in this section, shall be written by the Department of  
10 Industrial Relations and include information regarding the test set  
11 forth in subparagraphs (A) to (C), inclusive, of paragraph (1) of  
12 subdivision (b) of Section 2775 of the Labor Code as it pertains  
13 to manicurists, and a link to the notice required by Section 98.10  
14 of the Labor Code.

15 (2) The informational materials referenced in this section shall  
16 be inserted by the board into the application and renewal forms  
17 themselves.

18 (e) The amendments made to this section by the act adding this  
19 subdivision shall become operative on July 1, 2017.

20 SEC. 4. Section 7347 of the Business and Professions Code is  
21 amended to read:

22 7347. (a) Any person, firm, or corporation desiring to operate  
23 an establishment shall make an application to the board for a  
24 license accompanied by the fee prescribed by this chapter. The  
25 application shall be required whether the person, firm, or  
26 corporation is operating a new establishment or obtaining  
27 ownership of an existing establishment. The application shall  
28 include a signed acknowledgment that the applicant understands  
29 that establishments are responsible for compliance with any  
30 applicable labor laws of the state and that the applicant understands  
31 the informational materials on basic labor laws, as specified in  
32 Section 7314.3, the applicant is provided by the board in the  
33 application. Every application to renew a license shall include a  
34 signed acknowledgment that the renewal applicant understands  
35 that establishments are responsible for compliance with any  
36 applicable labor laws of the state and that the applicant understands  
37 the informational materials on basic labor laws, as specified in  
38 Section 7314.3, that the renewal applicant is provided by the board  
39 in the renewal application. If the applicant is obtaining ownership  
40 of an existing establishment, the board may establish the fee in an

1 amount less than the fee prescribed by this chapter. The applicant,  
2 if an individual, or each officer, director, and partner, if the  
3 applicant is other than an individual, shall not have committed acts  
4 or crimes which are grounds for denial of licensure in effect at the  
5 time the new application is submitted pursuant to Section 480. A  
6 license issued pursuant to this section shall authorize the operation  
7 of the establishment only at the location for which the license is  
8 issued. Operation of the establishment at any other location shall  
9 be unlawful unless a license for the new location has been obtained  
10 upon compliance with this section, applicable to the issuance of a  
11 license in the first instance.

12 (b) (1) The “informational materials on basic labor laws,”  
13 referred to in this section, shall be written by the Department of  
14 Industrial Relations and include information regarding the test set  
15 forth in subparagraphs (A) to (C), inclusive, of paragraph (1) of  
16 subdivision (b) of Section 2775 of the Labor Code as it pertains  
17 to manicurists, and a link to the notice required by Section 98.10  
18 of the Labor Code.

19 (2) The informational materials referenced in this section shall  
20 be inserted by the board into the application and renewal forms  
21 themselves.

22 (c) The amendments made to this section by the act adding this  
23 subdivision shall become operative on July 1, 2017.

24 SEC. 5. Section 7389 of the Business and Professions Code is  
25 amended to read:

26 7389. (a) The board shall develop or adopt a health and safety  
27 course on hazardous substances, basic labor laws, as specified in  
28 Section 7314.3, and physical and sexual assault awareness, as  
29 specified in Section 7314.3, which shall be taught in schools  
30 approved by the board. Course development shall include pilot  
31 testing of the course and training classes to prepare instructors to  
32 effectively use the course.

33 (b) The Department of Industrial Relations shall develop a  
34 language and culturally appropriate notification to all  
35 board-licensed establishments and licensed manicurists to inform  
36 those licensees as follows:

37 (1) In this state, as of January 1, 2025, there was a change in  
38 the law regarding employment classification of manicurists, such  
39 that the test under subparagraphs (A) to (C), inclusive, of paragraph

1 (1) of subdivision (b) of Section 2775 of the Labor Code, referred  
2 to as the ABC test, applies to manicurists.

3 (2) Under the ABC test, a person who provides labor or services  
4 for compensation is considered an employee unless the hiring  
5 entity can demonstrate that the person satisfies all three conditions  
6 of the ABC test that describe *classification as an independent*  
7 *contractor. If a person is providing nail services in a nail salon,*  
8 *they may be an “employee” under the ABC test and, if so, they*  
9 *will be treated accordingly with regard to state protections for*  
10 *employees, including, but not limited to, minimum wage, sick pay,*  
11 *and workers’ compensation. If an establishment cannot*  
12 *demonstrate that a manicurist satisfies all three conditions of the*  
13 *ABC test, and the work relationship between the establishment*  
14 *and the manicurist does not fall under an exemption under the law*  
15 *for employment status, the manicurist will be considered an*  
16 *employee and the establishment will be required to provide certain*  
17 *employee benefits, including, but not limited to, minimum wage,*  
18 *sick pay, and workers’ compensation.*

19 (3) The failure to properly classify a worker could result in  
20 penalties imposed on the establishment owner.

21 (c) The department, by July 1, 2025, shall disseminate, through  
22 ethnic media and individually through United States Postal Service  
23 mail, the information in subdivision (b) to all board-licensed  
24 establishments and to licensed manicurists. In addition to English,  
25 information shall be in Vietnamese, Spanish, Korean, and Chinese.

26 SEC. 6. Section 7389.1 is added to the Business and Professions  
27 Code, to read:

28 7389.1. In consultation with the Department of Industrial  
29 Relations and community-based organizations, the board shall  
30 develop language-appropriate and culturally-appropriate  
31 educational posts on basic labor law, as described in Section  
32 7314.3, and share with its licensees, at least two times per year,  
33 over the board’s communications channels such as the quarterly  
34 newsletter, social media, and others. In addition to English,  
35 information shall be in Vietnamese, Spanish, Korean, and Chinese.

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# BOARD OF BARBERING & COSMETOLOGY

## BILL ANALYSIS

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**Author:** Assembly Member Gipson

**Subject:** Licenses, African American applicants

**Bill Number:** AB 2862

**Version:** Amended, April 17, 2024

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**Existing Law:**

Establishes the Department of Consumer Affairs, which is composed of specified boards and license and regulate various professions.

**This Bill:**

This bill would require those boards to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would repeal these provisions on January 1, 2029.

**Analysis:**

This bill would require the Board to develop a new process for processing licensing applications that would allow a prioritization of African American individuals, as specified. Based on the volume of work that the Board receives, having to prioritize application will be detrimental to the Board's processing times. The bill does not specify how the Board would collect the information to determine if an application would meet the requirements of the expedited process. The Board does not currently collect information regarding ethnicity.

To implement this bill, the Board would have to add additional staff to identify and process the expedited volume of applications. In addition, it will delay all applications that are not expedited therefore creating more workload of e-mails and phone calls.

There is a four-year sunset provision in the bill, repealing this prioritization on January 1, 2029.

**Fiscal Impact:**

Board staff project a minimum of \$427,500. This would include staffing and regulations but does not include any technical costs.

**Board Position:**

This bill has not yet been presented to the Board.

**Recommendation:**

03/25/24: Legislation and Budget Committee recommended a Watch on the bill as it moves through the legislative process.

**Status:**

04/23/24: ASM Judiciary Committee, Do pass and referred to ASM Appropriations Committee.

**AB 2862 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2862](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2862)



AMENDED IN ASSEMBLY APRIL 17, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2862**

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**Introduced by Assembly Member Gipson**  
*(Coauthors: Assembly Members Juan Carrillo and Lowenthal)*

February 15, 2024

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An act to add ~~Division 1.1 (commencing with Section 473) to and repeal Section 115.7 of the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2862, as amended, Gipson. ~~Licensing—Department of Consumer Affairs:~~ African American applicants.

Existing law ~~prescribes requirements for licensure and regulation of various businesses and professions, including healing arts and real estate businesses and professions, by various boards, bureaus, commissions, committees, and departments.~~ *establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions.*

This bill would require *those* boards to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would ~~define various terms for these purposes.~~ *repeal those provisions on January 1, 2029.*

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

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

1 SECTION 1. Section 115.7 is added to the Business and  
2 Professions Code, to read:

3 115.7. (a) Notwithstanding any other law, a board shall  
4 prioritize African American applicants seeking licenses, especially  
5 applicants who are descended from a person enslaved in the United  
6 States.

7 (b) This section shall remain in effect only until January 1, 2029,  
8 and as of that date is repealed.

9 SECTION 1. ~~Division 1.1 (commencing with Section 473) is~~  
10 ~~added to the Business and Professions Code, to read:~~

11  
12 DIVISION 1.1. PRIORITIZATION OF LICENSES

13  
14 473. (a) For purposes of this division:

15 (1) ~~“Board” includes “bureau,” “commission,” “committee,”~~  
16 ~~“department,” “division,” “examining committee,” “program,”~~  
17 ~~and “agency.”~~

18 (2) ~~“License” includes certificate, registration, or other means~~  
19 ~~to engage in a business or profession regulated by this code.~~

20 (b) ~~Notwithstanding any other law, a board shall prioritize~~  
21 ~~African American applicants seeking licenses, especially applicants~~  
22 ~~who are descended from a person enslaved in the United States.~~

# BOARD OF BARBERING & COSMETOLOGY

## Bill Analysis

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**Author:** Senator Roth

**Subject:** Barbering and Cosmetology:  
Application, examination and licensing fees

**Bill Number:** SB 817

**Version:** Introduced, February 17, 2023

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**Existing Law:**

The Barbering and Cosmetology Act, provides for the licensure and regulation of barbers, cosmetologist, hairstylist, electrologist, estheticians and manicurists by the State Board of Barbering and Cosmetology (BBC). (BPC § 7301 et seq)

**This Bill:**

This bill clarifies that the BBC can only charge a hairstylist application and examination fee in an amount equal to BBC's actual costs for developing, purchasing, grading, and administering the examination. This bill limits a hairstylist's initial license to not more than \$50.

**Analysis:**

Clarifying language for hairstylist's initial license to not be more than \$50. This language is in line with all other licensing language under BBC, they will all be uniform once this passes.

**Board Position:**

On April 17, 2023, the Board voted to Support SB 817.

**Status:**

07/11/23: Referred to Assembly Appropriations committee.

**Registered Support:**

California State Board of Barbering and Cosmetology

**Registered Opposition:**

None on file

**SB 817 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB817](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB817)

**Introduced by Senator Roth**February 17, 2023

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An act to amend Section 7423 of the Business and Professions Code, relating to professions.

## LEGISLATIVE COUNSEL'S DIGEST

SB 817, as introduced, Roth. Barbering and cosmetology: application, examination, and licensing fees.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law establishes the Barbering and Cosmetology Act, under the administration of the State Board of Barbering and Cosmetology, for the licensure and regulation of barbers and cosmetologists. Existing law specifies a hairstylist's application and examination fee shall be \$50, or an amount as determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination, and not to exceed \$50.

This bill would instead require that the hairstylist application and examination fee be the actual cost to the board for developing, purchasing, grading, and administering the examination, and limit a hairstylist's initial license fee to \$50.

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

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

1 SECTION 1. Section 7423 of the Business and Professions  
2 Code is amended to read:

3 7423. The amounts of the fees required by this chapter relating  
4 to licenses for individual practitioners are as follows:

5 (a) (1) Cosmetologist application and examination fee shall be  
6 the actual cost to the board for developing, purchasing, grading,  
7 and administering the examination.

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

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

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

15 (c) (1) A manicurist application and examination fee shall be  
16 the actual cost to the board for developing, purchasing, grading,  
17 and administering the examination.

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

20 (d) (1) A barber application and examination fee shall be the  
21 actual cost to the board for developing, purchasing, grading, and  
22 administering the examination.

23 (2) A barber initial license fee shall be not more than fifty dollars  
24 (\$50).

25 (e) (1) An electrologist application and examination fee shall  
26 be the actual cost to the board for developing, purchasing, grading,  
27 and administering the examination.

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

30 (f) An apprentice application and license fee shall be not more  
31 than twenty-five dollars (\$25).

32 (g) The license renewal fee for individual practitioner licenses  
33 that are subject to renewal shall be not more than fifty dollars  
34 (\$50).

35 (h) (1) A hairstylist application and examination fee shall be  
36 ~~fifty dollars (\$50) or a fee in an amount as determined by the board;~~  
37 ~~not to exceed the reasonable cost of~~ *the actual cost to the board*

1 *for* developing, purchasing, grading, and administering the  
2 ~~examination, not to exceed fifty dollars (\$50):~~ *examination.*

3 (2) *A hairstylist's initial license fee shall be not more than fifty*  
4 *dollars (\$50).*

5 (i) Notwithstanding Section 163.5 the license renewal  
6 delinquency fee shall be 50 percent of the renewal fee in effect on  
7 the date of renewal.

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# BOARD OF BARBERING & COSMETOLOGY

## BILL ANALYSIS

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**Author:** Senator Nguyen

**Subject:** Hairstyling License

**Bill Number:** SB 1084

**Version:** Introduced, February 12, 2024

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### **Existing Law:**

barbering, cosmetology, and hairstyling by the State Board of Barbering and Cosmetology (Board) and makes liable for a misdemeanor a person, firm, association, or corporation that violates the act unless a specific penalty is otherwise provided.

Requires the Board to admit to examination for a license as a hairstylist to practice hairstyling a person who has made application to the Board in proper form, paid the fee required by the act, and meets certain qualifications, including that the person completed a course in hairstyling from a school approved by the board.

The act includes in the practice of barbering to include certain practices including shampooing, arranging, dressing, curling, and waving and the practice of hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling. The act includes in the practice of cosmetology certain practices, including arranging, dressing, curling, waving, cleansing, shampooing, beautifying, or otherwise treating the hair of a person.

### **This Bill:**

This bill would repeal those provisions relating to the license as a hairstylist and would make conforming changes.

This bill would remove the practices of shampooing, arranging, dressing, curling, waving, cleansing, shampooing, beautifying from inclusion in the practices of barbering and cosmetology, respectively. These listed practices would be free from licensure or oversight by the state.

The bill would require a person who engages in the practices of arranging, beautifying, cleansing, curling, dressing, shampooing, or waving the hair of a person at an establishment to provide notice to consumers of the person's licensure status.

By expanding the scope of the crime of violating the act, the bill would impose a state-mandated local program.

### **Analysis:**

SB 803 (Roth), 2021 established the Hairstyling license, which requires the completion of a 600-hour program. AB 2196 (Maienschein) 2022, further clarified the scope of work and practice of the Hairstyling license. This bill SB 1084 (Nguyen) 2024 will repeal all language associated with a Hairstyling license.

This bill is potentially the first step in de-regulation of the cosmetology and barbering industry by breaking up the scope of practices. Removing the services of shampooing and styling places

consumers at risk of receiving services. This bill would likely increase unlicensed practice as individuals would offer services that do not require a license, but provide those services such as chemical straightening, coloring and perming to increase profit.

The Board issued its first hairstylist license on 08/22/2023. The Board currently, as of 02/16/2024, has issued 16 Hairstylist licenses, and has 45 in processing. Many schools have just began offering this program. The elimination of the hairstylist license would mean that these students paid for a course, completed 600 hours of education, took the examination and received a license that is no longer valid.

The Board currently offers the national examination for cosmetology and barbering. The reduction of scope would mean that the Board would no longer be able to offer the national examination and would have to develop its own California-specific examinations for barbering and cosmetology. This would also cause California to lose reciprocity with other states.

**Fiscal Impact:**

The fiscal impacts are substantial, as written SB 1084 would result in an estimated fiscal impact of \$1.3 million. Fiscal impacts include:

- Development of new cosmetology and barbering examinations
- Updating the BreEze system
- Updating and translating all publications
- Updating regulations
- Updating the website and forms
- Increase workload/staffing

**Board Position: Oppose**

On February 26, 2024, the Board voted to Oppose SB 1084.

**Status:**

2/21/24: Referred to Senate Committee on Business, Professions and Economic, Development – Author has pulled the bill.

**AB 1084 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB1084](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1084)



**Introduced by Senator Nguyen**February 12, 2024

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An act to amend Sections 7316, 7389.5, and 7423 of, and to repeal Sections 7322 and 7363 of, the Business and Professions Code, relating to professions.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1084, as introduced, Nguyen. Barbering and cosmetology.

The Barbering and Cosmetology Act provides for the licensure and regulation of the practice of barbering, cosmetology, and hairstyling by the State Board of Barbering and Cosmetology and makes liable for a misdemeanor a person, firm, association, or corporation that violates the act unless a specific penalty is otherwise provided. The act requires the board to admit to examination for a license as a hairstylist to practice hairstyling a person who has made application to the board in proper form, paid the fee required by the act, and meets certain qualifications, including that the person completed a course in hairstyling from a school approved by the board.

This bill would repeal those provisions relating to the license as a hairstylist and would make conforming changes.

The act also includes in the practice of barbering certain practices, including shampooing, arranging, dressing, curling, and waving and also the practice of hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling. The act includes in the practice of cosmetology certain practices, including arranging, dressing, curling, waving, cleansing, shampooing, beautifying, or otherwise treating the hair of a person.

This bill would remove the practices described above from inclusion in the practices of barbering and cosmetology, respectively. The bill

would require a person who engages in the practices of arranging, beautifying, cleansing, curling, dressing, shampooing, or waving the hair of a person at an establishment to provide notice to consumers of the person’s licensure status. By expanding the scope of the crime of violating the act, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 7316 of the Business and Professions
- 2 Code is amended to read:
- 3 7316. (a) The practice of barbering is all or any combination
- 4 of the following practices:
- 5 (1) Shaving or trimming the beard or cutting the hair.
- 6 (2) Giving facial and scalp massages or treatments with oils,
- 7 creams, lotions, or other preparations either by hand or mechanical
- 8 appliances.
- 9 (3) ~~Singeing, shampooing, arranging, dressing, curling, waving,~~
- 10 ~~chemical waving, hair relaxing, or dyeing the hair or applying hair~~
- 11 ~~tonics.~~
- 12 (4) Applying cosmetic preparations, antiseptics, powders, oils,
- 13 clays, or lotions to scalp, face, or neck.
- 14 (5) ~~Hairstyling of all textures of hair by standard methods that~~
- 15 ~~are current at the time of the hairstyling.~~
- 16 (b) The practice of cosmetology is all or any combination of
- 17 the following practices:
- 18 (1) ~~Arranging, dressing, curling, waving, machineless~~
- 19 ~~Machineless~~ permanent waving, permanent waving, ~~cleansing,~~
- 20 ~~cutting, shampooing,~~ relaxing, singeing, bleaching, tinting,
- 21 coloring, straightening, dyeing, applying hair tonics to, ~~beautifying,~~
- 22 or otherwise treating by any means the hair of any person.
- 23 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
- 24 arms, or upper part of the human body, by means of the hands,

1 devices, apparatus or appliances, with or without the use of  
2 cosmetic preparations, antiseptics, tonics, lotions, or creams.

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

6 (4) Removing superfluous hair from the body of any person by  
7 the use of depilatories or by the use of tweezers, chemicals, or  
8 preparations or by the use of devices or appliances of any kind or  
9 description, except by the use of light waves, commonly known  
10 as rays.

11 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,  
12 or manicuring the nails of any person.

13 (6) Massaging, cleansing, treating, or beautifying the hands or  
14 feet of any person.

15 (7) Tinting and perming of the eyelashes and brows, or applying  
16 eyelashes to any person.

17 (c) The practice of skin care is all or any combination of the  
18 following practices:

19 (1) Giving facials, massaging, stimulating, exfoliating, cleansing,  
20 or beautifying the face, scalp, neck, hands, arms, feet, legs, or  
21 upper part of the human body by the use of hands, esthetic devices,  
22 cosmetic products, antiseptics, lotions, tonics, or creams for the  
23 purpose of improving the appearance or well-being of the skin that  
24 do not result in the ablation or destruction of the live tissue.

25 (2) Tinting and perming of the eyelashes and brows, or applying  
26 eyelashes to any person.

27 (3) Removing superfluous hair from the body of any person by  
28 use of depilatories, tweezers, sugaring, nonprescription chemical,  
29 or waxing, or by the use of devices and appliances of any kind or  
30 description, except by the use of lasers or light waves, which are  
31 commonly known as rays.

32 (d) The practice of nail care is all or a combination of trimming,  
33 polishing, coloring, tinting, cleansing, manicuring, or pedicuring  
34 the nails of any person or massaging, cleansing, or beautifying  
35 from the elbow to the fingertips or the knee to the toes of any  
36 person.

37 (e) The practice of ~~barbering~~, *barbering* and the practice of  
38 ~~cosmetology~~, and the practice of ~~hairstyling~~ *cosmetology* do not  
39 include any of the following:

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

1 (2) Natural hair braiding. ~~Natural hair braiding is a service that~~  
 2 ~~results in tension on hair strands or roots by twisting, wrapping,~~  
 3 ~~weaving, extending, locking, or braiding by hand or mechanical~~  
 4 ~~device, provided that the service does not include haircutting or~~  
 5 ~~the application of dyes, reactive chemicals, or other preparations~~  
 6 ~~to alter the color of the hair or to straighten, curl, or alter the~~  
 7 ~~structure of the hair.~~

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

11 (4) (A) *The practices of arranging, beautifying, cleansing,*  
 12 *curling, dressing, shampooing, or waving the hair of a person.*

13 (B) *A person who engages in the practices specified in*  
 14 *subparagraph (A) at an establishment shall provide notice to*  
 15 *consumers of the person’s licensure status.*

16 (f) Notwithstanding paragraph (2) of subdivision (e), a person  
 17 who engages in natural ~~hairstyling, which is defined as the~~  
 18 ~~provision of natural hair braiding services together with any of the~~  
 19 ~~services or procedures defined within the regulated practices of~~  
 20 ~~barbering or cosmetology; *hairstyling* is subject to regulation~~  
 21 ~~pursuant to this chapter and shall obtain and maintain a barbering~~  
 22 ~~or cosmetology license as applicable to the services respectively~~  
 23 ~~offered or performed.~~

24 (g) (1) Electrolysis is the practice of removing hair from, or  
 25 destroying hair on, the human body by the use of an electric needle  
 26 only.

27 (2) “Electrolysis” as used in this chapter includes electrolysis  
 28 or thermolysis.

29 (h) ~~The practice of hairstyling is one or both of the following:~~

30 (1) ~~Styling of all textures of hair by standard methods that are~~  
 31 ~~current at the time of the hairstyling.~~

32 (2) ~~Arranging, blow drying, cleansing, curling, cutting, dressing,~~  
 33 ~~extending, shampooing, waving, or nonchemically straightening~~  
 34 ~~the hair of any person using both electrical and nonelectrical~~  
 35 ~~devices.~~

36 (h) *As used in this section:*

37 (1) *“Natural hair braiding” means a service that results in*  
 38 *tension on hair strands or roots by twisting, wrapping, weaving,*  
 39 *extending, locking, or braiding by hand or mechanical device,*  
 40 *provided that the service does not include haircutting or the*

1 application of dyes, reactive chemicals, or other preparations to  
2 alter the color of the hair or to straighten, curl, or alter the  
3 structure of the hair.

4 (2) “Natural hairstyling” means the provision of natural hair  
5 braiding services together with any of the services or procedures  
6 defined within the regulated practices of barbering or cosmetology.

7 (3) “Threading” means a technique that results in removing  
8 hair by twisting thread around unwanted hair and pulling it from  
9 the skin and the incidental trimming of eyebrow hair.

10 SEC. 2. Section 7322 of the Business and Professions Code is  
11 repealed.

12 ~~7322. The board shall admit to examination for a license as a~~  
13 ~~hairstylist to practice hairstyling any person who has made~~  
14 ~~application to the board in proper form, paid the fee required by~~  
15 ~~this chapter, and is qualified as follows:~~

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

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

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

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

21 (1) ~~Completed a course in hairstyling from a school approved~~  
22 ~~by the board.~~

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

30 SEC. 3. Section 7363 of the Business and Professions Code is  
31 repealed.

32 ~~7363. (a) A course in hairstyling established by a school shall~~  
33 ~~consist of not less than 600 hours of practical and technical~~  
34 ~~instruction.~~

35 (b) ~~The curriculum for a hairstyling course shall include, at a~~  
36 ~~minimum, technical and practical instruction in the following areas:~~

37 (1) ~~One hundred hours in health and safety, which includes~~  
38 ~~hazardous substances, chemical safety, safety data sheets,~~  
39 ~~protection from hazardous chemicals, preventing chemical injuries,~~

1 health and safety laws and regulations, and preventing  
2 communicable diseases.

3 (2) ~~One hundred hours in disinfection and sanitation, which~~  
4 ~~includes disinfection procedures to protect the health and safety~~  
5 ~~of consumers as well as the technician and proper disinfection~~  
6 ~~procedures for equipment used in establishments.~~

7 (3) ~~Two hundred hours in hair styling services, which includes~~  
8 ~~arranging, blow drying, cleansing, curling, dressing, hair analysis,~~  
9 ~~shampooing, waving, and nonchemical straightening, and hair~~  
10 ~~cutting including the use of shears, razors, electrical clippers and~~  
11 ~~trimmers, and thinning shears, for wet and dry cutting.~~

12 SEC. 4. Section 7389.5 of the Business and Professions Code  
13 is amended to read:

14 7389.5. A course of training in ~~barbering, cosmetology, or~~  
15 ~~hairstyling~~ *barbering or cosmetology* established by federal or  
16 state correctional institutions in California may qualify a person  
17 thereby trained to take the examination for licensure as a ~~barber,~~  
18 ~~cosmetologist, or hairstylist,~~ *provided barber or cosmetologist if*  
19 the course complies with all applicable provisions of this ~~act~~  
20 *chapter* and the regulations adopted pursuant thereto.

21 SEC. 5. Section 7423 of the Business and Professions Code is  
22 amended to read:

23 7423. The amounts of the fees required by this chapter relating  
24 to licenses for individual practitioners are as follows:

25 (a) (1) Cosmetologist application and examination fee shall be  
26 the actual cost to the board for developing, purchasing, grading,  
27 and administering the examination.

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

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

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

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

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

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

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

6 (e) (1) An electrologist application and examination fee shall  
7 be the actual cost to the board for developing, purchasing, grading,  
8 and administering the examination.

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

11 (f) An apprentice application and license fee shall be not more  
12 than twenty-five dollars (\$25).

13 (g) The license renewal fee for individual practitioner licenses  
14 that are subject to renewal shall be not more than fifty dollars  
15 (\$50).

16 ~~(h) A hairstylist application and examination fee shall be fifty  
17 dollars (\$50) or a fee in an amount as determined by the board,  
18 not to exceed the reasonable cost of developing, purchasing,  
19 grading, and administering the examination, not to exceed fifty  
20 dollars (\$50).~~

21 (i)

22 (h) Notwithstanding Section 163.5 the license renewal  
23 delinquency fee shall be 50 percent of the renewal fee in effect on  
24 the date of renewal.

25 SEC. 6. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.

# BOARD OF BARBERING & COSMETOLOGY

## Bill Analysis

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**Author:** Senator Ashby

**Subject:** Professions and vocations.

**Bill Number:** SB 1451

**Version:** Amended, April 17, 2024

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### **Existing Law:**

The Barbering and Cosmetology Act, provides for the licensure and regulation of barbers, cosmetologist, hairstylist, electrologist, estheticians and manicurists by the State Board of Barbering and Cosmetology (board), as per Business and Professions Code (BPC) section 7301 et seq).

### **This Bill:**

SB 1451 (Ashby) is a Senate Business, Professions and Economic Development Committee Omnibus bill, it deals with many sections within the BPC. Section 4 of this bill, BPC § 7423 pertains to the board, which clarifies that the board can only charge a hairstylist application and examination fee in an amount equal to the boards actual costs for developing, purchasing, grading, and administering the examination. This bill limits a hairstylist's initial license to no more than \$50.00.

### **Analysis:**

Section 4 of this bill, BPC § 7423 provides clarifying language for hairstylist's application and examination fee and the initial license fee. This bill would authorize the board to establish an application and examination fee based on the actual cost to develop, purchase, grade and administer the examination. This bill would also set the hairstylist's initial license fee to no more than \$50.00. This clarifying language is in line with all other fee language for license types under the approving authority of the board.

The Board issued the first hairstyling license on August 22, 2023.

### **Previous Legislation:**

SB 803 (Roth), Chapter 648, 2021 established the hairstyling license.

AB 2196 (Maienschein), Chapter 527, 2022 clarified hairstyling license services

SB 817 (Roth), identical language as this bill (SB 1451 (Ashby), Section 4 BPC 7423).

On April 17, 2023, the Board voted to Support SB 817.

This bill has been held in Assembly Appropriations since July 11, 2023.

### **Fiscal Impact:**

The fiscal impacts to accept the hairstyling fee are minor and absorbable.

### **Committee Position Recommendation:**

04/22/24: Board Legislative & Budget Committee recommends Support on this bill.



**Status:**

04/22/24: Senate Business, Professions and Economic Development committee hearing, Do pass re-refer to committee on Appropriations.

**SB 1451 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB1451](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1451)

AMENDED IN SENATE APRIL 17, 2024

**SENATE BILL**

**No. 1451**

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**Introduced by Senator Ashby**

February 16, 2024

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An act to amend Sections 1926, 2054, 2837.101, 2837.103, 2837.104, 2837.105, 3765, 7423, 8593, and 8593.1 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1451, as amended, Ashby. Professions and vocations.

(1) Existing law, the Dental Practice Act, establishes the Dental Hygiene Board of California to license and regulate dental hygienists. Existing law authorizes a registered dental hygienist in alternative practice to perform specified duties in dental health professional shortage areas, as certified by the Department of Health Care Access and Information, in accordance with specified guidelines.

This bill would authorize a registered dental hygienist in alternative practice with an existing practice in a dental health professional shortage area to continue to provide dental hygiene services if certification by the department is removed.

(2) *Existing law, the Medical Practice Act, establishes the Medical Board of California for the licensure and regulation of physicians and surgeons. Existing law makes it a misdemeanor for a person who is not licensed as a physician and surgeon under the act, except as specified, to use certain words, letters, and phrases or any other terms that imply that the person is authorized to practice medicine as a physician and surgeon.*

*This bill would add the initials "D.O." to the list of prohibited terms under that provision. The bill would also prohibit a person from using*

*the words “doctor” or “physician,” the letters or prefix “Dr.,” the initials “M.D.” or “D.O.,” or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner in a health care setting that would lead a reasonable patient to determine that the person is a licensed “M.D.” or “D.O.”. By expanding the scope of a crime, this bill would impose a state-mandated local program.*

(2)

(3) Existing law, the Nursing Practice Act, provides for the licensure and certification of nurse practitioners by the Board of Registered Nursing. Existing law requires the Office of Professional Examination Services in the Department of Consumer Affairs, or an equivalent organization, to perform an occupational analysis of nurse practitioners performing specified functions, and requires the board and the office to assess the alignment of competencies tested in the national nurse practitioner certification examination with the occupational analysis.

This bill would make the provision requiring the assessment of the alignment of competencies inapplicable to a national nurse practitioner certification examination discontinued before January 1, 2017.

(4) *Existing law establishes the Nurse Practitioner Advisory Committee to advise and give recommendations to the board on matters relating to Nurse Practitioners. Existing law requires the board, by regulation, to define minimum standards for transition to practice, as defined, and provides that clinical experience may include experience obtained before January 1, 2021, if the experience meets requirements established by the board.*

*This bill would specify that, for purposes of transition to practice, clinical experience shall not be limited to experience in a single category in which a nurse practitioner may practice, as specified, and would prohibit experience obtained before a person is certified as a nurse practitioner from being considered clinical experience for purposes of transition to practice requirements.*

*Existing law authorizes a nurse practitioner to perform specified functions without standardized procedures if the nurse practitioner satisfies certain requirements, including having completed a transition to practice in California of 3 full-time equivalent years of practice, or 4,600 hours.*

*This bill would deem a nurse practitioner who has been practicing as a nurse practitioner for 3 full-time equivalent years or 4,600 hours within the last 5 years, as of January 1, 2023, to have satisfied this*

*requirement. The bill would require proof of completion of a transition to practice to be provided to the board as an attestation from either a licensed physician and surgeon or a nurse practitioner. The bill would prohibit the board from requiring a nurse practitioner to tell a patient that the patient has a right to see a physician and surgeon, and would delete a provision requiring a nurse practitioner to use a certain phrase to inform Spanish language speakers that the nurse practitioner is not a physician and surgeon.*

(3)

(5) Existing law, the Respiratory Care Practice Act, establishes the Respiratory Care Board of California to license and regulate the practice of respiratory care. Existing law authorizes a licensed vocational nurse who is employed by a home health agency to perform respiratory tasks and services identified by the board if, on or before January 1, 2025, the licensed vocational nurse has completed patient-specific training satisfactory to their employer, and, on and after January 1, 2025, the licensed vocational nurse has completed that training in accordance with guidelines promulgated by the Respiratory Care Board of California, in collaboration with the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

This bill would extend those dates to January 1, 2028. The bill, on and after January 1, 2028, would also authorize a licensed vocational nurse to perform respiratory care services identified by the board while practicing in certain settings identified in the bill if the license vocational nurse has completed patient-specific training satisfactory to their employer and holds a current and valid certification of competency for each respiratory task to be performed, as specified.

(4)

(6) Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology to license and regulate barbering and cosmetology, and establishes a hairstylist application and examination fee of \$50 or a fee determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination.

This bill would instead require the hairstylist application and examination fee to be the actual cost to the board for developing, purchasing, grading, and administering the examination, and would establish that an initial licensee fee for a hairstylist shall be not more than \$50.

(5)

(7) Existing law establishes the Structural Pest Control Board in the Department of Consumer Affairs to license and regulate structural pest control operators, structural pest control field representatives, and structural pest control applicators. Existing law requires those licensees, as a condition of license renewal, to submit proof to the board that they have informed themselves of the developments in the field of pest control by completing continuing education courses or equivalent activity approved by the board, or taking and completing an examination given by the board, as specified.

This bill would delete the authorization for a licenseholder to take and complete an examination given by the board to satisfy that requirement.

(8) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

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

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

- 1 SECTION 1. Section 1926 of the Business and Professions
- 2 Code is amended to read:
- 3 1926. In addition to practices authorized in Section 1925, a
- 4 registered dental hygienist in alternative practice may perform the
- 5 duties authorized pursuant to subdivision (a) of Section 1907,
- 6 subdivision (a) of Section 1908, and subdivisions (a) and (b) of
- 7 Section 1910 in the following settings:
- 8 (a) Residences of the homebound.
- 9 (b) Schools.
- 10 (c) Residential facilities and other institutions and medical
- 11 settings that a residential facility patient has been transferred to
- 12 for outpatient services.
- 13 (d) Dental health professional shortage areas, as certified by the
- 14 Department of Health Care Access and Information in accordance
- 15 with existing office guidelines. If the dental health professional
- 16 shortage area certification is removed, a registered dental hygienist

1 in alternative practice with an existing practice in the area may  
2 continue to provide dental hygiene services.

3 (e) Dental offices.

4 *SEC. 2. Section 2054 of the Business and Professions Code is*  
5 *amended to read:*

6 2054. (a) Any person who uses in any sign, business card, or  
7 letterhead, or, in an advertisement, the words “doctor” or  
8 “physician,” the letters or prefix “Dr.,” the initials ~~“M.D.”~~ “M.D.”  
9 or “D.O.,” or any other terms or letters indicating or implying that  
10 ~~he or she~~ *the person* is a physician and surgeon, physician, surgeon,  
11 or practitioner under the terms of this or any other law, or that ~~he~~  
12 ~~or she~~ *the person* is entitled to practice hereunder, or who  
13 represents or holds ~~himself or herself~~ *themselves* out as a physician  
14 and surgeon, physician, surgeon, or practitioner under the terms  
15 of this or any other law, without having at the time of so doing a  
16 valid, unrevoked, and unsuspended certificate as a physician and  
17 surgeon under this chapter, is guilty of a misdemeanor. *No person*  
18 *shall use the words “doctor” or “physician,” the letters or prefix*  
19 *“Dr.,” the initials “M.D.” or “D.O.,” or any other terms or letters*  
20 *indicating or implying that the person is a physician and surgeon,*  
21 *physician, surgeon, or practitioner in a health care setting that*  
22 *would lead a reasonable patient to determine that person is a*  
23 *licensed “M.D.” or “D.O.”.*

24 (b) Notwithstanding subdivision (a), any of the following  
25 persons may use the words “doctor” or “physician,” the letters or  
26 prefix “Dr.,” or the initials ~~“M.D.”~~ “M.D.” or “D.O.”:

27 (1) A graduate of a medical *or an osteopathic medical* school  
28 approved or recognized by the *medical or osteopathic medical*  
29 board while enrolled in a postgraduate training program approved  
30 by the board.

31 (2) A graduate of a medical *or an osteopathic medical* school  
32 who does not have a certificate as a physician and surgeon under  
33 this chapter if ~~he or she~~ *the individual* meets all of the following  
34 requirements:

35 (A) If issued a license to practice medicine in any jurisdiction,  
36 has not had that license revoked or suspended by that jurisdiction.

37 (B) Does not otherwise hold ~~himself or herself~~ *themselves* out  
38 as a physician and surgeon entitled to practice medicine in this  
39 state except to the extent authorized by this chapter.

1 (C) Does not engage in any of the acts prohibited by Section  
2 2060.

3 (3) A person authorized to practice medicine under Section 2111  
4 or 2113 subject to the limitations set forth in those sections.

5 *SEC. 3. Section 2837.101 of the Business and Professions Code*  
6 *is amended to read:*

7 2837.101. For purposes of this article, the following terms have  
8 the following meanings:

9 (a) “Committee” means the Nurse Practitioner Advisory  
10 Committee.

11 (b) “Standardized procedures” has the same meaning as that  
12 term is defined in Section 2725.

13 (c) “Transition to practice” means additional clinical experience  
14 and mentorship provided to prepare a nurse practitioner to practice  
15 independently. “Transition to practice” includes, but is not limited  
16 to, managing a panel of patients, working in a complex health care  
17 setting, interpersonal communication, interpersonal collaboration  
18 and team-based care, professionalism, and business management  
19 of a practice. The board shall, by regulation, define minimum  
20 standards for transition to practice. ~~Clinical experience may include~~  
21 ~~experience obtained before January 1, 2021, if the experience~~  
22 ~~meets the requirements established by the board. For purposes of~~  
23 ~~the transition to practice:~~

24 (1) *Clinical experience shall not be limited to experience in a*  
25 *single category that a nurse practitioner may practice in pursuant*  
26 *to Section 2836.*

27 (2) *Clinical experience may include experience obtained before*  
28 *January 1, 2021, but clinical experience obtained before a person*  
29 *is certified by the board as a nurse practitioner shall not be*  
30 *included.*

31 *SEC. 4. Section 2837.103 of the Business and Professions Code*  
32 *is amended to read:*

33 2837.103. (a) (1) Notwithstanding any other law, a nurse  
34 practitioner may perform the functions specified in subdivision  
35 (c) pursuant to that subdivision, in a setting or organization  
36 specified in paragraph (2) pursuant to that paragraph, if the nurse  
37 practitioner has successfully satisfied the following requirements:

38 (A) Passed a national nurse practitioner board certification  
39 examination and, if applicable, any supplemental examination

1 developed pursuant to paragraph (4) of subdivision (a) of Section  
2 2837.105.

3 (B) Holds a certification as a nurse practitioner from a national  
4 certifying body accredited by the National Commission for  
5 Certifying Agencies or the American Board of Nursing Specialties  
6 and recognized by the board.

7 (C) Provides documentation that educational training was  
8 consistent with standards established by the board pursuant to  
9 Section 2836 and any applicable regulations as they specifically  
10 relate to requirements for clinical practice hours. Online educational  
11 programs that do not include mandatory clinical hours shall not  
12 meet this requirement.

13 (D) Has completed a transition to practice in California *or*  
14 *another state* of a minimum of three full-time equivalent years of  
15 practice or 4600 hours. *A nurse practitioner who has been*  
16 *practicing as a nurse practitioner for a minimum of three full-time*  
17 *equivalent years or 4,600 hours within the last 5 years, as of*  
18 *January 1, 2023, may be deemed to have satisfied this requirement.*  
19 *For purposes of this subparagraph:*

20 (i) *Proof of completion of a transition to practice shall be*  
21 *provided to the board, on a form prescribed by the board, as an*  
22 *attestation from either a licensed physician and surgeon, a certified*  
23 *nurse practitioner practicing pursuant to this section, or a certified*  
24 *nurse practitioner practicing pursuant to Section 2837.104.*

25 (ii) *A licensed physician and surgeon or a certified nurse*  
26 *practitioner who attests to the completion of a transition to practice*  
27 *is not required to specialize in the same category as the applicant*  
28 *pursuant to Section 2836.*

29 (iii) *A licensed physician and surgeon or a certified nurse*  
30 *practitioner practicing pursuant to this section or Section 2837.104*  
31 *who attests to the completion of a transition to practice is not*  
32 *required to verify competence, clinical expertise, or any other*  
33 *standards related to the practice of the applicant and shall only*  
34 *attest to the completion of the transition to practice, as defined in*  
35 *Section 2837.101.*

36 (iv) *A licensed physician and surgeon or a certified nurse*  
37 *practitioner practicing pursuant to this section or Section 2837.104*  
38 *who attests to the completion of a transition to practice shall not*  
39 *be liable for any civil damages and shall not be subject to an*



1 *administrative action, sanction, or penalty for attesting only to the*  
2 *completion of a transition to practice.*

3 (2) A nurse practitioner who meets all of the requirements of  
4 paragraph (1) may practice, including, but not limited to,  
5 performing the functions authorized pursuant to subdivision (c),  
6 in one of the following settings or organizations in which one or  
7 more physicians and surgeons practice with the nurse practitioner  
8 without standardized procedures:

9 (A) A clinic, as defined in Section 1200 of the Health and Safety  
10 Code.

11 (B) A health facility, as defined in Section 1250 of the Health  
12 and Safety Code, except for the following:

13 (i) A correctional treatment center, as defined in paragraph (1)  
14 of subdivision (j) of Section 1250 of the Health and Safety Code.

15 (ii) A state hospital, as defined in Section 4100 of the Welfare  
16 and Institutions Code.

17 (C) A facility described in Chapter 2.5 (commencing with  
18 Section 1440) of Division 2 of the Health and Safety Code.

19 (D) A medical group practice, including a professional medical  
20 corporation, as defined in Section 2406, another form of  
21 corporation controlled by physicians and surgeons, a medical  
22 partnership, a medical foundation exempt from licensure, or another  
23 lawfully organized group of physicians and surgeons that provides  
24 health care services.

25 (E) A home health agency, as defined in Section 1727 of the  
26 Health and Safety Code.

27 (F) A hospice facility licensed pursuant to Chapter 8.5  
28 (commencing with Section 1745) of Division 2 of the Health and  
29 Safety Code.

30 (3) In health care agencies that have governing bodies, as  
31 defined in Division 5 of Title 22 of the California Code of  
32 Regulations, including, but not limited to, Sections 70701 and  
33 70703 of Title 22 of the California Code of Regulations, the  
34 following apply:

35 (A) A nurse practitioner shall adhere to all applicable bylaws.

36 (B) A nurse practitioner shall be eligible to serve on medical  
37 staff and hospital committees.

38 (C) A nurse practitioner shall be eligible to attend meetings of  
39 the department to which the nurse practitioner is assigned. A nurse  
40 practitioner shall not vote at department, division, or other meetings

1 unless the vote is regarding the determination of nurse practitioner  
2 privileges with the organization, peer review of nurse practitioner  
3 clinical practice, whether a licensee’s employment is in the best  
4 interest of the communities served by a hospital pursuant to Section  
5 2401, or the vote is otherwise allowed by the applicable bylaws.

6 (b) An entity described in subparagraphs (A) to (F), inclusive,  
7 of paragraph (2) of subdivision (a) shall not interfere with, control,  
8 or otherwise direct the professional judgment of a nurse practitioner  
9 functioning pursuant to this section in a manner prohibited by  
10 Section 2400 or any other law.

11 (c) In addition to any other practices authorized by law, a nurse  
12 practitioner who meets the requirements of paragraph (1) of  
13 subdivision (a) may perform the following functions without  
14 standardized procedures in accordance with their education and  
15 training:

16 (1) Conduct an advanced assessment.

17 (2) (A) Order, perform, and interpret diagnostic procedures.

18 (B) For radiologic procedures, a nurse practitioner can order  
19 diagnostic procedures and utilize the findings or results in treating  
20 the patient. A nurse practitioner may perform or interpret clinical  
21 laboratory procedures that they are permitted to perform under  
22 Section 1206 and under the federal Clinical Laboratory  
23 Improvement Act (CLIA).

24 (3) Establish primary and differential diagnoses.

25 (4) Prescribe, order, administer, dispense, procure, and furnish  
26 therapeutic measures, including, but not limited to, the following:

27 (A) Diagnose, prescribe, and institute therapy or referrals of  
28 patients to health care agencies, health care providers, and  
29 community resources.

30 (B) Prescribe, administer, dispense, and furnish pharmacological  
31 agents, including over-the-counter, legend, and controlled  
32 substances.

33 (C) Plan and initiate a therapeutic regimen that includes ordering  
34 and prescribing nonpharmacological interventions, including, but  
35 not limited to, durable medical equipment, medical devices,  
36 nutrition, blood and blood products, and diagnostic and supportive  
37 services, including, but not limited to, home health care, hospice,  
38 and physical and occupational therapy.

39 (5) After performing a physical examination, certify disability  
40 pursuant to Section 2708 of the Unemployment Insurance Code.

1 (6) Delegate tasks to a medical assistant pursuant to Sections  
 2 1206.5, 2069, 2070, and 2071, and Article 2 (commencing with  
 3 Section 1366) of Chapter 3 of Division 13 of Title 16 of the  
 4 California Code of Regulations.

5 (d) A nurse practitioner shall ~~verbally~~ inform all new patients  
 6 in a language understandable to the patient that a nurse practitioner  
 7 is not a physician and surgeon. ~~For purposes of Spanish language~~  
 8 ~~speakers, the nurse practitioner shall use the standardized phrase~~  
 9 ~~“enfermera especializada.”~~

10 (e) *A nurse practitioner shall not be required to tell a patient*  
 11 *the patient has a right to see a physician and surgeon.*

12 ~~(e)~~

13 (f) A nurse practitioner shall post a notice in a conspicuous  
 14 location accessible to public view that the nurse practitioner is  
 15 regulated by the Board of Registered Nursing. The notice shall  
 16 include the board’s telephone number and the internet website  
 17 where the nurse practitioner’s license may be checked and  
 18 complaints against the nurse practitioner may be made.

19 ~~(f)~~

20 (g) A nurse practitioner shall refer a patient to a physician and  
 21 surgeon or other licensed health care provider if a situation or  
 22 condition of a patient is beyond the scope of the education and  
 23 training of the nurse practitioner.

24 ~~(g)~~

25 (h) A nurse practitioner practicing under this section shall have  
 26 professional liability insurance appropriate for the practice setting.

27 ~~(h)~~

28 (i) Any health care setting operated by the Department of  
 29 Corrections and Rehabilitation is exempt from this section.

30 *SEC. 5. Section 2837.104 of the Business and Professions Code*  
 31 *is amended to read:*

32 2837.104. (a) Beginning January 1, 2023, notwithstanding  
 33 any other law, the following apply to a nurse practitioner who  
 34 holds an active certification issued by the board pursuant to  
 35 subdivision (b):

36 (1) The nurse practitioner may perform the functions specified  
 37 in subdivision (c) of Section 2837.103 pursuant to that subdivision  
 38 outside of the settings or organizations specified under  
 39 subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision  
 40 (a) of Section 2837.103.

1 (2) Subject to subdivision (f) and any applicable conflict of  
2 interest policies of the bylaws, the nurse practitioner shall be  
3 eligible for membership of an organized medical staff.

4 (3) Subject to subdivision (f) and any applicable conflict of  
5 interest policies of the bylaws, a nurse practitioner member may  
6 vote at meetings of the department to which nurse practitioners  
7 are assigned.

8 (b) The board shall issue a certificate to perform the functions  
9 specified in subdivision (c) of Section 2837.103 pursuant to that  
10 subdivision outside of the settings and organizations specified  
11 under subparagraphs (A) to (F), inclusive, of paragraph (2) of  
12 subdivision (a) of Section 2837.103, if the nurse practitioner  
13 satisfies all of the following requirements:

14 (1) Meets all of the requirements specified in paragraph (1) of  
15 subdivision (a) of Section 2837.103.

16 (2) Holds a valid and active license as a registered nurse in  
17 California and a master's degree in nursing or in a clinical field  
18 related to nursing or a doctoral degree in nursing.

19 (3) Has practiced as a nurse practitioner in good standing for at  
20 least three years, not inclusive of the transition to practice required  
21 pursuant to subparagraph (D) of paragraph (1) of subdivision (a)  
22 of Section 2837.103. The board may, at its discretion, lower this  
23 requirement for a nurse practitioner holding a Doctorate of Nursing  
24 Practice degree (DNP) based on practice experience gained in the  
25 course of doctoral education experience.

26 (c) A nurse practitioner authorized to practice pursuant to this  
27 section shall comply with all of the following:

28 (1) The nurse practitioner, consistent with applicable standards  
29 of care, shall not practice beyond the scope of their clinical and  
30 professional education and training, including specific areas of  
31 concentration and shall only practice within the limits of their  
32 knowledge and experience and national certification.

33 (2) The nurse practitioner shall consult and collaborate with  
34 other healing arts providers based on the clinical condition of the  
35 patient to whom health care is provided. Physician consultation  
36 shall be obtained as specified in the individual protocols and under  
37 the following circumstances:

38 (A) Emergent conditions requiring prompt medical intervention  
39 after initial stabilizing care has been started.

- 1 (B) Problem which is not resolving as anticipated after an
- 2 ongoing evaluation and management of the situation.
- 3 (C) History, physical, or lab findings inconsistent with the
- 4 clinical perspective.
- 5 (D) Upon request of patient.
- 6 (3) Nurse practitioner consultation with a physician and surgeon
- 7 alone shall not create a physician-patient relationship. The nurse
- 8 practitioner shall be solely responsible for the services they provide.
- 9 (4) The nurse practitioner shall establish a plan for referral of
- 10 complex medical cases and emergencies to a physician and surgeon
- 11 or other appropriate healing arts providers. The nurse practitioner
- 12 shall have an identified referral plan specific to the practice area,
- 13 that includes specific referral criteria. The referral plan shall
- 14 address the following:
- 15 (A) Whenever situations arise which go beyond the competence,
- 16 scope of practice, or experience of the nurse practitioner.
- 17 (B) Whenever patient conditions fail to respond or the patient
- 18 is acutely decompensating in a manner that is not consistent with
- 19 the progression of the disease and corresponding treatment plan.
- 20 (C) Any patient with a rare condition.
- 21 (D) Any patient conditions that do not fit the commonly accepted
- 22 diagnostic pattern for a disease or disorder.
- 23 (E) All emergency situations after initial stabilizing care has
- 24 been started.
- 25 (d) A nurse practitioner shall ~~verbally~~ inform all new patients
- 26 in a language understandable to the patient that a nurse practitioner
- 27 is not a physician and surgeon. ~~For purposes of Spanish language~~
- 28 ~~speakers, the nurse practitioner shall use the standardized phrase~~
- 29 ~~“enfermera especializada.”~~
- 30 (e) *A nurse practitioner shall not be required by the board to*
- 31 *tell a patient that the patient has a right to see a physician and*
- 32 *surgeon.*
- 33 (e)
- 34 (f) A nurse practitioner shall post a notice in a conspicuous
- 35 location accessible to public view that the nurse practitioner is
- 36 regulated by the Board of Registered Nursing. The notice shall
- 37 include the board’s telephone number and internet website where
- 38 the nurse practitioner’s license may be checked and complaints
- 39 against the nurse practitioner may be made.
- 40 (f)

1 (g) A nurse practitioner practicing pursuant to this section shall  
2 maintain professional liability insurance appropriate for the practice  
3 setting.

4 ~~(g)~~

5 (h) For purposes of this section, corporations and other artificial  
6 legal entities shall have no professional rights, privileges, or  
7 powers.

8 ~~(h)~~

9 (i) Subdivision ~~(g)~~ (h) shall not apply to a nurse practitioner if  
10 either of the following apply:

11 (1) The certificate issued pursuant to this section is inactive,  
12 surrendered, revoked, or otherwise restricted by the board.

13 (2) The nurse practitioner is employed pursuant to the  
14 exemptions under Section 2401.

15 ~~SEC. 2.~~

16 *SEC. 6.* Section 2837.105 of the Business and Professions Code  
17 is amended to read:

18 2837.105. (a) (1) The board shall request the department's  
19 Office of Professional Examination Services, or an equivalent  
20 organization, to perform an occupational analysis of nurse  
21 practitioners performing the functions specified in subdivision (c)  
22 of Section 2837.103 pursuant to that subdivision.

23 (2) The board, together with the Office of Professional  
24 Examination Services, shall assess the alignment of the  
25 competencies tested in the national nurse practitioner certification  
26 examination required by subparagraph (A) of paragraph (1) of  
27 subdivision (a) of Section 2837.103 with the occupational analysis  
28 performed according to paragraph (1). This paragraph shall not  
29 apply to a national nurse practitioner certification examination  
30 discontinued before January 1, 2017.

31 (3) The occupational analysis shall be completed by January 1,  
32 2023.

33 (4) If the assessment performed according to paragraph (2)  
34 identifies additional competencies necessary to perform the  
35 functions specified in subdivision (c) of Section 2837.103 pursuant  
36 to that subdivision that are not sufficiently validated by the national  
37 nurse practitioner board certification examination required by  
38 subparagraph (A) of paragraph (1) of subdivision (a) of Section  
39 2837.103, the board shall identify and develop a supplemental  
40 exam that properly validates identified competencies.

1 (b) The examination process shall be regularly reviewed  
2 pursuant to Section 139.

3 ~~SEC. 3.~~

4 *SEC. 7.* Section 3765 of the Business and Professions Code is  
5 amended to read:

6 3765. This act does not prohibit any of the following activities:

7 (a) The performance of respiratory care that is an integral part  
8 of the program of study by students enrolled in approved  
9 respiratory therapy training programs.

10 (b) Self-care by the patient or the gratuitous care by a friend or  
11 member of the family who does not represent or hold themselves  
12 out to be a respiratory care practitioner licensed under the  
13 provisions of this chapter.

14 (c) The respiratory care practitioner from performing advances  
15 in the art and techniques of respiratory care learned through formal  
16 or specialized training.

17 (d) The performance of respiratory care in an emergency  
18 situation by paramedical personnel who have been formally trained  
19 in these modalities and are duly licensed under the provisions of  
20 an act pertaining to their specialty.

21 (e) Temporary performance, by other health care personnel,  
22 students, or groups, of respiratory care services, as identified and  
23 authorized by the board, in the event of an epidemic, pandemic,  
24 public disaster, or emergency.

25 (f) Persons from engaging in cardiopulmonary research.

26 (g) Formally trained licensees and staff of child day care  
27 facilities from administering to a child inhaled medication as  
28 defined in Section 1596.798 of the Health and Safety Code.

29 (h) The performance by a person employed by a home medical  
30 device retail facility or by a home health agency licensed by the  
31 State Department of Public Health of specific, limited, and basic  
32 respiratory care or respiratory care related services that have been  
33 authorized by the board.

34 (i) The performance, by a vocational nurse licensed by the Board  
35 of Vocational Nursing and Psychiatric Technicians of the State of  
36 California who is employed by a home health agency licensed by  
37 the State Department of Public Health, of respiratory tasks and  
38 services identified by the board, if the licensed vocational nurse  
39 complies with the following:

1 (1) Before January 1, 2028, the licensed vocational nurse has  
2 completed patient-specific training satisfactory to their employer.

3 (2) On or after January 1, 2028, the licensed vocational nurse  
4 has completed patient-specific training by the employer in  
5 accordance with guidelines that shall be promulgated by the board  
6 no later than January 1, 2028, in collaboration with the Board of  
7 Vocational Nursing and Psychiatric Technicians of the State of  
8 California.

9 (j) The performance of respiratory care services identified by  
10 the board by a licensed vocational nurse who satisfies the  
11 requirements in paragraph (1) in the settings listed in paragraph  
12 (2).

13 (1) (A) The licensed vocational nurse is licensed pursuant to  
14 Chapter 6.5 (commencing with Section 2840).

15 (B) The licensed vocational nurse has completed patient-specific  
16 training satisfactory to their employer.

17 (C) The licensed vocational nurse holds a current and valid  
18 certification of competency for each respiratory task to be  
19 performed from the California Association of Medical Product  
20 Suppliers, the California Society for Respiratory Care, or another  
21 organization identified by the board.

22 (2) A licensed vocational nurse may perform the respiratory  
23 care services identified by the board pursuant to this subdivision  
24 in the following settings:

25 (A) At a congregate living health facility licensed by the State  
26 Department of Public Health that is designated as six beds or fewer.

27 (B) At an intermediate care facility licensed by the State  
28 Department of Public Health that is designated as six beds or fewer.

29 (C) At an adult day health care center licensed by the State  
30 Department of Public Health.

31 (D) As an employee of a home health agency licensed by the  
32 State Department of Public Health or an individual nurse provider  
33 working in a residential home.

34 (E) At a pediatric day health and respite care facility licensed  
35 by the State Department of Public Health.

36 (F) At a small family home licensed by the Department of Social  
37 Services that is designated as six beds or fewer.

38 (G) As a private duty nurse as part of daily transportation and  
39 activities outside a patient's residence or family respite for home-  
40 and community-based patients.



1 (3) This subdivision is operative on January 1, 2028.

2 (k) The performance of pulmonary function testing by persons  
3 who are currently employed by Los Angeles County hospitals and  
4 have performed pulmonary function testing for at least 15 years.

5 ~~SEC. 4.~~

6 *SEC. 8.* Section 7423 of the Business and Professions Code is  
7 amended to read:

8 7423. The amounts of the fees required by this chapter relating  
9 to licenses for individual practitioners are as follows:

10 (a) (1) Cosmetologist application and examination fee shall be  
11 the actual cost to the board for developing, purchasing, grading,  
12 and administering the examination.

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

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

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

20 (c) (1) A manicurist application and examination fee shall be  
21 the actual cost to the board for developing, purchasing, grading,  
22 and administering the examination.

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

25 (d) (1) A barber application and examination fee shall be the  
26 actual cost to the board for developing, purchasing, grading, and  
27 administering the examination.

28 (2) A barber initial license fee shall be not more than fifty dollars  
29 (\$50).

30 (e) (1) An electrologist application and examination fee shall  
31 be the actual cost to the board for developing, purchasing, grading,  
32 and administering the examination.

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

35 (f) An apprentice application and license fee shall be not more  
36 than twenty-five dollars (\$25).

37 (g) The license renewal fee for individual practitioner licenses  
38 that are subject to renewal shall be not more than fifty dollars  
39 (\$50).

1 (h) A hairstylist application and examination fee shall be the  
2 actual cost to the board for developing, purchasing, grading, and  
3 administering the examination.

4 (i) A hairstylist's initial license fee shall be no more than fifty  
5 dollars (\$50).

6 (j) Notwithstanding Section 163.5 the license renewal  
7 delinquency fee shall be 50 percent of the renewal fee in effect on  
8 the date of renewal.

9 ~~SEC. 5.~~

10 *SEC. 9.* Section 8593 of the Business and Professions Code is  
11 amended to read:

12 8593. (a) The board shall require as a condition to the renewal  
13 of each operator's and field representative's license that the holder  
14 submit proof satisfactory to the board that they have informed  
15 themselves of developments in the field of pest control either by  
16 completion of courses of continuing education in pest control  
17 approved by the board or equivalent activity approved by the board.

18 (b) The board shall develop a correspondence course or courses  
19 with any educational institution or institutions as it deems  
20 appropriate. This course may be used to fulfill the requirements  
21 of this section. The institution may charge a reasonable fee for  
22 each course.

23 ~~SEC. 6.~~

24 *SEC. 10.* Section 8593.1 of the Business and Professions Code  
25 is amended to read:

26 8593.1. The board shall require as a condition to the renewal  
27 of each applicator's license that the holder thereof submit proof  
28 satisfactory to the board that they have completed courses of  
29 continuing education in pesticide application and use approved by  
30 the board or equivalent activity approved by the board.

31 *SEC. 11.* *No reimbursement is required by this act pursuant*  
32 *to Section 6 of Article XIII B of the California Constitution because*  
33 *the only costs that may be incurred by a local agency or school*  
34 *district will be incurred because this act creates a new crime or*  
35 *infraction, eliminates a crime or infraction, or changes the penalty*  
36 *for a crime or infraction, within the meaning of Section 17556 of*  
37 *the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

O



## MEMORANDUM

<b>DATE</b>	May 6, 2024
<b>TO</b>	Members, Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood, Executive Officer
<b>SUBJECT</b>	<p>Discussion and Possible Action Regarding Rulemaking Proposals:</p> <ul style="list-style-type: none"> <li>a) Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)</li> <li>b) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)</li> <li>c) Update Regarding Rulemaking to Amend Title 16, CCR section 917 (Pre-Apprenticeship Training)</li> <li>d) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)</li> <li>e) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 977 et seq. (Health and Safety)</li> <li>f) Update Regarding Pending Rulemaking Proposal to Amend Title 16, CCR section 911 (Out of State License Certifications)</li> <li>g) Update Regarding Pending Rulemaking Proposal to Amend Title 16, CCR section 931 (Interpreters)</li> <li>h) Update Regarding Pending Rulemaking Proposal to Amend Title 16, CCR section 974.2 (Disciplinary Review Committee Clean Up)</li> <li>i) Discussion and Possible Action to Initiate a Rulemaking and Amend Title 16, CCR section 972 (Disciplinary Guidelines)</li> <li>j) Discussion and Possible Action to Initiate a Rulemaking and Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)</li> </ul>

**The following regulation package has been approved by the Board, the Department, and Agency. The final rulemaking file was submitted to the Office of Administrative Law (OAL) on April 19, 2024 for possible approval. A response from OAL is expected on or before June 3, 2024:**

- Title 16, CCR sections 904, 909, 931, 932, 937, and 962, and Repeal sections 928, 934, 950.1, 950.2, 950.3, 950.4, and 998 (SB 803 Clean-Up)

**The following initial regulation packages are being prepared by staff:**

- Title 16, CCR section 917 (Pre-Apprenticeship Training)
- Title 16, CCR section 911 (Out of State License Certifications)
- Title 16, CCR section 931 (Interpreters) (Pending Approval of the SB 803 Clean-Up Changes Noted Above)

**The following initial regulation proposals are pending further development:**

- Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
- Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)
- Title 16, CCR section 977 et seq. (Health and Safety)
- Title 16, CCR section 974.2 (Disciplinary Review Committee Clean Up)

**The following regulation packages are for discussion and possible action to initiate a rulemaking:**

- **Agenda Item 10i: Discussion and Possible Action to Initiate a Rulemaking and Amend Title 16, CCR section 972 (Disciplinary Guidelines)**

**Issue**

The Disciplinary Guidelines (Guidelines) for the Board of Barbering and Cosmetology (Board) were last updated in October 2010. Since that time there have been changes to the Board's laws and regulations, and changes in the administration of various penalties for violations requiring the Guidelines to be updated. The proposed amendments make the Disciplinary Guidelines consistent with current law and the current probationary environment, clarify the terms and conditions of probation to reduce the likelihood of misinterpretation, and strengthen consumer protection.

Updating the Disciplinary Guidelines will be a more useful tool for the Board, applicants and licensees, Administrative Law Judges (ALJs), legal counsel, and the public by providing a more accurate overview of the Board's processes in formal disciplinary actions. The updated Disciplinary Guidelines will also serve as an educational and guidance tool for the ALJs who administer hearings for the Board. These judges will benefit from greater understanding of the various nuances of the Board's enforcement provisions and will help improve the consistency of penalties for violations of the Dental Practice Act and its regulations.

**Discussion**

Title 16, California Code of Regulations (CCR), section 972 references the Guidelines. It requires the Board to consider these guidelines "In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.)" The Guidelines are incorporated by reference, and any update to the Guidelines will require an update in regulations at CCR section 972.

The full text of the Guidelines, with markups reflecting proposed changes to the text, is attached to this memo.

The attached proposed regulatory language is being proposed to the Board to revise the Disciplinary Guidelines Text and to update the Incorporated Document known as Disciplinary Guidelines. Aside from non-substantive changes for word choice, consistency of language, and proposed new revision dates to reflect the date the Board adopted new changes to the Guidelines in the title of the Guidelines document (to be added by OAL on the date the Board's changes are formally approved), the proposed updates to the Guidelines include the following:

- Specifies what “cost recovery” means as authorized by Business and Profession Code (BPC) section 7403.
- Repeals references to “Full” and “Partial” cost recovery and, instead, further specify the Board’s policy that all disciplinary matters, including those resolved by stipulation, include recovery of all the Board’s costs.
- Reflects changes to California laws and regulations since the last version of the Guidelines were approved by the Board, including the adoption of Rehabilitation Criteria as outlined in CCR section 971, and required by (BPC) sections 480, 481 and 482, as amended by Chapter 995, Statutes of 2018 (AB 2138).
- Relocates sections entitled “Conditions of Probation” and “Probationary Conditions” that specify the purpose of imposing conditions of probation and the describe the differences between “standard” conditions of probation and “optional conditions” of probation as they relate to the Guidelines.
- Adds a new definition for the term “designee” as used throughout the Guidelines.
- Specifies that respondents are permitted to present rehabilitation evidence and that the Board will review the evidence submitted.
- Updates the “standard conditions of probation” section to amend and reorder existing conditions and add a new condition entitled “Petition for Reduction of Penalty” that sets out the requirements for filing these petitions, and the basis for considering whether a reduction in penalty is warranted.
- Updates the “optional conditions of probation” section to amend and reorder existing conditions, including deleting as unnecessary the “Practical Licensing Examination” condition, and adding new conditions for “Suspension of License” and “Posting of Suspension Sign” as specified.
- Revises the list of Barbering and Cosmetology Act Violations and Recommended Actions to update minimum and maximum recommended penalties as specified, and adding or repealing text consistent with changes to the law since the last Guidelines revisions, including:
  - (A) repealing outdated titles and references to BPC sections 480(a)(1), (a)(2), (a)(3) and (c), which were grounds for denial of an application prior to amendments enacted by AB 2138 (Chapter 995, Statutes of 2018),
  - (B) adding new titles and references to BPC sections 480(a)(1), (a)(2) and (e); and,
  - (C) adding new BPC section 499 violations section and corresponding minimum and maximum proposed penalties for violating Section 499 (which authorizes the Board to revoke, suspend, or otherwise restrict a license on the ground that the licensee, in support of another person’s application for a license, knowingly made a false statement of a material fact or knowingly omitted to state a material fact to the Board regarding the application).

- Revises the “Recommended Language for Applicants and Reinstatements” section to add a new proposed model order for reinstating a license when the Board grants a petition for reinstatement and places the licensee on probation after completion of conditions precedent (conditions that must be met first before the license is restored, e.g., take and successfully complete licensing examination or remedial education courses relevant to the violations).

**Action Needed:** Staff requests that the Board review the attached proposed regulatory language and, if no further changes are recommended, make the motion provided below.

**Recommended Motion:**

I move to approve the proposed regulatory text for title 16, CCR Section 972 as set forth in Attachments 1 and 2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If the Board does not receive any objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no objections or adverse recommendations are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 972 as noticed.

**Attachments included for reference for Agenda Item 10i:**

1. Proposed Regulatory Language, Title 16, California Code of Regulations (CCR) section 972.
2. Proposed Document Incorporated by Reference at CCR section 972, entitled “Disciplinary Guidelines” (~~October 2010~~ Revised [OAL Insert Effective Date Here] Edition).

- **Agenda Item 10i: Discussion and Possible Action to Initiate a Rulemaking and Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)**

The attached proposed regulatory language is being proposed to the Board to adopt a Remedial Education Program Text, as mandated by Senate Bill (SB) 384 (Stats. 2023, Chapter 603). Effective January 1, 2024, SB 384, requires the Board to establish by regulation a Board-offered remedial education program, in lieu of a first offense of a health and safety violation and authorizes the Board to impose a fee to cover the reasonable regulatory costs of administering the program.

The proposal for implementing the required remedial education program is provided at Attachment 3 and would include:

- (1) Requirements that provide that in lieu of appealing a citation and fine issued by the Board or paying an administrative fine issued for a first offense of a health and safety violation (as defined), a licensee may instead complete the Board-offered online remedial education program as specified in this section.

(2) A description of the process for notifying a licensee of the remedial education option, which would be included with the citation notice for a first offense of a health and safety violation.

(3) The eligibility criteria for this program, and a description of the term “cited person” as used in this section, which would include the individual licensee who has been issued a citation and fine by the Board, or for a citation and fine issued to an establishment or mobile unit licensee (i.e., firm or corporation), it shall mean the owner or controlling officer of the establishment or mobile unit licensee who is the principal individual responsible for the operations of the establishment or mobile unit.

(4) The subject matter content of the remedial education program, which shall include at least two (2) hours of instruction in the health and safety laws and regulations of the Board, basic patron protection and sanitation and disinfection procedures, as specified.

(5) Conditions for accepting the Board’s offer, including that the cited person shall enroll in and complete the online remedial education program administered by the Board as specified in this section with payment of a nonrefundable \$55 administrative fee.

(6) Requirements for showing proof of completion to the Board, and the consequences for completing or not completing the course as prescribed or for not appealing the citation issued.

(7) Specifies the conditions for complying with any “final” citation and fine order issued by the Board where the licensee either did not complete the remedial education as required or has not otherwise appealed the citation.

**Action Needed:** Staff requests that the Board review the attached proposed regulatory language and workload analysis supporting the fee proposed at Attachments 3 and 4, and, if no further changes are recommended, make the motion provided below.

**Recommended Motion:**

I move to approve the proposed regulatory text for title 16, CCR Section 974.4 as set forth in Attachment 3, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If the Board does not receive any objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no objections or adverse recommendations are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 974.4 as noticed.

***Attachments included for reference for Agenda Item 10j.:***

3. Proposed Regulatory Language, Title 16, California Code of Regulations (CCR) Section 974.4.
4. Workload Analysis, SB 384: Remedial Education Program.



**DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. BOARD OF BARBERING AND COSMETOLOGY**

**PROPOSED REGULATORY LANGUAGE  
DISCIPLINARY GUIDELINES**

<b>Legend:</b> Added text is indicated with an <u>underline</u> . Deleted text is indicated by <del>strikeout</del> .
--

**Amend Section 972 of Division 9 of Title 16 of the California Code of Regulations to read as follows:**

**§ 972. Disciplinary Guidelines**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled “Disciplinary Guidelines” (~~Revised October 2010~~ [OAL Insert Effective Date Here] ~~Edition~~) which are hereby incorporated by reference. Deviation from these guidelines, including the standard terms of probation, is appropriate where the board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

*Note: Authority cited: Section 7312, Business and Professions Code; and Section 11425.50(e), Government Code. Reference: Sections 7403 and 7404, Business and Professions Code and Sections 11400.20, 11425.50(e), 11500 and 11519, Government Code.*

State of California  
Department of Consumer Affairs  
**Board of Barbering and Cosmetology**



# Disciplinary Guidelines

Revised October 2010 [OAL insert effective date here]

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# INTRODUCTION

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The Board of Barbering and Cosmetology (Board) is a consumer protection agency with an obligation to protect the consumers of California from the unsafe, incompetent, and/or negligent practices of its licensees. The Board has adopted the following guidelines for disciplinary orders and conditions of probation for violations of the Barbering and Cosmetology Act. The guidelines are intended for the use of those involved in the disciplinary process: Administrative Law Judges (ALJ), Deputy Attorney Generals, Attorneys for respondents, licensees, and Board staff members.

The Board carefully considers the totality of the facts and circumstances in each individual case, with the safety of the public being paramount. The Board recognizes that the disciplinary orders and conditions of probation listed on the following pages are merely guidelines and that individual cases will require variations, which take into account unique circumstances. Consequently, the Board requests that the ~~Administrative Law Judge~~ ALJ hearing the case include an explanation of the deviations or omissions, including all mitigating factors considered by the ~~Administrative Law Judge~~ ALJ in the proposed Decision so that the Board is better able to understand the ~~Administrative Law Judge~~ rationale during ~~his/her~~ their review and consideration of the proposed ALJ's Decision.

# DESCRIPTION OF PENALTIES

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## REVOCACTION

This action revokes a respondent's license(s) and prohibits respondent from conducting services in the practice for which discipline is imposed. Prior to the effective date of the a Decision, the respondent may request reconsideration or reduction of the penalty. If the Board denies the request or does not grant a reduction of the penalty, the earliest date respondent may petition the Board for reinstatement of the revoked license is one year from the effective date of the Decision.

## PROBATION

This action, usually taken in conjunction with a stayed revocation or suspension, places a licensee on probation with the Board for up to five years. During the probationary period, the Respondent must comply with specific terms and conditions of probation. If the respondent does not comply with all the terms and conditions of probation, the Board may pursue additional disciplinary action against the Respondent which can result in suspension or revocation of the Respondent's license(s).

## SUSPENSION

This action prohibits a licensee from performing services in the practice for which they have been disciplined for a specific period of time. The licensee must cease operating during the suspension period. License suspensions can last five (5) to forty-five (45) working days. During the period of suspension, Respondent is required to post a notice which describes the nature of the violation for which Respondent is being disciplined.

## FULL-COST RECOVERY

Section 7403 of the Business and Professions Code allows the Board to recover all its costs of investigating and adjudicating a disciplinary case. Full-Cost recovery includes both all charges incurred by the Board for investigating the case (including charges from the Division of Investigation, expert consultants, and services provided by Board employees or representatives), and, Office of Administrative Hearings, and Office of the Attorney General costs, as specified in Section 7403. A payment schedule can be specified, if warranted. It is the Board's policy that all disciplinary matters, including those resolved by stipulation, include recovery of all of the Board's costs.

## **DESCRIPTION OF PENALTIES (Continued)**

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### **~~PARTIAL COST RECOVERY~~**

~~Section 7403 of the Business and Professions Code allows the Board to recover its costs of investigating and adjudicating a disciplinary case. Partial cost recovery in this instance includes Division of Investigation costs only. A payment schedule can be specified, if warranted.~~

### **PUBLIC NOTICE**

Any disciplinary action imposed as a result of a Decision may be published in the appropriate Board newsletter or other publication. Additionally, the Board or its designee may issue press releases or other public notices of disciplinary action taken by the Board.

### **EXAMINATIONS**

This action requires the Respondent to take and pass an examination administered by the examination staff of the Board. Respondent shall pay all costs associated with the examination.

### **STAY OF ORDER**

This action allows the Board to adopt an order of revocation or suspension but allows the order to be put aside. This means a respondent has time to serve a lesser penalty, which normally includes probation. However, if the Respondent fails to comply with the terms outlined in the final Decision, the Board or its designee can pursue additional disciplinary action against the Respondent and reinstate the order that was stayed.

## FACTORS TO BE CONSIDERED

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**When considering whether revocation, suspension or probation is to be imposed in a given case, ~~factors such as the following should be considered:~~ the Board shall consider the following rehabilitation criteria set forth in subsection (b) of Section 971 of Title 16 of the California Code of Regulations:**

(1) When considering the suspension or revocation of a license under Section 490, 7362, 7403, 7404, or 7405 of the Business and Professions Code on the ground that the licensee has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in paragraph (1), the suspension or revocation is based on acts underlying a disciplinary action as described in Section 141 of the Business and Professions Code, or the suspension or revocation is based on one or more of the grounds other than a criminal conviction that are specified in Section 7362(c), 7403, or 7404 of the Business and Professions Code, the Board shall apply the following criteria in evaluating the licensee's rehabilitation:



(A) The nature and gravity of the act(s), disciplinary action(s), or crime(s) under consideration as grounds for suspension or revocation.

(B) Evidence of any act(s), disciplinary action(s), or crime(s) committed subsequent to the act(s), disciplinary action(s), or crime(s) under consideration as grounds for suspension or revocation.

(C) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s) referred to in subparagraphs (A) or (B).

(D) Whether the licensee has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee.

(E) The criteria in paragraph (1)(A)-(E), as applicable.

- ~~1. Nature and severity of the act(s) or offense(s).~~
- ~~2. Total criminal record.~~
- ~~3. The time that has elapsed since the commission of the act(s) or offense(s).~~
- ~~4. Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~
- ~~5. If applicable, evidence of expungement proceedings pursuant to section 1203.4 of the Penal Code.~~
- ~~6. Evidence, if any, of rehabilitation submitted by the licensee.~~

(F) Evidence, if any, of rehabilitation submitted by the licensee.

**When considering whether denial of a license** is to be imposed, ~~factors such as the following should be considered:~~ the Board shall consider the following rehabilitation criteria set forth in subsection (a) of Section 971 of Title 16 of the California Code of Regulations:

(1) When considering the denial of a license pursuant to section 480, 7362, 7403, or 7405 of the Business and Professions Code or a section of the Barbering and Cosmetology Act (Chapter 10 (commencing with

Section 7301) of Division 3 of the Business and Professions Code) citing Section 480 of the Business and Professions Code as providing grounds for denial of licensure on the ground that the applicant has been convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in paragraph (1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds other than a criminal conviction that are specified in Section 7362(c) or 7403 of the Business and Professions Code, the Board shall apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and the gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subparagraph (A) or (B).

(D) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(E) The criteria in subparagraph (1)(A)-(E), as applicable.

(F) Evidence, if any, or rehabilitation submitted by the applicant.

- ~~1. The nature and the severity of the act(s) or crimes(s) under consideration as grounds of denial.~~
- ~~2. Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial.~~
- ~~3. The time that has elapsed since commission of the act(s) or crime(s) referred to in (1) and (2).~~
- ~~4. The extent to which the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.~~
- ~~5. Evidence, if any, of rehabilitation submitted by the applicant.~~

## CONDITIONS OF PROBATION

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The Board's primary responsibility is consumer protection. The Board believes that in disciplinary matters where probation has been imposed, conditions should be established to provide for consumer protection and allow the probationer to demonstrate rehabilitation.

The following conditions of probation provide for consumer protection and establish a mechanism to monitor the rehabilitation progress of a probationer.

For purposes of implementation of these conditions of probation, the term "designee" shall refer to the Executive Officer, Assistant Executive Officer, Enforcement Manager or probation monitor of the Board of Barbering and Cosmetology.

Upon successful completion of probation, respondent's license(s) will be fully restored.

## PROBATIONARY CONDITIONS

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Probationary conditions are divided into two categories:

A. **Standard** conditions that should appear in all probation orders;

B. **Optional** conditions are those that are appropriate based on the nature and circumstances of the particular violation.

## MITIGATION EVIDENCE

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The Respondent is permitted to present mitigating circumstances and rehabilitation evidence at a hearing and the Board will review the evidence submitted. The same opportunity is provided in the settlement process.

The following documents are examples of appropriate evidence the Respondent may submit to demonstrate ~~his or her~~ their rehabilitative efforts and competency:

A) List of improvements made to the Establishment:

- Policy & Procedures Established
- Photographs of Improvements
- Rental Agreements

B) Declaration stating how Respondent has corrected the violations cited.

C) Certification of courses completed.

D) If Respondent was convicted of a criminal offense:

- A letter describing the underlying circumstances of the arrest(s) as well as any rehabilitative efforts or changes in life since that time to prevent future problems.
- Letters of reference from past and/or current employers.
- Evidence of compliance with and completion of terms of probation, parole, restitution or any other sanctions (proof of enrollment/completion of court ordered programs, classes, fines) for each conviction.
- Letters from recognized recovery programs attesting to current sobriety, length of time of sobriety, and recovery programs, if there has been a history of alcohol or drug abuse.

## STANDARD CONDITIONS OF PROBATION

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Each disciplinary order is required to contain the introductory language described on page 28 32 of this pamphlet, and each of the following ~~46~~ 13 conditions (for an explanation and recommended language for each condition, turn to pages ~~29-32~~ 33-38):

- ~~1) Suspension of License~~
- ~~2) Posting of Suspension Sign~~
- ~~3) Cost Recovery (Does not apply to Applicants)~~
- ~~4) Quarterly Reports of Compliance~~

1) Obey all Laws

2) Cost Recovery (Does not apply to Applicants)

3) Quarterly Reports of Compliance

~~5)~~ 4) Notification to Employer Establishment Owner(s)

6) 5) Change of Employment

7) 6) Participation in Apprenticeship or Externship Program

8) 7) Publication of Disciplinary Action

~~9) Obey all laws~~

~~10)~~ 8) Comply with the Board's Probation Program

~~11)~~ 9) Violation of Probation

~~12) Report in Person~~

~~13) Residency Outside of State~~

~~14)~~ 10) Failure to Practice – California Resident Tolling

~~15)~~ 11) Maintain Valid License

12) Petition for Reduction of Penalty

~~16)~~ 13) License Surrender While on Probation

## **OPTIONAL CONDITIONS OF PROBATION**

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Any of the optional conditions may be included if relevant to the violation (for an explanation and recommended language for each condition, refer to pages ~~33-35~~ 39-41):

- 1) Remedial Education Courses
- 2) Written Licensing Examination
- ~~3) Practical Licensing Examination~~
- ~~4)3) Notice to Employees of Discipline~~
- ~~5)4) Criminal Probation~~
- ~~6)5) Proof of Advertising Correction~~
- ~~7)6) Restitution~~
- ~~8)7) Reimbursement of Probation Program~~
- ~~9) 8) Manager or Licensee in Charge~~
- ~~10) 9) Abstain from Controlled Substances / Submit to Biological Fluid Testing~~
- ~~11) 10) Abstain from Use of Alcohol / Submit to Biological Fluid Testing~~
- 11) Suspension of License
- 12) Posting of Suspension Sign

# THE BARBERING AND COSMETOLOGY ACT VIOLATIONS AND RECOMMENDED ACTIONS

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The Barbering and Cosmetology Act (Business and Professions Code, Division 3, Chapter 10) and additional sections of the Business and Professions Code specify the offenses for which the Board may take disciplinary action. The following are code numbers of the offenses and the recommended Board-determined disciplinary action. When filing an accusation, the Office of the Attorney General may also cite additional related statutes and resolutions.

## **7320 If the violation is for the practice of medicine, then the recommended penalty is:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 5 years  
~~Suspension, 15 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(~~43~~) Notice to Employees of Discipline  
(~~76~~) Restitution  
(11) Suspension of License, 15 consecutive working days  
(12) Posting of Suspension Sign

## **7320.1 If the violation is for the use of metal instruments, then the recommended penalty is as follows:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~



Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(~~43~~) Notice to Employees of Discipline  
(~~76~~) Restitution  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7320.2 If the violation is for practicing illegal treatment methods then the recommended penalty is as follows:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 5 years  
~~Suspension, 15 consecutive working days~~  
Partial-Cost Recovery  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(~~43~~) Notice to Employees of Discipline  
(~~76~~) Restitution  
(11) Suspension of License, 15 consecutive working days  
(12) Posting of Suspension Sign

**7404(a) UNPROFESSIONAL CONDUCT**

**Recommended Penalty:**

- **Maximum:** Revocation/Denial of License  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
Partial-Cost Recovery

Standard Terms of Probation Nos. ~~4-16~~ 1-13

Optional Terms of Probation Nos.

(1) Remedial Education

(2) Written Licensing Exam

~~(43) Notice to Employees of Discipline~~

~~(54) Criminal Probation~~

(11) Suspension of License, 5 consecutive working days

(12) Posting of Suspension Sign

**7404(a)(1) INCOMPETENCE OR GROSS NEGLIGENCE, INCLUDING FAILURE TO COMPLY WITH GENERALLY ACCEPTED STANDARDS FOR THE PRACTICE OF BARBERING, COSMETOLOGY, OR ELECTROLOGY OR DISREGARD FOR THE HEALTH AND SAFETY OF PATRONS.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
~~(43) Notice to Employees of Discipline~~  
~~(76) Restitution~~  
(11) Suspension of License, 10 consecutive working days  
(12) Posting of Suspension Sign

**7404(a)(2) REPEATED SIMILAR NEGLIGENT ACTS.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery

- **Minimum:** Revocation, stayed  
 Probation, 2 years  
~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery~~  
 Standard Terms of Probation Nos. 1-16 1-13  
 Optional Terms of Probation Nos.  
 (1) Remedial Education  
 (2) Written Licensing Exam  
~~(3) Practical Licensing Exam~~  
~~(4) Notice to Employees of Discipline~~  
~~(11) Suspension of License, 10 consecutive~~  
~~working days~~  
~~(12) Posting of Suspension Sign~~

**7404(a)(3) CONVICTION OF ANY CRIME SUBSTANTIALLY RELATED TO THE QUALIFICATIONS, FUNCTIONS, OR DUTIES OF THE LICENSEHOLDER, IN WHICH CASE, THE RECORDS OF CONVICTION OR A CERTIFIED COPY SHALL BE CONCLUSIVE EVIDENCE THEREOF.**

**(Refer to sections in this document relating to penalties for violating “Section 480” for recommended guidelines for denial of a license based upon a criminal conviction.)**

~~Conviction of a felony involving a crime of violence (including, but not limited to: murder, attempted murder, assault with a deadly weapon) or prostitution (soliciting) within the past three years or is currently on parole or probation for such a conviction.~~

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Denial of license~~  
~~Full Cost Recovery~~
- **Minimum:** Revocation, stayed  
~~License issued with Terms and Conditions appropriate to crime~~  
~~Probation, 3 years~~

~~Partial Cost Recovery  
Standard Terms of Probation Nos. 1-16 1-13  
Optional Terms of Probation No.  
(54) Criminal Probation~~

~~Conviction of three or more felonies involving crimes of violence (including, but not limited to: murder, attempted murder, assault with a deadly weapon) or prostitution (soliciting) within the past five years (or six in a ten year period).~~

~~**Recommended Penalty:**~~

- ~~• **Maximum:** Revocation  
Denial of License  
Full Cost Recovery~~
- ~~• **Minimum:** Revocation, stayed  
License issued with Terms and Conditions appropriate to crime  
Probation, 5 years  
Partial Cost Recovery  
Standard Terms of Probation Nos. 1-16  
Optional Terms of Probation No.  
(5) Criminal Probation~~

~~Conviction of a crime of a sexual nature (other than those involving a minor) within the past three years or is currently on parole or probation (including, but not limited to: rape, sexual assault, and molestation).~~

~~**Recommended Penalty:**~~

- ~~• **Maximum:** Revocation  
Denial of License  
Full Cost Recovery~~
- ~~• **Minimum:** Revocation, stayed  
License issued with Terms and Conditions appropriate to crime  
Probation, 5 years  
Partial Cost Recovery  
Standard Terms of Probation Nos. 1-16  
Optional Terms of Probation No.  
(5) Criminal Probation~~

~~Conviction of any crime committed by a licensee in an establishment subject to regulation by the Board.~~

**Recommended Penalty:**

- ~~Maximum:~~ Revocation  
Full Cost Recovery
- ~~Minimum:~~ Revocation, stayed  
License issued with Terms and Conditions  
appropriate to crime  
Probation, 3 years  
Partial Cost Recovery  
Standard Terms of Probation Nos. 1-16  
Optional Terms of Probation No.  
(5) Criminal Probation

**7404(a)(4) ADVERTISING BY MEANS OF KNOWINGLY FALSE OR DECEPTIVE STATEMENTS.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 1 year  
Suspension, 5 consecutive working days  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16 1-13  
Optional Terms of Probation No.s.  
(65) Proof of Advertising Correction  
(11) Suspension of License, 5 consecutive  
working days  
(12) Posting of Suspension Sign

**7404(b) FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER.**

**(All other Business and Professions Code sections cited.)**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years

~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. 4-16 1-13  
Optional Terms of Probation Nos.  
(2) Written Licensing Exam  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(c) FAILURE TO COMPLY WITH THE RULES GOVERNING HEALTH AND SAFETY ADOPTED BY THE BOARD AND APPROVED BY THE STATE DEPARTMENT OF HEALTH SERVICES, FOR THE REGULATION OF ESTABLISHMENTS, OR ANY PRACTICE LICENSED AND REGULATED UNDER THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. 4-16 1-13  
Optional Terms of Probation Nos.  
(2) Written Licensing Exam  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(d) FAILURE TO COMPLY WITH THE RULES ADOPTED BY THE BOARD FOR THE REGULATION OF ESTABLISHMENTS OR ANY PRACTICE LICENSED AND REGULATED UNDER THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation

~~Full Cost Recovery~~

- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. 4-16 1-13  
Optional Terms of Probation Nos.  
(2) Written Licensing Exam  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(e) CONTINUED PRACTICE BY A PERSON KNOWINGLY HAVING AN INFECTIOUS OR CONTAGIOUS DISEASE.**

**Recommended Penalty:**

- **Maximum:** License is suspended until Respondent provides written proof from a physician stating that he/she they are no longer contagious/infectious. Upon verification, license is suspended for 30 consecutive working days.  
~~Full Cost Recovery~~  
Standard Terms of Probation Nos. 4-16 1-13
- **Minimum:** License is suspended until Respondent provides written proof from a physician stating that he/she they is are no longer contagious/infectious. Upon verification, license is placed on 1 year probation.  
~~Partial Cost Recovery~~ Standard Terms of Probation Nos. 4-16 1-13

**7404(f) HABITUAL DRUNKENNESS, HABITUAL USE OF OR ADDICTION TO THE USE OF ANY CONTROLLED SUBSTANCE.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Cost Recovery

- **Minimum:** License is suspended until Respondent completes a drug/alcohol rehabilitation program. Upon verification of completion, license is placed on 3 years probation.  
~~Full Cost Recovery~~  
Standard Terms of Probation Nos. 4-16 1-13  
Optional Terms of Probation No. ~~(54)~~ Criminal Probation

**7404(g) OBTAINING OR ATTEMPTING TO OBTAIN PRACTICE IN ANY OCCUPATION LICENSED AND REGULATED UNDER THIS CHAPTER, FOR MONEY, OR COMPENSATION IN ANY FORM, BY FRAUDULENT MISREPRESENTATION.**

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Full Cost Recovery~~
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. 4-16 1-13  
Optional Terms of Probation No-s.  
~~(54)~~ Criminal Probation  
(11) Suspension of License, 10 consecutive working days  
(12) Posting of Suspension Sign

**NOTE: If Respondent has a pending application on file, the application shall be denied.**

**7404(h) FAILURE TO DISPLAY THE LICENSE OR HEALTH AND SAFETY RULES AND REGULATIONS IN A CONSPICUOUS PLACE.**

**Recommended Penalty:**

- **Maximum:** ~~Suspension, 5 consecutive working days~~



~~Full-Cost Recovery~~  
~~Optional Terms of Probation No.~~  
~~(11) Suspension of License, 5 consecutive~~  
~~working days~~  
~~(12) Posting of Suspension Sign~~

- ~~Minimum: Public Letter of Reprimand~~  
~~Partial Cost Recovery~~  
~~Standard Terms of Probation Nos. 4-16 1-~~  
~~13~~  
~~Optional Terms of Probation No.~~  
~~(43) Notice to Employees of Discipline~~

**7404(i) ENGAGING, OUTSIDE OF A LICENSED ESTABLISHMENT AND FOR COMPENSATION IN ANY FORM WHATEVER, IN ANY PRACTICE FOR WHICH A LICENSE IS REQUIRED UNDER THIS CHAPTER, EXCEPT THAT WHEN THE SERVICE IS PROVIDED BECAUSE OF ILLNESS OR OTHER PHYSICAL OR MENTAL INCAPACITATION OF THE RECIPIENT OF THE SERVICE AND WHEN PERFORMED BY A LICENSEE OBTAINED FOR THE PURPOSE FROM A LICENSED ESTABLISHMENT.**

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Full-Cost Recovery~~
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
~~Standard Terms of Probation Nos. 4-16 1-~~  
~~13~~  
~~Optional Terms of Probation No-s.~~  
~~(43) Notice to Employees of Discipline~~  
~~(11) Suspension of License, 5 consecutive~~  
~~working days~~  
~~(12) Posting of Suspension Sign~~

**7404(j) PERMITTING A LICENSE TO BE USED WHERE THE HOLDER IS NOT PERSONALLY, ACTIVELY, AND CONTINUOUSLY ENGAGED IN BUSINESS.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 5 years  
Suspension, ~~15 consecutive working days~~  
Full-Cost Recovery  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation No-~~s.~~  
(43) Notice to Employees of Discipline  
(11) Suspension of License,  
15 consecutive working days  
(12) Posting of Suspension Sign

**7404(k) THE MAKING OF ANY FALSE STATEMENT AS TO A MATERIAL MATTER IN ANY OATH OR AFFIDAVIT, WHICH IS REQUIRED BY THE PROVISIONS OF THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
Suspension, ~~5 consecutive working days~~  
Partial-Cost Recovery  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation No.  
(11) Suspension of License, 5 consecutive  
working days  
(12) Posting of Suspension Sign

**NOTE: If Respondent has a pending application on file, the application shall be denied.**

**7404(l) REFUSAL TO PERMIT OR INTERFERENCE WITH AN INSPECTION AUTHORIZED UNDER THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~ Full Cost Recovery  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation No-s.  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive  
working days  
(12) Posting of Suspension Sign

**7404(m) ANY ACTION OR CONDUCT WHICH WOULD HAVE WARRANTED THE DENIAL OF A LICENSE.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation No-s.  
(43) Notice to Employees of Discipline  
(54) Criminal Probation  
(11) Suspension of License, 5 consecutive  
working days  
(12) Posting of Suspension Sign

**NOTE: If Respondent has a pending application on file, the application shall be denied.**

**7404(n) FAILURE TO SURRENDER A LICENSE THAT WAS ISSUED IN ERROR OR BY MISTAKE.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Public Letter of Reprimand  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16 1-13

**~~480(a)(1) BEEN CONVICTED OF A CRIME. A CONVICTION WITHIN THE MEANING OF THIS SECTION MEANS A PLEA OR VERDICT OF GUILTY OR A CONVICTION FOLLOWING A PLEA OF NOLO CONTENDERE. ANY ACTION WHICH A BOARD IS PERMITTED TO TAKE FOLLOWING THE ESTABLISHMENT OF A CONVICTION MAY BE TAKEN WHEN THE TIME FOR APPEAL HAS ELAPSED, OR THE JUDGEMENT OF CONVICTION HAS BEEN AFFIRMED ON APPEAL, OR WHEN AN ORDER GRANTING PROBATION IS MADE SUSPENDING THE IMPOSITION OF SENTENCE, IRRESPECTIVE OF A SUBSEQUENT ORDER UNDER THE PROVISIONS OF SECTION 1203.4 OF THE PENAL CODE.~~**

**DENIAL OF AN APPLICATION BASED UPON CONVICTION OF A CRIME AS SPECIFIED IN BUSINESS AND PROFESSIONS CODE SECTION 480.**

**Recommended Penalty:**

- **Maximum:** Denial of Application for Licensure
- **Minimum:** Revocation, stayed  
Probation, 2 years (for misdemeanor)  
3 years (less than 3 felonies)  
5 years (more than 3 felonies)  
Standard Terms of Probation Nos. 4-16 1-13  
Optional Terms of Probation No.  
(54) Criminal Probation

**~~480(a)(2) THE APPLICANT HAS BEEN SUBJECTED TO FORMAL DISCIPLINE BY A LICENSING BOARD IN OR OUTSIDE CALIFORNIA WITHIN THE PRECEDING SEVEN YEARS FROM THE DATE OF APPLICATION BASED ON PROFESSIONAL MISCONDUCT AS SPECIFIED IN BUSINESS AND PROFESSIONS CODE SECTION 480(a)(2). DONE ANY ACT INVOLVING DISHONESTY, FRAUD, OR DECEIT WITH THE INTENT TO SUBSTANTIALLY BENEFIT HIMSELF OR ANOTHER, OR SUBSTANTIALLY INJURE ANOTHER.~~**

**Recommended Penalty:**

- **Maximum:** Denial of Application for Licensure
- **Minimum:** Revocation, stayed  
Probation, 2 years  
Standard Terms of Probation Nos. 4-16 1-13  
Optional Terms of Probation No.  
(54) Criminal Probation

**~~480(a)(3) DONE ANY ACT WHICH IF DONE BY A LICENTATE OF THE BUSINESS OR PROFESSION IN QUESTION, WOULD BE GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE. THE BOARD MAY DENY A LICENSE PURSUANT TO THIS SUBDIVISION ONLY IF THE CRIME OR ACT IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS, FUNCTIONS OR DUTIES OF THE BUSINESS OR PROFESSION FOR WHICH APPLICATION IS MADE.~~**

**Recommended Penalty:**

- **Maximum:** Denial of Application for Licensure
- **Minimum:** Revocation, stayed  
Probation, 3 years  
Standard Terms of Probation Nos. 4-16  
Optional Terms of Probation No.  
(5) Criminal Probation

**~~480(c) A BOARD MAY DENY A LICENSE REGULATED BY THIS CODE ON THE GROUND THAT THE APPLICANT KNOWINGLY MADE A FALSE STATEMENT OF FACT REQUIRED TO BE REVEALED IN THE APPLICATION FOR SUCH LICENSE~~**

**Recommended Penalty:**

- ~~Maximum:~~ Denial of Application for Licensure
- ~~Minimum:~~ Revocation, stayed  
 Probation, 2 years  
 Standard Terms of Probation Nos. 4-16  
 Optional Terms of Probation No.  
 (5) Criminal Probation

**480(e) THE APPLICANT KNOWINGLY MADE A FALSE STATEMENT OF FACT REQUIRED TO BE REVEALED IN THE APPLICATION FOR SUCH LICENSE AS PROVIDED IN BUSINESS AND PROFESSIONS CODE SECTION 480(e).**

**Recommended Penalty:**

- Maximum: Denial of Application for Licensure
- Minimum: Revocation, stayed  
 Probation, 2 years  
 Standard Terms of Probation Nos. 4-16 1-13  
 Optional Terms of Probation No.  
 (54) Criminal Probation

**496 A BOARD MAY DENY, SUSPEND, REVOKE, OR OTHERWISE RESTRICT A LICENSE ON THE GROUND THAT AN APPLICANT OR LICENSEE HAS VIOLATED SECTION 123 PERTAINING TO SUBVERSION OF LICENSING EXAMINATIONS.**

**Recommended Penalty:**

- Maximum: Revocation or Denial  
 Full Cost Recovery
- Minimum: Probation, 2 years  
 Suspension, 10 consecutive working days  
 Partial Cost Recovery (only if respondent holds another license)  
 Standard Terms of Probation Nos. 4-16 1-13  
 Optional Terms of Probation  
 (5 4) Criminal Probation  
(11) Suspension of License, 10 consecutive working days  
(12) Posting of Suspension Sign

**499**

**A BOARD MAY REVOKE, SUSPEND, OR OTHERWISE RESTRICT A LICENSE ON THE GROUND THAT THE LICENSEE, IN SUPPORT OF ANOTHER PERSON'S APPLICATION FOR LICENSE, KNOWINGLY MADE A FALSE STATEMENT OF A MATERIAL FACT OR KNOWINGLY OMITTED TO STATE A MATERIAL FACT TO THE BOARD REGARDING THE APPLICATION.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Cost Recovery
- **Minimum:** Probation, 5 years,  
Standard Terms of Probation Nos. 1-13  
Optional Terms of Probation No.  
(11) Suspension of License, 10 consecutive  
working days.  
(12) Posting of Suspension Sign

## **OTHER SITUATIONS IN WHICH REVOCATION IS THE RECOMMENDED PENALTY**

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1. Failure to file a Notice of Defense.
2. Failure to appear at the administrative hearing.
3. Failure to comply with the conditions of probation.
4. Subsequent acts, offenses, or convictions, which warrant the revocation of license.



## ~~CONDITIONS OF PROBATION~~

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~~The Board's primary responsibility is consumer protection. The Board believes that in disciplinary matters where probation has been imposed, conditions should be established to provide for consumer protection and allow the probationer to demonstrate rehabilitation.~~

~~The following conditions of probation provide for consumer protection and establish a mechanism to monitor the rehabilitation progress of a probationer.~~

~~For purposes of implementation of these conditions of probation, any reference to the Board also means staff working for the Board of Barbering and Cosmetology.~~

## ~~PROBATIONARY CONDITIONS~~

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~~Probationary conditions are divided into two categories:~~

~~**A. Standard** conditions should appear in all probation orders;~~

~~**B. Optional** conditions that are appropriate based on the nature and circumstances of the particular violation.~~

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## **INTRODUCTORY LANGUAGE FOR DISCIPLINARY ORDERS**

The following introductory language and all standard conditions of probation are to be included in probationary decisions/orders. For applicants, Condition 32, Cost Recovery, does not apply. For licensees, all standard conditions of probation apply. (Note: See alternative introductory language for applicants and reinstatements in next section of guidelines.)

**INTRODUCTORY LANGUAGE FOR ALL ORDERS**— It is hereby ordered that (license type) License No. (number) issued to Respondent (name) is revoked. However, revocation is stayed, and Respondent is placed on probation for a period of (number of years) years on the following conditions.

**SEVERABILITY CLAUSE** – Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

## RECOMMENDED LANGUAGE FOR STANDARD CONDITIONS OF PROBATION

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~~**(1) SUSPENSION OF LICENSE-** Respondent is suspended from the practice of (type of practice) for (number of days) consecutive working days. Respondent shall cease operating during the suspension period. During the suspension period, all conditions of probation are in full force and effect. The period of suspension shall be determined by the Board's designee and Respondent shall be notified in writing. Probation shall not terminate until the suspension period is served.~~

~~**(2) POSTING OF SUSPENSION SIGN-** During the period of suspension, Respondent shall post a notice which describes the nature of the violation for which the license is being disciplined. If only an individual's license is disciplined, the notice shall be conspicuously posted in the establishment where the Respondent performs barbering and cosmetology services. If an establishment license is disciplined, the notice shall be conspicuously posted, unobstructed and visible to the public from the outside of the main entrance. The sign to be posted will be provided by the Board of Barbering and Cosmetology designee prior to the commencement of the suspension and will include the Respondent's name and license number(s).~~

~~**(1) OBEY ALL LAWS-** Respondent shall obey all federal, state, local laws, criminal orders of probation or parole if applicable, and all rules and regulations governing any practice for which the respondent is licensed by the Board. A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board in writing within seventy-two (72) hours of occurrence.~~

~~**(32) COST RECOVERY-** Respondent shall pay to the Board of Barbering and Cosmetology costs associated with its investigation and enforcement pursuant to Business and Professions Code Sections 125.3 and 7403 in the amount of \$ \_\_\_\_\_. Upon written request to the probation monitor and approval by the Board or its designee, Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term. Respondent shall make payments pursuant to a payment plan specified by the Board or its designee taking into consideration all of the following: (1) Respondent's ability to pay, (2) the total amount of cost recovery owed, and (3) the length of the probationary period. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment~~

schedule Respondent shall be considered to be in violation of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. ~~The filing of bankruptcy by the Respondent shall not relieve the Respondent of his/her responsibility to reimburse the Board for these costs.~~

Modification to an authorized payment plan, including an extension of time to complete payments or a revised payment schedule, may be requested by the Respondent in writing to their assigned probation monitor and granted upon a showing of "good cause" by the Respondent. The Respondent's request for modification shall contain an explanation for why the requested modification to an authorized payment plan should be granted and is subject to approval by the Board or its designee. For purposes of this section "good cause" shall include:

(A) Death of an immediate family member (spouse, child, or parent). Documentation, such as a copy of the death certificate, must be submitted.

(B) Catastrophic illness, contagious disease, or major traumatic injury to the applicant or immediate family member (spouse, child, or parent). Documentation, such as an original letter on letterhead from the physician, which includes the date(s), nature of the illness, and the physician's signature, must be submitted.

(C) Natural disaster (earthquake, flood, fire, etc.).

(D) Other cause based on extenuating circumstances and decided on a case-by-case basis by the Board or its designee.

**(43) QUARTERLY REPORTS OF COMPLIANCE** - Respondent shall submit Quarterly Reports of Compliance to the Board of Barbering and Cosmetology's designee in accordance with a specified schedule. The form, "Quarterly Report of Compliance," which is provided by the Board's Enforcement Program, must be completed and signed under penalty of perjury regarding compliance with all conditions of probation. A completed "Quarterly Report of Compliance" shall contain:

(A) Respondent's personal information, including:

- (i) Respondent's full legal name (first, last, middle, suffix (if any)),
- (ii) Case number,
- (iii) License number,
- (iv) License expiration date

- (v) Telephone number,
- (vi) Email address, if any,
- (vii) Address of record with the Board (mailing address), and,
- (viii) Residence Address (if different than address of record).

(B) For Respondents who own an establishment, identifying establishment information including:

- (i) the establishment's name,
- (ii) the establishment's license number,
- (iii) the establishment's license expiration date,
- (iv) the establishment's address of record with the Board.

(C) Respondent's employment information, including the following information regarding where Respondent works:

- (i) the establishment's name,
- (ii) the establishment's license number,
- (iii) the establishment's physical address,
- (iv) the establishment's telephone number,
- (v) the Respondent's total work schedule for a standard week (Monday-Sunday), including Respondent's scheduled work hours for each day of a standard week (e.g., state work week hours: "Mondays (8 hours), Tuesdays (4 hours), etc.). For days not worked Respondent shall indicate "N/A" next to each day of the standard week where they are not scheduled to work when reporting their total work schedule.

(D) Written disclosures regarding whether Respondent has complied with each condition of probation contained in this Decision since their last quarterly report or as of this report (if this is their first quarterly report); and, if applicable,

(E) If Respondent discloses they are not in compliance with any condition of probation, a written statement explaining why Respondent is not in compliance with any particular condition(s) of probation.

Omission or falsification in any manner of any information on these reports or failure to submit the information required by this section by the due date(s) specified in this section shall constitute a violation of probation.

Quarterly reports are due for each year of probation and the entire length of probation as follows:

- For the period covering January 1<sup>st</sup> through March 31<sup>st</sup>, reports are to be completed and submitted between April 1<sup>st</sup> and April 7<sup>th</sup>.

- For period covering April 1<sup>st</sup> through June 30<sup>th</sup>, reports are to be completed and submitted between July 1<sup>st</sup> and July 7<sup>th</sup>.
- For the period covering July 1<sup>st</sup> through September 30<sup>th</sup>, reports are to be completed and submitted between October 1<sup>st</sup> and October 7<sup>th</sup>.
- For the period covering October 1<sup>st</sup> through December 31<sup>st</sup>, reports are to be completed and submitted between January 1<sup>st</sup> and January 7<sup>th</sup>

**(54) NOTIFICATION TO EMPLOYER ESTABLISHMENT OWNER(S) -**

Respondent shall be required to inform his/her their employer and any subsequent employer and/or the holder of the establishment license where Respondent practices (“employer”) during the probation period of the discipline imposed by this Decision by providing a written notice to the employer containing the information required by this section and also providing the employer with a copy of the Decision and Order and the Accusation or Statement of Issues, as applicable, in this matter. Written notice to the employer shall be provided within 30 days of the effective date of the Decision or within 30 days after change of employer, as applicable, and shall contain the following:

- Name of the Respondent,
- Name of the employer,
- Duration of the probation or suspension, and,
- A copy of the Decision.

Within 30 days of the effective date of the Decision or change of employer, Respondent shall submit to the Board a copy of the written notice provided to the employer in compliance with this section. The employer will be requested to inform the Board of Barbering and Cosmetology, in writing, that he/she is aware of the discipline. This applies to independent contractors (booth renters) as well as employees. The Respondent shall provide to the Board the following information for all establishments where the Respondent is providing services during the period of probation:

- Name(s) of their employer(s),
- Physical address(es),
- Mailing address(es), and,
- Telephone number(s).

**(65) CHANGE OF EMPLOYMENT –** Respondent shall notify the Board of Barbering and Cosmetology in writing of any and all changes in employment status, employment location, and address within 30 days of such change. The written notice shall include the name, address, and telephone number of the holder of the establishment license where Respondent practices, and the date Respondent changed work locations.

**(76) PARTICIPATION IN APPRENTICESHIP OR EXTERNSHIP PROGRAM**

Respondent shall not participate as a trainer or supervisor in an apprenticeship or externship program during the course of this probation. If Respondent is the holder of an establishment license, Respondent's establishment shall not participate in an apprenticeship or externship program during the course of this probation. Respondent shall terminate any such program in existence on the effective date of this decision.

**(87) PUBLICATION OF DISCIPLINARY ACTION**

Any disciplinary action imposed as a result of this Decision may be published in the appropriate Board of Barbering and Cosmetology newsletter or other publication. Additionally, the Board or its designee may issue press releases or other public notices of disciplinary action taken by the Board of Barbering and Cosmetology.

~~**(9) OBEY ALL LAWS** Respondent shall obey all federal, state, local laws, and all rules and regulations governing any practice for which the Respondent is licensed. A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board in writing within seventy-two (72) hours of occurrence.~~

**(108) COMPLY WITH THE BOARD'S PROBATION PROGRAM**

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Board's Probation Program. Respondent shall keep the Board informed of Respondent's business and addresses of record. Respondent shall inform the Board in writing within ~~fifteen (15)~~ thirty (30) days of any address change and claim all certified mail issued by the Board. Respondent shall respond to all notices of reasonable requests timely, and appear for any scheduled meeting as directed by the Board or its designee. Respondent shall ~~and~~ submit reports, remedial education documentation, verification of employment, or other similar reports, as requested and directed by the Board or its representative. Failure to appear for any scheduled meeting or cooperate with the requirements of the program, including timely submission of requested information, shall constitute a violation of probation.

**(119) VIOLATION OF PROBATION** – If Respondent violates the any conditions of his/her probation, the Board, after giving the Respondent notice and the opportunity to be heard, may set aside the Order and

impose the stayed discipline (revocation/suspension) of the Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Respondents license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

~~(12) **REPORT IN PERSON** Upon written notification, Respondent may be required to appear in person before the Board of Barbering and Cosmetology or its designee at any time during the period of suspension or probation.~~

~~(13) **RESIDENCY OUTSIDE OF THE STATE** Respondent shall immediately notify the Board's designee of any and all address changes. If Respondent should travel outside California for a period greater than sixty (60) days, Respondent must notify the Board's designee, in writing, of the dates of departure and return. Periods of residence outside the State of California shall not apply toward a reduction of this probation time period.~~

~~Respondent's license shall be automatically cancelled if Respondent's periods of temporary or permanent residence or practice outside California total two years. However, Respondent's license shall not be cancelled as long as Respondent is residing and practicing in another state of the United States and is on active probation with the licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.~~



**(1410) FAILURE TO PRACTICE CALIFORNIA RESIDENT /TOLLING** - In the event Respondent, ~~resides in the State of California and for any reason, Respondent stops~~ ceases practicing in California, Respondent shall notify the Board or its designee in writing within ~~30~~ ten (10) calendar days prior to the dates of non-practice and return to practice. Any period of non-practice ~~within California, or temporary or permanent residency or practice outside of California~~ will not apply to the reduction of the probationary term and does not relieve Respondent of the responsibility to comply with the terms and conditions of probation ("non-practice").

Respondent's probation is tolled for as long as Respondent is in a period of non-practice. The period of probation shall be extended for the period of time Respondent's probation is tolled.

It shall be a violation of probation for Respondent to remain in a period of non-practice for a total of two years.

**(1511) MAINTAIN VALID LICENSE** – Respondent shall maintain a current, active, and valid license for the length of the probation period, including any period during which probation is tolled. Failure to pay all fees prior to the license expiration date shall constitute a violation of probation.

**(12) PETITION FOR REDUCTION OF PENALTY-** Pursuant to Government Code Section 11522, Respondent may petition for a reduction of penalty after a period of not less than one (1) year has elapsed from the effective date of this Decision or from the date of the denial of a similar petition filed by Respondent, whichever is applicable. The Board shall give notice to the Attorney General of the filing of any petition by Respondent and the Attorney General and the Respondent shall be afforded an opportunity to present either oral or written argument before the Board if a petition is filed in accordance with Section 11522. The Board shall determine if a reduction in penalty is warranted based on Respondent's compliance with the terms and conditions of probation, and demonstration of his or her ability to practice safely as evidenced by inspections of the workplace since the effective date of the Decision.

**(1613) LICENSE SURRENDER WHILE ON PROBATION-**Following the effective date of this Decision, if Respondent ceases practicing ~~due to retirement or health reasons,~~ or is otherwise unable to satisfy the terms and conditions of probation, Respondent may voluntarily request, in writing, the surrender of his/her their license to the Board. Respondent's written request to surrender their license shall include the following: their name,

license number, case number, address of record, and an explanation of the reason(s) why respondent seeks to surrender their license.

The Board reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. If Respondent owes any outstanding costs associated with the investigation and enforcement of this disciplinary action, the outstanding amount shall be paid in full at the time the request is submitted to the Board.

Upon formal acceptance of the surrender, Respondent shall within 30 calendar days deliver Respondent's license to the Board or its designee and Respondent shall no longer engage in any practice for which ~~a~~ that license is required. Upon formal acceptance of the ~~tendered license~~ surrender, Respondent will no longer be subject to the terms and conditions of probation. Voluntary surrender of Respondent's license shall be considered to be a disciplinary action and shall become a part of Respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should Respondent at any time after voluntary surrender ever reapply to the Board for licensure Respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational requirements, and taking and passing any and all examinations required of new applicants.

## **RECOMMENDED LANGUAGE FOR OPTIONAL CONDITIONS OF PROBATION**

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**(1) REMEDIAL EDUCATION COURSES** – Respondent shall complete remedial education courses directly relevant to the violation(s) as specified by the Board of Barbering and Cosmetology within 180 days from the effective date of this Decision. The education courses shall be completed in a Board approved school. Respondent shall provide proof of attendance and satisfactory completion of the courses. Failure to satisfactorily complete the required courses as scheduled shall constitute a violation of probation. Respondent shall be responsible for all costs associated with such remedial education.

**(2) WRITTEN LICENSING EXAMINATION** – If Respondent fails to pass the examination within 180 days from the effective date of this Decision, Respondent’s license shall be suspended and Respondent shall cease practice until Respondent takes and successfully passes the examination, has submitted proof of same to the Board, and has been notified by the Board that he/she Respondent may resume practice. The examination will be administered by the examination staff of the Board of Barbering and Cosmetology. Respondent shall pay the established examination fee and any other costs associated with taking the examination.

~~**(3) PRACTICAL LICENSING EXAMINATION** – If Respondent fails to pass the examination within 180 days from the effective date of this Decision, Respondent’s license shall be suspended and respondent shall cease practice until Respondent takes and successfully passes examination, has submitted proof of same to the Board, and has been notified by the Board that he/she may resume practice. The examination will be administered by the examination staff of the Board of Barbering and Cosmetology. Respondent shall pay the established examination fee and any other costs associated with taking the examination.~~

**(43) NOTICE OF DISCIPLINE EMPLOYEES** – A Respondent who is an establishment owner a holder of an establishment license shall, upon or before the effective date of this Decision, post or circulate a copy of the Accusation or Statement of Issues, as applicable, and this Decision and Order to each employee or independent contractor practicing at Respondent’s establishment. ~~a notice to all employees working in the establishment which accurately recites the terms and conditions of this Decision. Respondent shall be responsible for said notice being immediately available to employees. “Employees” as used in this provision includes all~~

~~full-time, part-time, temporary, and independent contractors employed or hired at any time during probation.~~

**(54) CRIMINAL PROBATION** – If Respondent is on criminal probation for the acts upon which disciplinary action is based, Respondent shall submit reports from the criminal court probation officer regarding Respondent's progress during criminal probation, if available. Available reports shall be filed quarterly and continue until Respondent is no longer on criminal probation or the Board's probation is terminated, whichever occurs first.

**(65) PROOF OF ADVERTISING CORRECTION** – If the advertising violation that led to the disciplinary action has not been corrected, Respondent shall not practice until proof of correction has been submitted to the Board of Barbering and Cosmetology or its designee.

**(76) RESTITUTION** – Respondent shall make restitution to any injured party in the amount of (specify amount). Proof of compliance with this term shall be submitted to the Board of Barbering and Cosmetology's or its designee within (specify time) of the effective date of the Decision. The name and address of the injured party may be inserted in the body of this condition. The amount and time period in which to comply shall be based upon the facts of the case.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

**(87) REIMBURSEMENT OF PROBATION PROGRAM-** Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration for the probation period. Reimbursement costs shall be \$\_\_\_\_\_ per year/\$\_\_\_\_\_ per month.

**(98) MANAGER OR LICENSEE IN CHARGE** – Respondent shall not act as manager or licensee in charge of any establishment during the course of this probation. Respondent shall terminate any such duties on the effective date of this decision.

**(109) ABSTAIN FROM CONTROLLED SUBSTANCES /SUBMIT TO BIOLOGICAL FLUID TESTING** – Respondent shall completely abstain from the use or possession of controlled or illegal substances during the period of probation unless lawfully prescribed by a medical practitioner for a bona fide

illness. Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. Respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding shall constitute a violation of probation.

**(11) ABSTAIN FROM USE OF ALCOHOL / SUBMIT TO BIOLOGICAL FLUID TESTING-** Respondent shall completely abstain from the use of alcoholic beverages during the period of probation Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. Respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding shall constitute a violation of probation.

**(12) SUSPENSION OF LICENSE –** Respondent is suspended from the practice of (type of practice) for (number of days) consecutive working days beginning on the effective date of this Decision. Respondent shall cease operating during the suspension period. During the suspension period, all conditions of probation are in full force and effect. Probation shall not terminate until the suspension period is served.

**(13) POSTING OF SUSPENSION SIGN -** During the period of suspension, Respondent shall post a notice which describes the nature of the violation for which the license is being disciplined. If only an individual's license is disciplined, the notice shall be conspicuously posted in the establishment where the Respondent performs barbering and cosmetology services. If an establishment license is disciplined, the notice shall be conspicuously posted, unobstructed and visible to the public from the outside of the main entrance. The 8-inch by 11-inch notice to be posted will be provided by the Board of Barbering and Cosmetology designee in the form of a sign to be posted by Respondent prior to the commencement of the suspension and will include the Respondent's name and license number(s).

## RECOMMENDED LANGUAGE FOR APPLICANTS AND REINSTATEMENTS

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In order to provide clarity and consistency in its decision, the Board of Barbering and Cosmetology recommends the following language in proposed decisions or stipulated agreements for examination applicants, establishment license applicants, schools, school applicants, and for petitioners for reinstatement who are issued a license that is placed on probation.

▪ **Examination Applicants who are placed on probation:**

“The application of Respondent \_\_\_\_\_ for licensure is hereby granted. Upon successful completion of the licensing examination and all other licensing requirements, a license shall be issued to Respondent. Said license shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of \_\_\_\_\_ years on the following condition:”

▪ **Establishment License Applicants who are placed on probation:**

“The application of Respondent \_\_\_\_\_ for licensure is hereby granted and a license shall be issued to Respondent upon successful completion of all licensing requirements. Said license shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of \_\_\_\_\_ years on the following conditions:”

▪ **Reinstatement of Licensure with conditions of probation:**

“The application of Respondent \_\_\_\_\_ for reinstatement of license number \_\_\_\_\_ is hereby granted. License number \_\_\_\_\_ shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of \_\_\_\_\_ years on the following conditions:”

~~It is important to note that, in many cases, petitioners for reinstatement have not practiced for at the least one (1) year. It is recommended that Respondent retake and successfully complete the licensing examination prior to reinstatement of the license if the case involved consumer harm.~~

~~In addition to the licensing examination requirement, it is recommended that Respondent take and successfully complete remedial education courses relevant to the violation(s) prior to reinstatement of the license.~~

▪ **Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent:**

“The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner’s license shall be fully reinstated upon completion of the following conditions precedent: [Note: Insert conditions such as take and successfully complete the Board’s [insert license type] licensing examination and/or remedial education courses relevant to the violation(s).]”

Upon completion of the conditions precedent above, and satisfaction of all statutory and regulatory requirements for issuance of a license, petitioner’s license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of \_\_\_\_\_ years on the following terms and conditions:”

It is important to note that, in many cases, petitioners for reinstatement have not practiced for at least one (1) year. It is recommended that respondent retake and successfully complete the licensing examination prior to reinstatement of the license if the case involved consumer harm.

In addition to the licensing examination requirement, it is recommended that respondent take and successfully complete remedial education courses relevant to the violation(s) prior to reinstatement of the license.

**NOTE:** If cost recovery was ordered in the revocation or surrender of a license and the cost recovery has not been paid in full by petitioner, a probation condition requiring payment of original cost recovery must be included in the reinstatement and decision.

## **RECOMMENDED LANGUAGE FOR COST RECOVERY FOR SURRENDERS**

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▪ **When the Order is a surrender of license, cost recovery should be included as follows:**

“If and when Respondent’s license is reinstated, ~~he or she~~ they shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$\_\_\_\_\_. Respondent shall be permitted to pay these costs on a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.”

## **TIME FRAMES FOR PETITIONS FOR REINSTATEMENT AND MODIFICATION OF PENALTY**

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Pursuant to the California Administrative Procedure Act, Government Code Section 11522, “A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction or penalty after a period of not less than one (1) year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General, and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefore, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition or reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.”



**DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. BOARD OF BARBERING AND COSMETOLOGY  
  
PROPOSED REGULATORY LANGUAGE  
SB 384 REMEDIAL EDUCATION PROGRAM**

**Legend:**      Added text is indicated with an underline.

**Adopt Section 974.4 in Article 11 of Division 9 of Title 16 of the California Code of Regulations to read as follows:**

**§ 974.4. Remedial Education Program.**

(a) In lieu of appealing a citation and fine issued by the Board per Section 7411 of the Code or section 974.2 or paying an administrative fine issued for a first offense of a health and safety violation authorized by section 974, a licensee may instead complete the Board-offered online remedial education program in accordance with this section. For the purposes of this section “first offense of a health and safety violation” shall mean the first time within the five-year period immediately preceding the date of the Board inspection where the Board provided the licensee with a written inspection report specifying a violation of a particular Health and Safety Rule provided in Article 12 of this Division.

(b) The Board shall offer to a licensee the option of completing a Board-offered remedial education program in lieu of payment of the administrative fine, if the eligibility requirement in subsection (c) is met. This offer of remedial education program in lieu of payment of the fine (“Board’s offer”) shall be included with the citation notice for a first offense of a health and safety violation, and the notice shall also describe the eligibility criteria, the process for accepting the Board’s offer, completing the remedial education program, and providing proof of completion to the Board as specified in this section.

(c) For the purposes of this section, “cited person” means the individual licensee who has been issued a citation and fine by the Board, or for a citation and fine issued to an establishment or mobile unit licensee (i.e., firm or corporation), it shall mean the owner or controlling officer of the establishment or mobile unit licensee who is the principal individual responsible for the operations of the establishment or mobile unit. For a cited person to be eligible for the Board-offered remedial education program, the violation(s) for which the cited person is given notice shall be for a first offense of a health and safety violation as specified by the Board in the citation.

(d) The Board-offered remedial education program shall consist of the following: at least two (2) hours of instruction in the health and safety laws and regulations of the

Board, basic patron protection and sanitation and disinfection procedures. For the purposes of this section, “basic patron protection and sanitation and disinfection procedures” shall include disinfecting procedures of tools, linens, and equipment, standard handwashing procedures, blood exposure guidelines, minimum standards for the protection of patrons from hazardous chemicals, and how to prevent common violations.

(e) To accept the Board’s offer, the cited person shall enroll in and complete the online remedial education program administered by the Board in accordance with this section that shall contain the following:

(1) A registration process available on the Board’s website at [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov). Cited persons shall register for a user account by accessing the web link on the Board’s website entitled “remedial education program” and providing the following information through the website:

(A) Their full legal name: (Last Name) (First Name) (Middle Name), and (Suffix), as applicable,

(B) Their email address,

(C) Their date of birth,

(D) Their telephone number,

(E) Their citation number,

(F) Their license number or, for an establishment or mobile unit license, the license number associated with the citation; and,

(G) Payment of a nonrefundable administrative fee of fifty-five dollars (\$55) using a credit card (Visa, American Express, Discover or MasterCard).

(2) An interactive course that includes instructional modules with related teaching slides (slides) in the subjects listed in subsection (d) that a registered user (user) must review and that includes correct completion of quizzes and activities after each instructional module has concluded as provided by this subsection. For the purposes of this subsection “correct completion of the quizzes and activities” shall include the following:

(A) Users must select the correct answer for each quiz or activity associated with a learning module to proceed through the course to its conclusion.

(B) If the incorrect answer is selected, users will be prompted to rewatch the module, and shall not be permitted to proceed with the course until, the user selects another answer, and the correct answer is selected.

(C) Users shall not be permitted to skip or fast-forward through any module or slide included in the educational program.

(D) Upon completion of a slide, users must click an arrow to continue through and complete the course.

(3) Upon completion of the course, a digital completion certificate will be available for the user to download and print containing the title “Certificate of Completion,” the user’s full legal name, the user’s or business entity’s license number, the user’s or business entity’s citation number as applicable, the course title, completion date, and the Board’s logo.

(f) Upon completion of the remedial education program, the licensee shall submit, on or before the due date for compliance listed in the citation, proof of completion by submitting a copy of the completion certificate specified in paragraph (3) of subsection (c) to the Board by mail at its physical address or by email at the Board’s email address listed on the Board’s website.

(g) If the Board-offered remedial education program is completed and proof of completion submitted to the Board as required by this section, the Board shall consider the violation corrected, and no administrative fine shall be due for the first offense of a health and safety violation.

(h) If the cited person does not complete the remedial education program and submit proof of completion within the time period required by this section or has not otherwise appealed the citation, the Board’s offer will be deemed rejected and the citation and fine order considered final. “Final” for the purposes of this section shall mean: the Board’s decision has become effective, the cited person did not submit a written request to appeal the citation per Section 7411 of the Code or section 974.2, and the timeframes for submitting such a request under Section 7411 of the Code or section 974.2 have passed or all appeals have been denied. Compliance with the Board’s final order is due on the due date for payment listed in the citation or, if appealed, within 30 days of the date the appeal is denied by the Disciplinary Review Committee or the Board, as applicable, including payment of the fine levied and compliance with any order of abatement issued.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7407.1, 7409, 7410, and 7411, Business and Professions Code.

**Board of Barbering and Cosmetology  
Workload Analysis  
Remedial Education Program**

<b>Cite and Fine Staff Services Analyst</b>			
Activity/Task Name Description	Per Citation	Min Per Item	Total Min
Review request from licensee for remedial education program and verify they meet requirements.	1	15	15
Search record in BreEZe.	1	5	5
Search 1st violations in BreEZe.	1	5	5
Enter BreEZe violation disposition.	1	5	5
Enter BreEZe activity code.	1	5	5
Respond to licensee.	1	10	10
Receive certificate of completion from license.	1	5	5
Enter BreEZe activity code that remedial education program completed.	1	5	5
<b>Total Time Per Citation</b>		<b>55</b>	<b>55</b>

<b>Staff Cost for Remedial Education Program</b>				
Position	Annual Salary	Cost Per Min	Total Time	Total Cost
SSA	\$113,478	1.06	55	\$58
	Total			<b>\$58</b>

## MEMORANDUM

<b>DATE</b>	May 6, 2024
<b>TO</b>	Members, Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood, Executive Officer
<b>SUBJECT</b>	<b>Establishment of Committee to Hear Withdrawal of Approval of Apprenticeship Program Sponsor</b>

### **Background:**

The Board's approved apprenticeship programs continue to raise concerns if they are being properly managed. Apprentice programs continue to have incredibly low pass rates and there are new concerns raised that may require action against the program sponsor.

Board staff recently met with the Attorney General's Office to review existing regulations that provide the authority to withdrawal or limit a program sponsors approval. These regulations are:

California Code of Regulations section 913.1 states:

(a) The board may withdraw or otherwise limit its approval of an apprenticeship program sponsor who is not conducting its apprenticeship program in compliance with the provisions of the laws and regulations of the Barbering and Cosmetology Act (Business and Professions Code sections 7301 et seq.)

(b)(1) A proceeding to withdraw or limit the board's approval of an apprenticeship program sponsor shall be initiated by serving the apprenticeship program sponsor with a notice to show cause. The notice to show cause shall be in writing, shall describe with particularity the nature of the violations, including specific reference to the provisions of law or regulations determined to be violated, and shall contain a proposed order to withdraw or limit the board's approval of the apprenticeship program sponsor.

(2) Where appropriate, a notice to show cause may contain an order of abatement fixing a reasonable time for the abatement of the violations. Where a program sponsor complies with the order of abatement within the time specified, the board shall withdraw its notice to show cause.

(3) In fixing the disciplinary order or order of abatement for a notice to show cause, the board shall give due consideration to the appropriateness of the order with respect to such factors as the gravity of the violations, its impact upon the apprentices participating in the apprenticeship program sponsor's apprenticeship program, its impact on the

public, the good faith of the apprenticeship program sponsor, and the history of previous violations.

(c) A notice to show cause shall inform the apprenticeship program sponsor that if it desires a hearing to contest any portion of the notice to show cause, a hearing shall be requested by written notice to the board's executive officer within 30 days of the date of service of the notice to show cause. If a hearing is not requested pursuant to this subsection, the order contained in the notice to show cause shall go into effect on the date specified in the notice to show cause.

(d) A hearing to contest a notice to show cause shall be conducted within 60 days of the board's receipt of the program sponsor's written request for a hearing. Such a hearing shall be before a committee selected by the board. At the conclusion of the hearing, the committee shall prepare or have prepared a written decision of its findings, determinations and order. Such a decision shall be mailed to the program sponsor within 45 days after the conclusion of the hearing.

**Action:**

Board staff is developing a process to withdraw a program sponsors' approval. This process allows for a program sponsor to request a hearing to contest the action in front of a committee of the Board. In preparing for this process, staff is asking that the Board establish the Apprentice Program Sponsor Appeal Committee to oversee these hearings should they arise.

The committee will need three members to volunteer to serve.

**Recommended Motion:**

Move to establish a committee to hear contested actions from an Apprentice Program Sponsor.

*Agenda Items*  
*No. 12-14*  
*No Attachments*