

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

LEGISLATIVE AND BUDGET COMMITTEE MEETING

MINUTES OF APRIL 10, 2023

BOARD MEMBERS PRESENT

Reese Isbell, Chair
Megan Ellis
Colette Kavanaugh
Calimay Pham

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Alex Torkelson, Licensing and Admin Chief
Sabina Knight, Board Attorney
Allison Lee, Board Project Manager
Natalie Mitchell, Board Analyst
Shelby Edmiston, HR Liaison/Presenter

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

Reese Isbell, Committee Chair, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, DISCUSSION AND POSSIBLE APPROVAL OF THE MARCH 13, 2023, COMMITTEE MEETING MINUTES

Motion: Ms. Pham moved to approve the March 13, 2023, Committee Meeting Minutes. Ms. Ellis seconded.

No comments were received from the public.

Motion to approve March 13, 2023, Committee Meeting Minutes carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The Committee Members voted "Yes": Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham.

3. AGENDA ITEM #3, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING PROPOSED BILLS:

a. AB 1328 (Gipson) Cosmetology Licensure Compact

Executive Officer Kristy Underwood stated that this bill would establish a cosmetology licensure compact. The language that went to the Board was from the Council for State Governments. The language was placed into a bill by Assemblymember Gipson. The compact license would allow individuals from states that enter the compact to work in a sister compact state without getting a separate license unless they move to that state. The license is intended for people who temporarily work in different states. The compact license was put together with the Department of Defense. The Department strongly

desires to get military families working as quickly as possible if they are temporarily relocated.

Ms. Underwood stated that to make the compact, every bill should have the same language. She mentioned that the same language presented at the last Board meeting is what is being offered to legislators all over the country. She noted that the bill has some technical cleanup numbering that is slightly different from what was in the language provided by the Council for State Governments, but the content is the same. The Governor of Kentucky has already signed the bill into law. The bill is in Arizona and Ohio; several other states have it in their current session. About ten states have it in their two-year session.

Ms. Underwood noted that it would be helpful if California joined the compact licensing at the beginning because there will be regulations that will be developed that each member state will have to comply with. A cosmetology compact commission will be formed and joining at the beginning will allow California to be part of the regulation-creating process. Chair Isbell noted that the Board had supported the same concept at the January Board meeting.

Ms. Kavanaugh asked if the bill would be strictly for cosmetologists and not the other professions. Ms. Underwood answered in the affirmative, adding that the group that created the language for the compact license, which she had been a part of, had originally started by looking at cosmetology and barbering. However, the group decided to focus on cosmetology since there are many differences in barbering in different states. The group also looked at esthetics but determined that the scope of practice differed in many states. Cosmetology is the only one that is similar in scope for hair, skin, and nails.

Ms. Kavanaugh also asked if a licensee from a non-member state can apply for the multi-state license if they move to a member state. Ms. Underwood said yes. Ms. Kavanaugh also inquired about the re-issuance of a multi-state license concerning a new home state. She asked if a licensee who moves from Kentucky to California can get a re-issuance if that licensee still practices in Kentucky. Ms. Underwood stated that a person who changes their permanent residence must obtain a license in the new state. They will be required to pay a fee to have a California multi-state license issued. Ms. Kavanaugh asked if California could get two delegates for representation in the compact commission since it will be the largest state. Ms. Underwood stated that it would not be possible, but it will be raised as a concern in the legislative process.

Motion: Ms. Kavanaugh moved to recommend a support position to the full Board and allow the Executive Officer to make non-substantive, technical recommendations to the legislature. Ms. Ellis seconded.

Public Comment:

- Ruth Hamm asked whether a person who moves from California to Arizona temporarily needs a multi-state license issued in California before attempting to work in Arizona. Ms. Underwood stated that as long as both states were members of the compact, a person moving to Arizona temporarily could go right to work.
- Wendy Cochran mentioned that she was calling outside Camp Pendleton. She noted that there is a substantial number of military residents in California. There are about 41 military bases in California. She emphasized that it is important for California to participate in the compact, adding that esthetics should also be looked at. Ms. Cochran noted that esthetics is a shorter program and that many people traveling with their families overseas learn things like lash extensions. Most of these people practice on base without licensing and must be inspected. She stated that esthetics should be made part of the compact because it is easier for people to go through the 600-hour esthetic program than it is for them to go through the full cosmetology program.

Motion to recommend a support position to the full Board with allowing the Executive Officer to make non-substantive, technical recommendations to the legislature carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The Committee Members voted “Yes”: Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham.

b. SB 247 (Wilk) Alcoholic beverages: licensing exemptions: barbering and cosmetology services

Ms. Underwood stated that this bill, which Senator Wilk authored, does not impact the Board, but it affects licensees. It is a cleanup bill for the Alcohol Beverage Control. Current law states that a certain amount of alcohol can be served in beauty salons and barber shops, but this bill clarifies that it applies to all establishments licensed by the Board. Chair Isbell wondered when the original language was put into law. Ms. Underwood stated that it was around 2021.

Ms. Underwood noted that the Committee could move to support or oppose and make a motion to watch the bill.

Motion: Chair Isbell moved to recommend a support position to the full Board. Ms. Pham seconded.

Public Comment:

- Wendy Cochran mentioned that the bill has been in place since 2018. Back then, people were opening lash studios, brow bars, and things like that, but cities were hung up on beauty salons and barber shops. Ms. Cochran stated that, from a city standpoint, it is important for this bill to go through. She also appreciated the support of the Committee.

Motion to recommend a support position to the full Board carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The Committee Members voted “Yes”: Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham.

c. SB 384 (Bradford) Barbering and Cosmetology

Ms. Underwood noted that Senator Bradford authored this bill. It is the remedial education bill that the Board started. She mentioned that Senator Bradford's office had contacted her when the Board decided to pursue a legislative proposal for remedial education. The bill will require the Board to establish, by regulation, a Board-offered remedial education in lieu of a first offense of a health and safety violation. This would give the Board the statutory authority to develop a regulatory program. Ms. Underwood indicated that much work would go into the regulations to develop the program, and she was happy that Senator Bradford's office had offered to help.

Motion: Ms. Kavanaugh moved to recommend a support position to the full Board. Ms. Pham seconded.

No comments were received from the public.

Motion to recommend a support position to the full Board carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The Committee Members voted “Yes”: Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham.

d. SB 451 (Nguyen) Worker Classification: employees and independent contractors: licensed manicurists

Senator Nguyen authored this bill. The bill addresses the exemption of manicurists for the ABC test for independent contractors. It does not impact the Board, but it affects licensees. Ms. Underwood indicated that the same language was presented last year. It did not pass, but the Board supported it. When the major changes came out for independent contractors, licensees were exempted from the ABC test to determine if they were independent contractors.

Chair Isbell noted that the Committee had voted to recommend a support position to the full Board at the March 13 meeting. However, at the time, the introduced Bill deleted the inoperative date.

Ms. Pham noted that the Bill changed from exempting manicurists indefinitely, and it now has a date of 2030. She inquired about the reason for that change. Ms. Underwood stated that in the beginning, the legislature felt that manicurists did not operate as independent contractors or booth renters. This was the original discussion on AB 5. She was, however, trying to understand why it was changed to 2030.

Motion: Ms. Pham moved to recommend a support position to the full Board. Ms. Ellis seconded.

Public Comment:

- Fred Jones, from the Professional Beauty Federation, stated that the bill is a simple case of equality. He mentioned that they supported bill last time and still support it this time. He added that the Federation would support a bill to permanently remove the sunset date so that manicurists are treated like all licensee categories.
- Jaime Schrabek from Precision Nails was disappointed that an inoperative date had been added to the bill. She recommended that the Committee recommend a support position to the full Board to continue to support the effort to ensure that manicurists are treated the same as all other license types.
- Wendy Cochran from the California Aesthetic Alliance agreed that all license types should be treated equally. She noted that the assumption that all manicurists are trafficked is problematic. She further indicated that some laws and regulations cover trafficking. She added that the Alliance supports the Bill going through even though they are disappointed about the sunset date 2030.

Motion to recommend a support position to the full Board carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The Committee Members voted “Yes”: Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham.

e. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing

Senator Laird introduced this bill. It is intended to change the Bagley-Keene Open Meeting Act and will allow the continuation of teleconferencing. The Board had previously supported the bill in 2022 when there was other legislation to try and extend the exceptions made during the pandemic. Teleconferencing is a productive way of having meetings and this bill will allow that change to become permanent.

Chair Isbell asked if it was generally supported or was a dead bill. Ms. Underwood stated that the bill has much support from the Department of Consumer Affairs (DCA) since many boards have saved significant money through teleconferencing. She believed it would be moving forward but needed to figure out how far. Ms. Knight mentioned that other boards support the bill for the mentioned reasons. She added that all boards have seen increased public participation when meetings are held via WebEx. The Department is, therefore, happy to see many members participating.

Motion: Ms. Kavanaugh moved to recommend a support position to the full Board. Ms. Pham seconded.

No comments were received from the public.

Motion to recommend a support position to the full Board carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The Committee Members voted “Yes”: Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham.

f. SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees

Senator Roth authored this bill. The language clarified the new hairstylist license fee, which needs to be implemented. It is a cleanup language that the Board suggested last year. It ensures that the fee follows the same format as all the other individual license types. The current hairstylist licensing fee is \$50. A cosmetologist's initial licensing fee is \$50, and the application and examination fee shall be the actual cost to the Board to develop, grade, and administer the exam. This language will allow the Board to establish an examination and application fee for a hairstylist license in addition to the set licensing fee of \$50.

Motion: Ms. Pham moved to recommend a support position to the full Board. Ms. Kavanaugh seconded.

Public Comment:

- Wendy Cochran stated that the bill has much support and will move on to appropriations today, April 10, for a hearing.

Motion to recommend a support position to the full Board carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The Committee Members voted "Yes": Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham.

4. AGENDA ITEM #4, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No comments were received from the public.

5. AGENDA ITEM #5, SUGGESTIONS FOR FUTURE AGENDA ITEMS

No suggestions from the Committee members.

Public Comment:

- Jaime Schrabek congratulated the Board and this Committee specifically for acting proactively to meet some legislative priorities of the Board. She noted that that was something that had been missing in the past. She further encouraged the Committee to develop such legislative solutions in the future so they can enact things sooner.

6. AGENDA ITEM #6, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 9:47 a.m.