

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled.

Subject Matter of Proposed Regulations: SB 803 Clean-Up

Sections Affected: Sections 904, 909, 928, 931, 932, 934, 937, 950.1, 950.2, 950.3, 950.4, 962, and 998 of Title 16 of the California Code of Regulations (CCR)

Background and Statement of the Problem:

The Board of Barbering and Cosmetology (Board) licenses and regulates barbers, cosmetologists, manicurists, estheticians, hairstylists and electrologists, and the establishments where they work in California, totaling over 50,000 establishments and over 560,000 individuals. In addition to licensing individuals and establishments, the Board approves schools from which applicants receive qualifying education. Barbering, cosmetology and electrologist schools must first be approved by the Board and meet certain requirements, including maintaining courses of practical training and technical instruction in compliance with the Board's laws and regulations (Bus. & Prof. Code, §§ 7362-7362.3). Applicants are also required to complete coursework from schools approved by the Board, including coursework in barbering, cosmetology, electrolysis, nail care, skin care, and hairstyling (Bus. & Prof. Code, §§ 7321, 7321.5, 7330, 7322, 7324 and 7326).

It is the Board's duty to enforce and administer the Barbering and Cosmetology Act (Chapter 10 (commencing with section 7300) of Division 3 of the Business and Professions Code (BPC)) (Act). The Board is authorized to make rules and regulations in aid or in furtherance of the Act in accordance with the Administrative Procedure Act (BPC § 7312.).

In 2021, Senate Bill (SB) 803 (Chapter 648, Statutes of 2021) was enacted, which among other things, reduced the number of hours required for courses in barbering and cosmetology to 1,000 hours, codified in statute the minimum amount of instruction that must be included for various subjects in a course for barbering, cosmetology, hairstyling, skin care, and nail care, repealed the Board's preapplication program for schools and apprenticeships, added a new "hairstyling" license type, and eliminated the requirement that an applicant for licensure pass a practical examination (see Underlying data). With the enactment of Assembly Bill (AB) 2196 (Chapter 527, Statutes of 2022), effective January 1, 2023, electrolysis course curriculum requirements were similarly codified.

As a result, the Board's current regulations are inconsistent with the Act and have been superseded in various areas, existing regulations need to be repealed, and new regulations need to be adopted to implement those changes. In addition, upon review, the Board needs to update its current processes and procedures for processing its applications.

As a result of the foregoing, the following proposed amendments and repeals are necessary to implement these statutory and other policy changes. The Board is seeking to amend sections 904, 909, 931, 932, 937, 962, and 998 and repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 of Title 16 of the CCR to make the Board's regulations consistent with the updated statutes that became effective January 1, 2022 under SB 803 and AB 2196 on January 1, 2023 and other changes including:

- Adding references to the hairstylist and electrology license types;
- Creating a new "Proof of Training Document" form to help track and record the new 1,000 hour educational program requirement;
- Repealing all references to requirements for preapplication for examination, including completion of required forms and the fee specified in Section 998;
- Removing all requirements for practical examination and demonstration;
- Removing all references to geographical boundaries and other obsolete standards on the Board's existing application for a mobile unit to operate and adopting a revised mobile unit license application form;
- Repealing requirements for subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum numbers of practical operations for each subject, for barbering, cosmetology, skin care, and nail care courses as these requirements are now superseded by statute,
- Revising the current Interpreter Application form and removing requirements for an "Interpreter/Model" as these requirements were only needed for the now obsolete practical examination;
- Revising the requirement for "appropriate training" for externs to include completion of 25% of the required minimum practical operations and minimum hours of technical instruction consistent with amendments to BPC section 7395.1 that set this percentage as the required minimum,
- Adding references that incorporate changes made to BPC 7326, which was amended to define the acts of barbering and cosmetology which the student extern may perform;
- Adding requirements that a student extern shall not perform chemical treatments on any clients unless the extern has received appropriate training in the application of those treatments from a barbering or cosmetology school approved by the Board consistent with the Act's limitations on externs in BPC sections 7395.1 and 7395.2; and,
- Repealing outdated processing times that are not necessary for the Board's

licensing operations.

The existing forms for the Interpreter/Model approval process and Mobile Unit application would be repealed and the Board proposes to adopt new forms for the Mobile Unit Application, Interpreter Application, and a Proof of Training Document to include other statutory and policy changes occurring since the enactment of SB 803 and AB 2196.

Forms Proposed to be Repealed or Incorporated by Reference in this Proposal:

- Mobile Unit Application (1994) (Old form to be repealed)
- (1008) Application for Mobile Unit License (Form #F-BBC-05 (New 07/2023) (New form to be adopted)
- Request for Use of an Interpreter or Interpreter/Model ((Form #03B-125, Form G (Rev. 8/94)) and Form #03A-126, Form H)(Rev. 8/94)) (Old forms to be repealed)
- Application to Use an Interpreter (Form #03A-126 (New 07/2023)) (New form to be adopted)
- Proof of Training Document (Form F-BBC-05 (New 07/2023)) (New form to be adopted)

The Board also proposes to make technical, non-substantive, and clarifying changes throughout to change capitalization, grammar, punctuation; and ensure the use of gender-neutral language.

Anticipated Benefits of the Proposal

The Board has determined that the regulatory proposal will avoid confusion among the regulated public about licensing requirements and provide consistency between the statutes and regulations for applicants, licensees, and schools who will benefit from these changes. The proposal will also update existing forms with corresponding instructions to assist applicants, licensees, and schools in providing the correct and required information, and allow the Board to communicate with them more effectively. This ensures that only qualified applicants obtain licensure for the benefit of the health and welfare of California residents.

Specific Purpose and rationale for each adoption, amendment, or repeal:

Amend Existing Section 904, subdivisions (a), (b), (c), (d), (f), and Authority Cited Note

Amend existing subdivision (a): Subdivision (a) would be amended from “board” to “Board” to correct a typographical error and adopt a short-form reference that more correctly identifies this board as the Board of Barbering and Cosmetology throughout this section.

Amend existing subdivision (b): Subdivision (b) is being amended to correct a typographical error, as the word “Health” (currently shown as “Heath”) has a spelling error.

Amend existing subdivision (c): Subdivision (c) is being amended to include amendments to add the Act to create this new license by SB 803 at BPC section 7316, so it is added to the reference and this subsection.

Amend existing subdivision (d): Subdivision (d) is being amended to include the hairstylist license as BPC section 7316 was amended to create a new hairstylist license type, so it is added to the reference and subsection. The word “board” has a typographical error and is being capitalized as “Board”.

Amend existing subdivision (f): Subdivision (f) is being amended as the word “board” has a typographical error and is being capitalized as “Board”.

Amend existing Authority Cited Note: The Authority Cited Notation is being amended to include the addition of BPC 7316.

Amend Existing Section 909, subdivisions (a), (b), (c), and Authority Cited Note

Amend existing subdivision (a): Subdivision (a) is being amended as the word “board” has a typographical error and is being capitalized as “Board”.

Amend existing subdivision (b): Existing law at BPC section 7337 requires for each type of application for licensure that, “Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination and licensure.” Subdivision (b) is being amended to repeal existing requirements at Subsections (1)-(5), (6)(A)-(6)(D), and (7)-(9) of subdivision (b) and subdivision (c) relating to the contents of that “proof” and placing those requirements in a form, incorporated by reference, Proof of Training Document” form (Form #F-BBC-05 New 07/2023), which is explained more fully in detail below.

Existing regulations already establish standards for Proof of Training at CCR section 909(b), but in a narrative format. However, the Board has found that many applicants

fail to include all of the Board’s requirements in 909(b) in their submissions of school-created proof of training documents. Placing the requirements in a form would help assist applicants with including all of the required information needed to meet the Board’s standards for providing proof of training in compliance with BPC section 7337. The Board would amend existing standards slightly as follows:

(1) the term “course” will be replaced with “program” to more accurately describe the series of related courses leading to program completion for education leading to a license issued by the Board on the new Proof of Training Document form;

(2) disclosures required by existing subdivisions (b)(1)-(5) would be moved to new Sections A and B on the new Proof of Training form with existing subdivision (b)(5)’s reference to total hours received to total hours “completed at this school” since the school should only be expected to certify what is within their personal knowledge and attest to training received at their school. Collection of outside experience or credits received at other schools or per licensure that were accepted by this school would be captured in new Sections D, E, and F on the new Proof of Training Document form;

(3) disclosures required by existing subdivisions (b)(6)(A) would be moved to new Section D on the new Proof of Training Document form with change in language from “training received” to “training accepted” by the school in transfer for the student. This change would correct the existing use of the word “received” as the school would simply be reporting what it “accepted” as credit in transfer towards program completion; not what has been completed at another school. This would also enable the Board to investigate granting credit in compliance with the Act’s requirements at BPC section 7367 and CCR section 950.10 (the Board’s transfer of credit requirements), which require the Board to grant credit for “identical” coursework obtained by students changing (including school to school transfers) from one program to another;

(4) disclosures required by existing subdivisions (b)(6)(B) would be moved to new Section E on the new Proof of Training Document form with addition of language regarding “training accepted” by the school when changing from one program of instruction to another (e.g., changing from a barber to cosmetology program) at the same school. This change would capture the training received during the prior program at this school, and also record what was “received” and “accepted” as credit in transfer towards program completion at that same school. This would also enable the Board to investigate granting credit in compliance with the Act’s requirements at BPC section 7367 and CCR section 950.10 (the Board’s transfer of credit requirements), which require the Board to grant credit for “identical” coursework obtained by students changing (including intraschool program to program transfers) from one program to another;

(5) this proposal deletes references to receiving credit for holding a manicurist or

cosmetician license and associated requirements for showing proof of such licensure as this will be replaced by collection of experiential credit given for all license types on Section E of the new Proof of Training form. This change accounts for the most recent amendments made by SB 803 and AB 2196, which legislatively determined overlapping areas of education and training for each license type to allow students greater opportunity to transfer credits between educational programs and for the Board to recognize such credits (see BPC sections 7362.5 through 7366);

(6) this proposal moves collection of out-of-state training/experience from existing subdivision (b)(6)(D) to the new Section F of the new Proof of Training Document form and eliminates references to credit “received” and requirements to attach a copy of the letter from the Board granting that credit. This change would correct the existing use of the word “received” as the school would simply be reporting what it “accepted” as credit in transfer towards program completion; not what has been completed in another state or country. This would also enable the Board to investigate granting credit in compliance with the Act’s requirements at BPC section 7367 and CCR section 950.10 (the Board’s transfer of credit requirements), which require the Board to grant credit for “identical” coursework obtained by students changing (including school to school transfers) from one program to another, regardless of location. In addition, since CCR section 910 already sets forth the requirements for a student who desires to establish eligibility for examination for a license in this state upon the basis of practice, study or training outside this state, the existing requirement for attaching the Board’s approval letter per that section to this proof of training is being eliminated as redundant and unnecessary as the Board should already have that information on file and associated with the student applicant;

(7) This proposal would remove the requirement that the school would provide a statement that the student has met the course curriculum requirements as specified by regulation. This provision is now obsolete and the underlying authority for it repealed since the Board is no longer authorized to set curriculum standards by regulation under SB 803 (see above discussion), and Board-approved schools are required to follow the new curriculum requirements as specified in Article 8 in the Act (commencing with BPC sections 7362); and,

(8) This proposal would move the certification requirements in existing subdivision (b)(8) to Section C of the new Proof of Training Document form, and would require certification of the document and all attachments for the reasons set forth in the “Proof of Training Document” section description and rationale below. The certification is set forth at the beginning of the form since, in the Board’s experience, most applicants would complete only sections A and B of the proof of training document. Placement in this location avoids risk of mistake (as applicants complete sections that don’t apply to them) and incomplete certifications (which are missed if the form appears too long or cumbersome to complete) and a simpler application process for most

applicants. Directions on the form to “leave blank” if not applicable, should also assist applicants with an easier documentation process and result in fewer erroneously completed forms.

The Board would also add the words “For the purpose of this section” to establish the standard that the “completed” proof of training form would satisfy the requirements of this section and hence BPC section 7337’s requirements. The Board would require it to be “completed” to ensure that the Board receives all the information it needs under the Act or regulations to assess qualifications for licensure and completed by the school to ensure the authenticity of the information received and upon which the Board would rely to assess fitness for licensure.

Repeal existing subdivision (c): Subdivision (c) is being repealed in its entirety as unnecessary since the Board no longer will be using the narrative format in existing section (b) to prescribe the method of submission for that content. This requirement will be replaced by the new Proof of Training Document form incorporated by reference in subsection (b).

Amend existing Authority Cited Note: The Authority Cited Notation is being amended to include the addition of BPC 7322, 7362.5, 7363, 7364, 7365, and 7367 to reflect statutory changes to the Act.

Proof of Training Document (Form #F-BBC-05 (New 07/2023))

- Instructions:
 - Complete this form in accordance with the instructions below and include additional pages as necessary. The California Board of Barbering and Cosmetology (Board) cannot process the document unless all applicable requested information is provided.

This statement is necessary to notify an applicant that the application cannot be processed if all applicable information is not provided as set forth in BPC section 7345 as it would not be considered a “completed” document as required by CCR section 909(b), and consistent with the protocols for abandonment in BPC section 7345. Instructions are provided on the form to help guide the applicant and school representative through each stage of the application process, which helps ensure the Board receives accurate and complete information for the processing of this form.

- Item 1 (Program Title): The form and instructions require the student applicant to select the appropriate program title for which they are applying (e.g., Barber,

Cosmetologist, Hairstylist, Esthetician, Electrologist, or Manicurist) to ensure effective communication to the Board of the type of training program hours received and the type of license sought for examination.

- Items 2-7 (Section A Student Information): Items 2-7 of the form and instructions seek identifying information about the student applicant, as required by BPC 7314(b) and which would accompany their application for examination as specified in subsection(a). This information includes social security number (SSN) or individual taxpayer identification number (ITIN), birth date, name, mailing address, telephone number, and email address (optional). Social security numbers are collected to distinguish applicants which have the same name and date of birth. This information will also help the Board communicate with applicants more accurately and effectively in the processing of their examination applications. In addition, the Board collects the SSN, and ITIN as required by BPC sections 30 (implementing section 17520 of the Family Code), 31 and 494.5 for the reasons set forth in those provisions (family support enforcement, tax collection purposes, etc.) and the “Notice to Applicants and Schools” at the end of the instructions.
- Items 8-13 (Section B School Information): Items 8-13 and instructions seek identifying information from the Board approved school including school name, school code issued by the Board, physical address, and the name, telephone number and email address of the school’s authorized representative. This information will also help the Board communicate with schools more effectively and ensure their contact information remains up to date.
- Items 14-17 (Section B School Information): Items 14-17 and instructions require the Board approved school to list the date the student applicant began training at the school, the number of hours the student completed, the date which the student completed their training, and the total of all training hours completed by the student applicant at the school. This information is necessary to verify that the minimum training hours required for licensure as a barber, cosmetologist, manicurist, esthetician, or electrologist have been obtained by the named student on the form in accordance with BPC sections 7362.5, 7363, 7364, 7365 and 7366.
- Items 18-20 (Section C Certification): Items 18-20 and instructions require the names, signatures and dates of execution of the form from both the student applicant and the Board approved school’s authorized representative. This requirement would help confirm that the form is authorized to be filed on behalf of, and hours were earned by, the student applicant by the individuals signing and certifying the information provided on the form. Certification under penalty of perjury helps to ensure that the documentation contains truthful, factual

representations made in good faith. (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [judicial explanation for the use of certifications].) The Board relies upon applicants' and schools' self-reported information in evaluating applications and qualifications for examination and licensure as required by the Act. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. ["The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]

- Items 21-31 (Section D Training Received at Another Board Approved School): Items 21-31 on the instructions and form seek identifying information from the student applicant, if they received training at a different Board approved school(s) from the one listed in items 8-20 noted above. This information includes the program title, the school where the student applicant previously attended and the dates attended, and the total hours of training hours accepted. This would enable the Board to determine whether other hours should be counted towards fulfillment of the Board's training requirements and were transferred in accordance with BPC section 7367, which provides "For students who change from one program of instruction to another, the board shall grant credit for training obtained in one course that is identical to training required in another course," and CCR section 950.10 (the Board's transfer of credit requirements).
- Items 32-41 (Section E Credits from Program Transfer): Items 32-41 seek information from the student applicant if they have transferred credit from a different field of study from another Board approved school other than the one listed in items 8-20 noted above. This information includes the program title, the school's name and school code issued by the Board, the dates the student applicant attended, and the total hours of training accepted. This would enable the Board to determine whether other hours should be counted towards fulfillment of the Board's training requirements and were transferred in accordance with BPC section 7367, which provides "For students who change from one program of instruction to another, the board shall grant credit for training obtained in one course that is identical to training required in another course," and CCR section 950.10 (the Board's transfer of credit requirements) This would include credits for identical coursework obtained in another filed of study (e.g., barber to cosmetology program transfers) since the statutory and regulatory requirements mandate transfer of any training received provided it is

identical.

- Items 42-43 (Section F: Out of State Training/Experience): Items 42 and 43 are for the school listed in items 8-20, to list any out of state training or experience the student applicant has received and that were accepted by the school. For the reasons specified above, the Board would require this information to determine whether all educational training requirements have been met in accordance with the Act's requirements for course content and acceptance of identical training at Board approved schools.
 - Notice to Applicants and Schools
 - For Applicants: This completed form must be submitted to the Board of Barbering and Cosmetology (Board) with your application for examination (application) as a barber, cosmetologist, esthetician, electrologist, hairstylist or manicurist as required by Title 16, California Code of Regulations (CCR) section 909 or your application will be rejected as incomplete (Business and Professions Code (BPC) section 7345). The information requested on this form is mandatory pursuant to BPC sections 30, 31, 7321, 7321.5, 7322, 7324, 7326, and 7330 and Title 16 CCR section 909. The information provided will be used to determine qualifications for licensure, for identification purposes, and for compliance with tax and family support obligations. The information may be provided to other governmental agencies, or in response to a court order, subpoena, or public records request. You have a right of access to records containing personal information unless the records are exempted from disclosure. Individuals may obtain information regarding the location of their records by contacting the Board's Executive Officer at 2420 Del Paso Rd., Suite 100, Sacramento, CA 95834, or by telephone at (916) 574-7570.
 - For Schools: The student identified in Section A below is applying for examination to become licensed as a barber, cosmetologist, esthetician, electrologist, hairstylist or manicurist in California. To qualify for examination, the applicant is required to provide proof of completion of training at a Board-approved school. Please check the appropriate boxes below relating to the training the applicant completed at your school. Please review the information provided in the paragraph above under "Notice to Applicants and Schools" regarding the requirements for collecting this information, the circumstances under which the information may be disclosed or withheld from disclosure, and where the personal information

collected on this form is maintained.

These statements are necessary to notify an applicant and Board approved schools regarding the collection and use of their personal information in accordance with Section 1798.17 of the Civil Code.

Repeal Existing Section 928, and Title

Repeal existing Section 928, and Title: This section is being repealed in its entirety. BPC section 7337.5 regarding “school preapplications” was repealed under SB 803, so this CCR section is being struck as unauthorized and inconsistent with the Act since the Board no longer has authority to adopt or enforce regulations regarding prelicensure examinations, fees or determinations.

Amend Existing Section 931, and Title

Amend existing title: These amendments will conform the Board’s regulations with statutory changes enacted by SB 803. The Title of Section 931 is being amended to remove “and Interpreter/Model”. BPC section 7338 was amended to remove the Board’s practical exam requirement and authority, so this regulation is being amended to remove mention of an Interpreter/Model as these are not necessary for the written exam. This section is also being amended to add the new hairstylist license created by SB 803, which added this new license type.

Amend existing subdivision (a): Subdivision (a) is being amended to include the hairstylist license as BPC section 7316 was amended to create a new hairstylist license type, so it is added to the subsection for consistency with the Act. Korean, Spanish, Vietnamese, and Simplified Chinese languages are being added to the subsection as an interpreter can only be used if the applicant is unable to speak, read, or write in English, Korean, Spanish, Vietnamese, and Simplified Chinese at a 10th grade level. This requirement is set to only allow interpreters for persons who are unable to take the examination in a non-English language offered by the Board (as the Board expects an applicant to be able to read, speak or write to take the examination). The Board offers the examination in the following non-English languages: Korean, Spanish, Vietnamese, and Simplified Chinese, so a candidate would not be able to use an Interpreter for those languages. This subdivision is also being amended to list the interpreter requirements in subsections (c), (d), (f), (h), (i), and (j), as applicable and establish that compliance with these requirements are a condition of the Board’s approval of the use of an interpreter during the examination. These requirements are necessary to help validate the qualifications of the interpreter and to avoid possible fraud in the examination, as more fully described below.

Amend existing subdivision (b): Subdivision (b) is being amended to include the new

process for Board approval of an individual designated by the applicant act as an interpreter for the applicant during the examination. The regulation will repeal the current form applications to use an Interpreter/Model (Form #03B-125, Form G (Rev. 8/94)) and Form #03A-126, Form H (Rev. 8/94) as they are outdated as to the Board's processes, and do not currently conform to the changes to the Act enacted by SB 803, and adopt a new form which is incorporated by reference, entitled "Application to Use an Interpreter" (Form #03A-126 New 07/2023) that would specify the Board's requirements for approving an interpreter. In addition, the Board has found that many provisions on the existing application format are difficult for applicants to understand and accurately complete, so provisions that are retained will be moved to the new form, while those provisions that caused confusion or conflict with existing statutory requirements will not be carried over to the new form. In addition, the interpreter forms must be filed with the application for examination (see subsection (b) of this section) to avoid any scheduling issues in the Board's experience, so the references to timeframes of filing no later than 30 days before the examination are being removed and requirements for filing this application with the application for examination retained to avoid confusion and unnecessary delay in the examination process. Also, the requirement for filing a "completed" form ensures only applicants who have provided all information are eligible for approval. In the Board's experience, providing a prescribed format helps applicants demonstrate that they have provided a complete document and lessens the risk of a document being rejected by the Board due to missing information.

Repeal existing subdivision (c): Subdivision (c) is being repealed in its entirety as it pertained to requirements set forth by the previous form and the existing requirements for photo identification in this subsection are no longer necessary as the new requirements for identification will be incorporated in the new form specified above. In addition, BPC section 7338 was amended to remove the practical exam, therefore there is no longer a need for a model and references to such model are therefore being removed as obsolete.

Amend existing subdivision (d): Subdivision (d) is being amended to reflect the numbering change in the repeal of existing subdivision (c). Existing subdivision (d) will be renamed (c) and remove "and interpreter/model" as BPC section 7338 was amended to remove the practical exam and therefore there is no need for a model.

Repeal existing subdivision (e): BPC section 7338 was amended to remove the practical exam, therefore there only needs to be an interpreter for the written exam. As a result, this sentence is being removed to avoid confusion as it implies that interpreter services may be requested for other "portions" of the examination that no longer exist.

Repeal existing subdivision (f): BPC section 7338 was amended to remove the practical exam, therefore there is no longer a need for a model. As a result, this sentence would be struck to avoid confusion regarding references to such models and their use during

the practical examination, which the Board is no longer authorized to administer.

Amend existing subdivision (g): Subdivision (g) is being amended to reflect the numbering change in the repeal of existing subdivision (d). “Interpreter/model” is also being removed from the language, as BPC section 7338 was amended to remove the practical exam, therefore there is no longer a need for a model.

Repeal existing subdivision (h): Subdivision (h) is being repealed in its entirety to reflect the new interpreter requirements reflected in the new form, and also to reflect the Board no longer offers the “Instructor” license type, nor administers the exam for it as mandated by SB 362, Chapter 783, effective January 1, 2005.

Amend existing subdivision (i): Subdivision (i) is being amended to subdivision (e) for clarity to reflect the numbering change resulting from the repeal of existing subdivisions (c), (e), (f) and (h).

Amend existing subdivisions (j)(1)-(7): Subdivision (j) relating to persons prohibited from acting as interpreters is being amended to reflect the numbering changes resulting from the repeal of existing subdivisions. “Interpreter/model” is also being removed from the language, as BPC section 7338 was amended to remove the practical exam, therefore there is no longer a need for references to a model for such examinations. Subsections (j)(2), (3), and (4) are being amended to cover all other forms of experience and practice outside of barbering and cosmetology (e.g., hairstyling, electrology, nail care, or skin care) since the enactment of SB 803 added a new hairstyling license type, and codification of curriculum (see BPC sections 7262.5-7366) makes it clearer that curriculum in these various subject areas do overlap. Therefore, knowledge in any of these licensing areas as a current or former student, an establishment operator, instructor or as an apprentice could lead to exam subversion if these individuals were permitted to act as interpreters. The regulation also makes non-substantive grammatical changes by adding “an” before Interpreter and changing “currently or have been formerly” to “current or former.”

Subsection (j)(5) is being repealed as redundant since all references to prohibited experience as any kind of pertinent current or former apprentice training is being combined and listed at proposed amendments to subsection (j)(4) for all license types. Subsection (j)(6) is being repealed as obsolete since the Board no longer offers “Junior Operator” or “Junior Electrologist” license types; such license types were established by prior regulation at CCR section 930.1 and repealed by the Board in 1994. Existing subsection (7) is being amended to reflect the numbering change in the repeal of existing subsections (5) and (6), and to cover all other forms of practice outside of barbering and cosmetology or electrology (i.e., hairstyling, nail care, or skin care) authorized under the Act (see BPC section 7316) for the same rationale specified above for changes to subparagraphs (2)-(4) above. Persons with knowledge based on

experience as a current or former owner or employee of any school creates unacceptable risk of exam subversion if they were to be permitted to act as an interpreter.

Amend existing subdivision (k): Subdivision (k) is being amended to (g) to reflect the numbering change in the repeal of previous subdivisions. The terms “interpreter/model” and “model” are removed as BPC section 7338 was amended to remove the practical exam, therefore there is no longer a need for a model. The term “any of the branches of cosmetology” is being replaced to specify the actual practices the Board licenses and regulates cosmetology, hair styling, electrology, nail care, or skin care. Also, Board of Barbering and Cosmetology is being shortened to Board for consistency throughout the regulation and “he or she” is being removed and replaced with “they” to ensure the use of gender-neutral language in the Board’s laws and regulations as required by Assembly Concurrent Resolution 260 (Chapter 190, Statutes of 2018) which encourages state agencies to avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

Amend existing subdivision (l): Subdivision (l) is being amended to (h) to reflect the numbering change in the repeal of previous subdivisions. The word “may” is being replaced with “shall” to reflect the Board’s unequivocal policy on voiding an application if any information contained is found to be false. The Board requires accuracy in the processing of examination information to ensure that exam administration is conducted fairly and in accordance with minimum standards for the protection of the public. Therefore, this change is necessary to remove the inaccurate word “may” that implies that there may be discretion to accept information provided by an applicant that is false, which would be unacceptable from a public policy perspective since the provision of false information casts doubt on the accuracy and integrity of the information provided by the applicant during the examination process. The word “board” has a typographical error and is being capitalized as “Board”.

Amend existing subdivision (m): Subdivision (m) is being amended to (i) to reflect the numbering change in the repeal of previous subdivisions. Current subsection (m) appears to be somewhat incomplete as currently written, it states “persons who are only reading the examination to the applicant, but not interpreting to another language, will not be permitted.” To clear up confusion as to what the prohibition includes, the Board proposes to add the words “to accompany the applicant into any examination.” This change will clarify the limitations on the duties of the interpreter, and what duties they are permitted to perform in accordance with this section and preserve the integrity of the Board’s examination process.

Amend existing subdivision (n): Subdivision (n) is being amended to (j) to reflect the numbering change in the repeal of previous subdivisions. “Interpreter/model” is also being removed from the language, as BPC section 7338 was amended to remove the

practical exam, therefore there is no longer a need for a model.

Application to Use an Interpreter Form (Form #03A-126 (New 07/2023))

- Instructions (p. 1):
 - Complete this form in accordance with the instructions below and include additional pages and documents as necessary. The California Board of Barbering and Cosmetology (Board) cannot process the document unless all applicable requested information is provided. To request a designated interpreter's approval, this form must be completed in its entirety and submitted to the Board with the applicant's application for examination. Applicants shall complete Section A of this form first, and then the person designated by the applicant to act as an interpreter shall complete the rest of this form beginning at Section B.

This statement is necessary to provide notice to an applicant that the application cannot be processed if all the information is not provided as authorized in BPC section 7345. This statement also clarifies which section is to be completed by the applicant (Section A), and which is to be completed by the interpreter (Section B) to ensure that the information submitted and the certifications required in the application are completed only by persons with personal knowledge of the information being provided. Instructions are provided on page 1 of the form to help guide the applicant and interpreter through each stage of the application process, which helps ensure the Board receives accurate and complete information for the processing of this application.

- Notice to Applicants (pgs. 2-3): This statement is included to ensure applicants have notice and adhere to the Board's requirements for submitting a request for and an approval of an interpreter to accompany them into a Board examination.

Who can request an interpreter? To ensure applicants understand the Board's qualifications for using an interpreter, this paragraph in the Notice sets forth, in more a more simplified way, the Board's requirements in subsection (a) of Section 909 for using an interpreter during its examinations. This will help avoid confusion about the Board's eligibility requirements for an interpreter, and fewer applications from unqualified applicants. The Board receives frequent requests to provide interpreters for its examinations even though it is not authorized by law to do so. To reduce such inquiries, the Board includes a notice that "The Board does NOT provide interpreters."

Korean, Spanish, Vietnamese, or Simplified Chinese Speaking Applicants: This paragraph is necessary to ensure applicant notice and understanding of the fact that these types of applicants are ineligible to use an interpreters since the

Board's examination is given in these languages in accordance with CCR Section 909(a). To further emphasize this requirement, the Board is adding the sentence: "An interpreter may not be used if the examination is available in the applicant's native language."

The following persons are prohibited from acting as an interpreter: This paragraph lists all of the prohibitions for persons seeking to serve as an interpreter as listed in CCR section 909. This list provides, in one convenient location, all of the prohibitions that would cause an applicant's interpreter request to be denied by the Board. This helps ensure that applicants understand and have notice of these requirements so that the Board expends less staff time on requests that do not qualify under Section 909's prohibitions listed in subdivisions (d), and (f)(1)-(5).

What forms must be completed to use an interpreter? This paragraph sets forth the Board's requirements for providing a completed request in accordance with Section 909(b) (by having the applicant and interpreter complete the applicable sections of the application – Section A Applicant, Section B Interpreter), and provides a description for how the Board will process the request, and notify the applicant (via admission letter) of the authorization to use an interpreter. This paragraph also indicates the next steps for scheduling the examination and presenting the Board's approval of the interpreter at the exam facility on the day of examination. This information is necessary to notify applicants of the requirements for completion of the application as specified in Section 909, to help applicants navigate the approval process, and to avoid unnecessary delays in the examination process.

On the Day of the Examination: This paragraph specifies that, at the examination facility both the applicant and the interpreter must each present one form of a current, government issued photographic identification as specified. Requesting identification helps avoid fraud in the examination process and helps the Board investigate attempts to subvert the examination through identification of the participants in the examination process. To provide notice of and give as much opportunity as possible to meet this requirement, the Board lists 8 different types of commonly accepted government-issued documents that establish proof of identity with photographic identification (see Underlying Data).

To help applicants understand that failure to meet this requirement precludes the use of an interpreter for the examination, the Board includes the statement: "Applicants will not be able to take the exam without a current and unexpired ID for both the applicant and the interpreter." The Board's requirement of a current and unexpired identification helps confirm the person taking the examination and the person assisting meets the qualifications for exam admission; it also helps

avoid fraud in the examination process. Ensuring identity also helps the Board provide some assurances that only qualified persons have been examined and found competent to perform services to the public.

Important Notes: This paragraph explains common compliance areas that may cause the applicant's interpreter to be disqualified or the examination to be voided in accordance with Section 909. These include "reading" the examination to the applicant in English (which is not translation), and providing "material assistance" as defined here and for purposes of Section 909(j). In the Board's experience, these admonitions are necessary to help ensure notice to applicants and assurances of greater compliance with these requirements needed to preserve the integrity and validity of the Board's examination process.

To help ensure Interpreters understand they are ineligible to apply for licensure for one year from the date they served as an interpreter, the Board provides a statement to that effect on the form. This is also necessary to provide some assurances that persons who have had access to examination questions do not use that information to subvert an examination and instead, if they choose to later apply for licensure, have been examined without prior knowledge of test questions, and found minimally competent to perform services to the public. In the Board's experience, one year is a sufficient time period for the Board to ensure examination questions are not compromised by this type of applicant.

- Information, Collection and Access Notice (p. 4): the form includes required notices and disclosures to the student applicant and proposed interpreter for the Board's collection of personal information for the purpose of compliance with Civil Code section 1798.17.

Section A: Applicant Information (Note: for ease of reference, the Board explains the rationale for each item on the form through cross-referencing of items in numerical order as listed on the instructions.)

- Item 1: The form requires the applicant to select the appropriate license for which they are applying (e.g., Barber, Cosmetologist, Hairstylist, Esthetician, Electrologist, or Manicurist) to help ensure accuracy in the processing of their examination application, as this information will be used to pair the request with the examination application referenced in subdivision (a) of this section.
- Items 2-7: Items 2-7 seek identifying information about the applicant, as required by BPC section 7314(b). This information includes social security number or individual taxpayer identification number, birth date, name, mailing address, native language, and telephone number. Social security numbers are collected to distinguish applicants which have the same name and date of birth. The Native Language question will also help confirm the need for an interpreter in

compliance with subdivision (a)'s requirements, which only permits interpreters for languages in which the Board's examination is not given. Disclosure of the SSN and ITIN is also mandatory as part of the examination application process (this documentation would accompany that application per subdivision (b) of this section) in accordance with the requirements of collection set forth in Sections 30, 31, and 494.5 of the Business and Professions Code. This information will also help the Board communicate with applicants more effectively and accurately track all information related to the examination application through this identifying information.

- Item 8: Item 8 requires the applicant to acknowledge whether they agree that the Board may tape record the interpreting of the written examination and the conversation with the interpreter listed in Section B for the form. This acknowledgement is necessary because Penal Code section 632 requires the consent of all parties to record confidential communication in this State. This consent to record conversations between the applicant and the interpreter will help the Board investigate whether the interpreter is supplying answers instead of merely translating the examination for the applicant.
- Item 9: Item 9 requires the applicant to sign and affirm: "I hereby certify under the penalty of perjury under the laws of the State of California that all statements in Section A of this application are true and correct," and provide the date they signed the form. Certification under penalty of perjury helps to ensure that the documentation contains truthful, factual representations made in good faith. (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [judicial explanation for the use of certifications].) The Board relies upon applicants' self-reported information in evaluating applications and qualifications for examination and licensure as required by the Act. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. ["The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]
- Items 10-13: Items 10-13 seek identifying information about the interpreter to confirm their identity and eligibility at the examination site should the Board approve them as meeting the requirements of this section. This information includes name, mailing address, birth date, and telephone number. This information will also be used to track compliance with the prohibitions on acting

as an interpreter only once in 2 years in any examination as set forth in proposed subdivision (d) of this section.

- **Item 14:** Item 14 requires the proposed interpreter to check a “Yes” or “No” box next to each of the following questions, which establish whether the applicant’s proposed interpreter meets the minimum qualifications to act as an interpreter specified in Section 931:
 - Are you fluent in the native language of the applicant (as listed in Section A of this application) and in the English language? (This disclosure helps ensure that the information provided by the applicant and interpreter is consistent, and in compliance with the requirement for fluency as established in Section 931(c).)
 - Have you acted as an interpreter for a Board examination within the last two years preceding the date of your signature on this application? (This disclosure helps ensure compliance with the prohibition established in Section 931(d).)
 - Are you at least 15 years of age? (This disclosure helps ensure compliance with the prohibition established in Section 931(f)(1).)
 - Are you a current or former student in barbering, cosmetology, hairstyling, electrology, nail care or skin care? (This disclosure helps ensure compliance with the prohibition established in Section 931(f)(2).)
 - Are you currently or have you ever been formally licensed as an operator or instructor by this state or any other state in barbering, cosmetology, hairstyling, electrology, nail care or skin care? (This disclosure helps ensure compliance with the prohibition established in Section 931(f)(3).)
 - Are you currently or have you been formally enrolled in a barber, cosmetologist, skin care, nail care or electrology apprentice training program? (This disclosure helps ensure compliance with the prohibition established in Section 931(f)(4).)
 - Are you currently or have you ever been formally an owner or employee of any school of barbering, cosmetology, nail care, skin care, hairstyling, or electrology? (This disclosure helps ensure compliance with the prohibition established in Section 931(f)(5).)
 - **Consent to Recording:** I agree that the Board may tape record the interpreting of the written examination and my conversation with the

applicant listed in Section A (“applicant”) during the examination? (This requirement has been carried over from the existing form and has been instrumental in the Board’s investigations of examination subversion through the use of interpreters who provide substantive answer to applicants in the examination process by either pretending to assist with translation when none is needed and/or identifying the correct answers to applicants instead of simply translating the exam. This disclosure, if answered “Yes” by the interpreter, helps the Board investigate compliance with Sections 931(i) and (j) as it would allow the Board to legally record and review conversations between the applicant and interpreter post examination to see if such subversion occurred in accordance with Penal Code section 632.

- To ensure both the interpreter understands the rules applicable to them and the consequences to the applicant for specified prohibited conduct in accordance with Section 931 and to encourage compliance, the Board requires the interpreter to sign an acknowledgement. The proposed interpreter then signs and dates the form which acknowledges the following statement:
 - If the Board determines that any of the information provided on this form is false in a material respect the Board shall void the applicant’s examination, if any. Persons who are only reading the examination to the applicant, but not interpreting to another language, will not be permitted. If the Board determines that I am providing the applicant with answers during the examination or any other material assistance other than translating during the conduct of the examination, the Board will disqualify me and void the applicant’s examination. I hereby certify under the penalty of perjury under the laws of the State of California that all statements in Section B of this application are true and correct.

This statement is necessary to provide the applicant and proposed interpreter with notice that the application may be voided if all applicable information is not true and correct as specified in Section 931(h), or not permitted into any examination if the interpreter is only reading the examination (as specified in Section 931(i)), or found to be providing the applicant with assistance with the examination outside of translation services (as prohibited by Section 931(j)).

In addition, the Certification under penalty of perjury helps to ensure that the documentation contains truthful, factual representations made in good faith. (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [judicial explanation for the use of certifications].) The Board relies upon self-reported information in

evaluating applications and qualifications for examination and licensure and granting interpreter accommodations for second language learners as authorized by the Act. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. [“The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true.” *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]

- Board Use Only Section: This section of the form is being adopted for the Board to track the applicant and proposed interpreter information, prior to the approval of the interpreter services provided.
- Important Notice: The following notice is provided to clarify when the form must be presented, and the acceptable forms of identification for the day of the examination:
 - This page contains notices regarding the use of this page of the application form, when to present it and the identification required to accompany it, which are necessary to provide adequate notice to the applicant to retain this part of the form and inform them of what process to follow to successfully admit a board-approved interpreter to the examination with them. This is consistent with the information and direction provided to the applicant on page 3 of the instructions at the top of the page (see above discussion regarding “What forms must be completed to use an interpreter?” for further explanation). This authorization must be presented along with the admission letter at the time of the examination. The services of an interpreter will not be allowed without this authorization and a current and unexpired government issued photographic identification. Requirements for proof of commonly accepted identification and a current and unexpired identification help ensure accuracy and help avoid exam subversion in the examination admissions process. Although this information is provided in the notice at the top of this application, it is restated here to ensure that the applicant (who may not retain a copy of their original application) has the most relevant information readily available to them to enable them to comply with the Board’s admissions requirements for approved interpreters.
 - Identification requirements from the old form are carried over to the new form with the addition of documents that would be considered commonly

acceptable government documents to demonstrate proof of identity in accordance with BPC section 7337's requirements for driver's license or an "identification card" from a state, federal or other government entity containing a photograph. Since the applicant's name, personal information and photo would have been validated by a federal, state or government entity, the Board believes this provides some assurances of authenticity, and therefore meets the Board's admission requirements for approved interpreters. For convenience, the Board re-lists the Acceptable forms of identification at the end of the form that meet BPC 7337's criteria (drivers' license or ID card with photo), which include: (1) Current and unexpired State Driver's License or Identification Card – any state; (2) U.S. Military Identification Card, including: (A) Active Duty, Retiree, Reservist military identification card (DD Form 2 or 2 A), or (B) Military Dependent identification Card; (3) Current and unexpired Passport – any country; (4) United States Citizenship and Immigration Services (USCIS) Issued Identification Card, including: (A) Employment Authorization Document (Form I-766) or (B) Permanent Resident Card (Form I-551); or, (5) Certificate of United States Citizenship, including: (A) Form N-550, Certificate of Naturalization or (B) Form N-560, Certificate of Citizenship.

- To reconfirm the necessity of disclosing personal information and the precise interpreter approved for a particular applicant by the Board, the Board discloses name, birth date and other personal information for the applicant and interpreter on this form, and re-states that –"NOTE*: Birth date is only used to distinguish applicants or interpreters."

Amend Existing Section 932

Amend existing subdivision (a): BPC section 7338 was amended to remove the practical examination, so this subdivision is being amended to remove any mention of the demonstration required for the practical examination.

Amend existing subdivision (b): BPC section 7338 was amended to remove the authority for the practical examination, so this subdivision is being amended to remove any mention of the demonstration required for the practical examination. The word "board" has a typographical error and is being capitalized as "Board".

Repeal Existing Section 934, and Title

Repeal existing Section 934, and Title: BPC section 7338 was amended to remove the practical examination, so this regulation is being repealed as information regarding appealing a candidate's score will no longer be applicable to the Board. In addition, the examination appeal procedure is being removed as unnecessary since the written exam

is administered via computers and not human proctors, there is a minimal chance of significant procedural error or adverse environmental conditions occurring. If adverse environmental conditions, such as a power outage or evacuation order occurred, candidates would be automatically rescheduled and not need to submit an appeal under current processes as required under contract with the Board's current examination vendor. Regardless, any appeals regarding the written exam would be submitted to the vendor administering the written exam and not to the Board since the vendor has been designated by the Board to administer the exam, including any resulting appeals. The Board also repeals the last sentence of this section that authorizes the Board to issue a license if the applicant otherwise demonstrates competence as without authority since there is no section in the Act that permits the Board to waive the examination requirement.

Amend Existing Section 937

Amend existing subdivision (a): This regulation proposes to repeal the Board's existing form "Application to Operate A Mobile Unit," Rev 1/93 as outdated and inconsistent with revisions to the Act by SB 803 at BPC sections 7354-7357 that enacted and repealed criteria relating to mobile units. While the current application reflects the law in those sections for application (BPC section 7355) and the minimum operating standards (BPC section 7357) for mobile units, those standards have been changed and need to be reflected in a format that is easier to read and simpler to follow. SB 803 revised and repealed many existing Board standards for mobile units and the application (in effect under prior law per SB 362 (Stats. 2003, Ch. 788)). SB 803:

- (a) removed the requirement that the mobile unit be at least 24 feet in length (former BPC section 7354);
- (b) removed the Board's authority to set geographical boundaries for the mobile unit designated by the Board and prohibitions for operation of the unit outside of the geographical boundaries for which the license is issued (former BPC section 7355(a));
- (c) removed application requirements for providing copies of applicable county and city licenses or permits and proof of compliance with applicable city, county and state plumbing, electrical, and fire laws (former BPC section 7355(b)(4)-(5));
- (d) removed the following equipment requirements: (A) potable water tanks of not less than 100 gallons, (B) a self-contained, recirculating, flush chemical toilet with holding tank, (C) a covered, galvanized, stainless steel metal container for depositing waste materials, (D) a split-lead generator with a remote starter, muffler, and a vent to the outside, and (E) a sealed combustible heater with an outside vent. (former BPC section 7357(b)(1)-(6));
- (e) retained requirements for continuous, on-demand hot water tanks of not less than six-gallon capacity (see current BPC section 7357(b)(2));
- (f) amended the previous equipment requirement to specify that a self-contained,

potable water supply would be required only if shampooing services are offered (current BPC section 7357(b)(1); and,
(g) added a requirement that the mobile unit have a system of adequate ventilation (current BPC section 7357(b)(3).

As a result, all provisions on the existing form that retain the foregoing obsolete standards must be repealed and new provisions added as described above, to make the Board's regulations consistent with these changes to the Act. As such, this subdivision is also being amended to adopt the new "(1008) Application for Mobile Unit License" form (Form #F-BBC-05 New 07/2023), which is being incorporated by reference in this subsection, that will update the Board's mobile unit application requirements consistent with SB 803's changes as described above and more fully specified below.

In addition, BPC section 7355 authorizes collection of a fee to process mobile unit applications and BPC section 7357 authorizes the Board to adopt regulations that ensure the unit "shall be kept clean, in good repair, and in compliance with" Article 7 of the Act. The Board has adopted fees for both the application and initial inspection and license fees at Section 998 of the Board's regulations to ensure the Board's ability to investigate compliance with the Board's standards and Article 7 of the Act. However, the current text at subsection (a) fails to specify that the application includes payment of these two fees and that the application fee is non-refundable. This proposal would add those standards at this section.

The application fee is non-refundable because the Board incurs staff hours and resources to review the application regardless of whether the application is approved, denied or abandoned as incomplete. These statements are necessary for the Board to recover its costs of reviewing the application, to provide notice to the applicants of these requirements and to help ensure the Board has a completed application to review. The initial inspection and licensing fee should be submitted upfront to ensure that the applicant understands and is aware that inspection of the mobile unit is part of the application and approval process (see BPC section 7313(a)) and would help expedite the processing of the application approval process overall if submitted together with the application. Refunds for inspection fees not earned when applications are abandoned are addressed under the explanation below for proposed amendments to existing subdivision (k) (renumbered as (j)).

This subdivision also includes grammatical changes to improve the readability of the regulation. Specifically, "application" is changed to "applicant" so it is clear that the person seeking a license must meet the requirements. Since the required form is incorporated by reference, it is no longer necessary to state "on a form prescribed and provided by the board" and therefore, this language is being removed. Also, since the applicant must submit the specified form, required fees, and evidence, statements, or

documents required by BPC section 7355(b), it is not necessary to include the language “accompanied by” and it is therefore being removed.

Repeal existing subdivision (b): BPC section 7355 was amended by SB 803 to remove the geographical boundaries for a mobile unit, so this regulation is being repealed to remove mention of the geographical boundaries.

Revise and renumber existing subsections “(c)” through “(h)”: due to repeal of subsection (b).

Amend existing subdivision (i): Current subdivision (i) is being amended as the word “board” has a typographical error and is being capitalized as “Board” and would be revised to reflect renumbering to (h) due to repeal of existing subsection (b).

Amend existing subdivision (j): Current subdivision (i) is being amended as the word “board” has a typographical error and is being capitalized as “Board” and would be revised to reflect renumbering to (i) due to repeal of existing subsection (b).

The requirement for the Board to inform the applicant if the application is complete or deficient “within 10 calendar days of” (before the words “receipt of an application for a license to operate a mobile unit”) is being repealed. Processing times do not need to be included in regulations due to the entire Permit Reform Act being repealed by AB 1757 (Committee on Budget, Chapter 229, Statutes of 2003). Historically, Government Code section 15376 was adopted as part of the original Permit Reform Act of 1981 which required state agencies to adopt regulations regarding their procedures for considering and issuing permits. As a result, the Board previously included timeframes consistent with that State policy for the processing of applications in their regulations. However, Government Code section 15376 was repealed by AB 1757 as part of budget trailer bill language, and since processing times are no longer required to be included in regulations under that law and prior State policy, this language is being removed.

Applicants will still be aware of the timeframe for the processing of their application because SB 878 (Jones, Chapter 131, Statutes of 2020) requires current processing times to be updated on the Board’s website quarterly and therefore there is no longer a need to set timeframes in regulations. Processing times can vary based on whether the applicant qualifies for an expedited process as required by BPC sections 115.4, 115.5, and 135.4 or whether the submitted application is complete with all the required information, which requires Board staff to contact the applicant for the missing document(s). The current processing times on the Board’s website give applicants a more accurate estimate of when their application will be processed instead of a statutory number included in the regulation. As a result, the Board proposes to simply state that an applicant would be informed in writing of the status of their application “after” the Board’s receipt of an application for a license to operate a mobile unit.

Amend existing subdivision (k): Current subdivision (k) is being amended as the word “board” has a typographical error and is being capitalized as “Board”, would be revised to reflect renumbering to (j) due to repeal of existing subsection (b), and to clarify the refundable application fee, if the application is found to be incomplete or not completed within the constraints set by BPC section 7345. BPC section 7345 provides:

If an applicant fails to complete his or her application within one year after it has been filed, or fails to take the examination within one year after becoming eligible therefor, the application shall be considered abandoned and the fee forfeited. An application submitted after the abandonment of a former application shall be treated as a new application and shall be required to meet all of the requirements for an initial license.

Government Code section 13143 authorizes the Board to refund excessive payments or payments made by an applicant for a licensing service not provided. Since the initial inspection would not occur unless a completed application is submitted, the Board would need to return the fee (which is not required to be paid if no inspection occurs) when the time period for completing the application passes as specified in BPC section 7345. To avoid questions regarding this process and to ensure refunds are timely processed as authorized, this proposal would specify the process the Board would follow in returning the initial inspection and license fee that is paid upfront (under the proposed additions to subsection (a) noted above) if the application is not completed as described above.

The requirement for the Board to inform the applicant in writing of its decision regarding an application “within 21 calendar days from the date of filing a completed application” is being repealed. Processing times do not need to be included in regulations due to the entire Permit Reform Act being repealed by AB 1757 (Committee on Budget, Chapter 229, Statutes of 2003). Historically, Government Code section 15376 was adopted as part of the original Permit Reform Act of 1981 which required state agencies to adopt regulations regarding their procedures for considering and issuing permits. As a result, the Board previously included timeframes consistent with that policy for the processing of applications in their regulations. However, Government Code section 15376 was repealed by AB 1757 as part of budget trailer bill language, and since processing times are no longer required to be included in regulations, this language is being removed.

Applicants will still be aware of the timeframe for the processing of their application because SB 878 (Jones, Chapter 131, Statutes of 2020) requires current processing times to be updated on the Board’s website quarterly and therefore there is no longer a need to set timeframes in regulations. Processing times can vary based on whether the applicant qualifies for an expedited process as required by BPC sections 115.4, 115.5, and 135.4 or whether the submitted application is complete with all the required

information, which requires Board staff to contact the applicant for the missing document(s). The current processing times on the Board's website give applicants a more accurate estimate of when their application will be processed instead of a statutory number included in the regulation.

Renumber existing subsection (l) to (k): due to the repeal of subsection (b).

(1008) Application for Mobile Unit License Form (Form #F-BBC-05 (New 07/2023))

- Instructions (Note: for ease of reference, the Board explains the rationale for each item on the form through cross-referencing of items in numerical order as listed on the instructions):
 - Complete this form in accordance with the instructions below and include additional pages and documents as necessary. The California Board of Barbering and Cosmetology (Board) cannot process the document unless all applicable requested information is provided.

This statement is necessary to provide notice to an applicant that the application cannot be processed if all applicable information is not provided as the Board is authorized to abandon any application that is not completed within the time required by BPC section 7345. Instructions are provided on page 1 of the form to help guide the applicant through each stage of the application process, which helps ensure the Board receives accurate and complete information for the processing of this application.

- Item 1: Item 1 seeks to identify if the applicant qualifies for expedited application processing based on veteran or immigration status in compliance with the requirements for expediting licensure specified in BPC sections 115.4 and 135.4 and asks them to check the appropriate box if applicable (and leave blank if not applicable). This is necessary to help ensure that the Board's staff "flag" those applications that are "checked" for possible expedited licensure; requirements for providing further proof of such status would be covered in Section E of the application relating to "Background Information".
- Items 2-8 (Section A Applicant/Ownership Information): Items 2-8 in the instructions and form seek identifying information about the applicant as required by BPC sections 7314(b) and 7355 (which prescribes the minimum contents of the mobile unit application), as well as other identifying information to allow the Board to communicate more effectively with the applicant. This information includes personal identifying information for the applicant/owner as follows: name, permanent base address from which the mobile unit will operate as required by BPC section 7355(b)(5), mobile unit name, telephone number, and email address (optional). This section also requires disclosure of the name of the

contact person for the application and their telephone number to help ensure accountability and responsibility in responding to Board staff inquiries during the review process.

- Items 9 and 10 (Section B Employee/Officer Responsible for Driving the Mobile Unit): Items 9 and 10 in the instructions and form seek identifying information for the employee or officer responsible for driving the mobile unit. This information includes disclosure of the driver’s name and California driver’s license number. This necessary to meet the statutorily mandated application requirements set forth in BPC section 7355(b)(4), which requires “proof of a valid California driver’s license issued to an officer or employee responsible for driving the mobile unit.”

- Item 11 (Section C – Form of Business Organization): Item 11 requires the applicant to select the appropriate form of business organization and complete the corresponding information: Sole proprietorship/Individual owner, partnership, or corporation as authorized by BPC section 7355, which authorizes any “person, firm, or corporation” to make such application. This section would require information and documentation for the form of business entity licensed by the Board to ensure that the Board has accurate identifying information and understands the form of business entity for whom a license may be issued. Documentation of the entity’s legal form of business organization for partnerships or corporations is also requested to ensure that the entity can legally operate and/or conduct business in this state.
 - The “Sole proprietorship/Individual owner” portion seeks to identify the full name, social security number or individual taxpayer identification number (ITIN), and the birthdate of the individual applying. Social security numbers and ITINS are collected to distinguish applicants which have the same name and date of birth.
 - The “Partnership” portion seeks to identify the federal employer identification number (FEIN) of the partnership, the full name of each partner and the birth date of each partner to distinguish applicant owners.
 - The “Corporation” portion seeks to identify the name of the corporation, the California Corporate Entity Registration Number provided by the California Secretary of State, and, the title and full name, the social security number or individual taxpayer identification number, and the date of birth of each controlling officer of the corporation. For ease of comprehension and to ensure compliance with the requirements of BPC section 7355, the instructions define “controlling officer” to mean “the principal individuals who are the officers, directors, managers or officials of

the corporation who are responsible for the operations or management of the corporation” as determined by the applicant.

In addition, the Board collects the SSN, ITIN or FEIN as required by BPC sections 30 (implementing section 17520 of the Family Code), 31 and 494.5 (for corporations and individually owned/sole proprietor disclosure of their SSN or ITIN is required, partnerships disclose their FEIN). Family Code section 17520(a)(6) defines a licensee (and therefore subject to the SSN/ITIN disclosure requirements) to include the following: “For licenses issued to an entity that is not an individual person, “licensee” includes an individual who is either listed on the license or who qualifies for the license.” Consistent with the requirements in BPC 30(a) and section 17520 of the Family Code to collect the SSN or ITIN for all other nonpartnership-type applicants, the applicant is required to report the SSN or ITIN of the principal individuals who are the officer(s), managers or officials of the entity who are responsible for the operations or management of the corporation and are therefore considered “listed on the license” by the Board since they are responsible for management and control of the entity as determined by the applicant in other sections of this application.

- Item 12 (Section D -- Background Information): Item 12 requires the applicant(s) to check a “Yes” or “No” box next to each of the following questions:

Conviction question rationale: Effective July 1, 2020, AB 2138 revised the Board’s authority for the conviction question that is currently on its mobile unit application that is collected under the authority of BPC section 480. Amendments to BPC section 480 permit boards to deny a license when an applicant has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the regulated business or profession, and one of the following conditions exist:

- (1) the conviction occurred within the seven years preceding the application date, except that the seven-year limitation does not apply if the applicant was convicted of:
 - (a) a serious felony under Penal Code section 1192.7;
 - (b) a registerable offense under Penal Code section 290, subdivision (d)(2) or (3)); or,
 - (c) a felony financial crime that is directly and adversely related to the fiduciary qualifications, functions, or duties of a specified business or profession regulated by other boards (the Accountancy Board, Professional Fiduciaries Bureau, Contractors State License Board, Bureau of Security and Investigative Services, and Cemetery and Funeral Bureau); or
 - (d) the applicant is presently incarcerated for the crime or released from incarceration within the preceding 7 years.

- As a result, although this Board may still require disclosure of conviction history per BPC section 480(f)(1), the Board's conviction question on its existing application is repealed and replaced with the following on its proposed application to reflect BPC section 480's more limited grounds for denial on this basis:

"Has the applicant, any partner, or controlling officer of the partnership or corporation ever been convicted of any crime or offense for which a license may be denied pursuant to BPC section 480, including:

- a. A criminal conviction for a serious felony under Penal Code section 1192.7;
- b. A criminal conviction that qualifies as a registerable offense under Penal Code section 290(d)(2) or (d)(3);
- c. A criminal conviction that occurred within the last seven (7) years preceding the application date;
- d. A criminal conviction for which the applicant or controlling officer is presently incarcerated; or,
- e. Any conviction for which the applicant or controlling officer was released from incarceration within the preceding seven (7) years?"

Rationale for requiring attachments if "yes" answer: To allow the Board to consider all circumstances surrounding a "yes" answer to any potentially actionable conviction, and to adequately evaluate any mitigating or rehabilitation evidence pursuant to CCR section 971, the Board requests the following:

"*If YES, the applicant shall attach documents or a written statement on a separate sheet(s) of paper that contains the following information, as applicable:

- (A) plea/conviction date,
- (B) incarceration date,
- (C) incarceration release date,
- (D) probation/parole release date,
- (E) arresting agency,
- (F) court name/location,
- (G) name of the case and case/docket number,
- (H) list of codes or laws violated,
- (I) explanation of the offense(s)/details of the crime(s),

- and,
- (J) a statement of any rehabilitation efforts or mitigating information that the applicant would like to submit.”

This information will allow the Board to properly investigate the applicant’s qualifications and whether the conviction is substantially-related as defined in CCR section 970.

Rationale for exclusions on instructions for this question: In addition, exclusions are listed on the application’s instructions for this section to account for those items for which the applicant need not disclose conviction history. The Board lists these exclusions since the Board has no authority to act to deny for these types of convictions, which would necessarily mean that those convictions meeting the criteria in the exclusions are not authorized or necessary (see BPC section 480(b) and (c)).

- Rationale for prior discipline disclosure question: Beginning July 1, 2020, AB 2138 changed the rules for denying applications based on prior discipline. While prior statutory requirements contained few limitations, boards now may deny a license on the basis that the applicant was subject to formal discipline by a licensing board located in or outside California only under the following conditions:
 - (1) the discipline occurred within the seven years preceding the date of application;
 - (2) the discipline was based on professional misconduct that would have been cause for discipline before the board for which the present application is made;
 - (3) the professional misconduct is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made; and,
 - (4) the basis for the discipline was not a conviction that was dismissed under Penal Code section 1203.4, 1203.4a, 1203.41, 1203.42, or a comparable dismissal or expungement.

(§ 480, subd. (a)(2), as added by Stats. 2018, ch. 995, § 4.)

As a result, to conform to this new authority, the Board proposes to add the following question to its application:

“Within the preceding seven (7) years from the date of the application, has the applicant, or any partner officer or controlling officer of the business

had a license, permit, registration, or certification (“license”) that was formally disciplined by a licensing board in or outside of California?”

Rationale for additional documentation requirement for “yes” answers: In addition, to allow the Board to consider all circumstances surrounding a “yes” answer to any potentially actionable discipline, and to adequately evaluate any mitigating or rehabilitation evidence pursuant to CCR section 971, the Board requests the following:

“If YES, the applicant shall attach copies of the disciplinary decision taken by the licensing board, agency, or other governmental organization (“board”) that contains the following information:

- (A) the type of disciplinary action taken (e.g., revocation, suspension, probation),
- (B) the effective date of the disciplinary action,
- (C) the license type,
- (C) the license number,
- (D) the name and location of the licensing board, and
- (E) an explanation of the violations found by the licensing board.”

Rationale for submission of rehabilitation or mitigation information: In addition, the applicant may submit a statement or documents showing the applicant’s rehabilitation efforts or any mitigating information that the applicant would like the Board to consider. This will enable the Board to evaluate all applicable information regarding fitness for licensure consistent with its rehabilitation criteria as set forth in CCR section 971.

Definition for “disciplined” in the instructions rationale: To ensure applicants fully understand what “disciplined” means in responding to this question, and to provide a definition that includes the types of actions the Board is authorized to take under the Act and pursuant to the Administrative Procedure Act (see Gov. Code, § 11503), the definition for “disciplined” shall mean suspended, revoked, placed on probation, public reproof, reprimand or any other form of restriction placed upon any other license, registration, certification or permit that the applicant held or currently holds.

Rationale for exclusions in instructions for this question: The instructions also specify that an applicant shall not be required to disclose any discipline that was based upon a conviction that has been dismissed pursuant to section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement, consistent with the prohibitions set forth in BPC section 480(a)(2)). This is necessary to ensure compliance with the authority limitations for denying on this basis enacted by AB 2138.

- Does the applicant hold any professional or vocational license(s) with a California Board?
 - If YES, list License Number(s), License Type, and Name of the Issuing California Board here:
- Are you serving in, or have you previously served in, the United States military?

Rationale: The Board requires a response to this question in compliance with BPC section 114.5, which mandates such a question on all licensing applications.

- If you answered “Yes” to Question No. 4 above, are you requesting expediting of this application for honorably discharged members of the U.S. Armed Forces?

Rationale: The Board requires a response to make specific the requirements for expedited licensure per BPC section 115.4.

- *If YES, attach a copy of your previous military service (DD214 – Certificate of Release or Discharge from Active Duty, or current military orders) for expedited review of your application.

Rationale: This information is necessary to determine whether an applicant is applying for expedited review and processing as required by BPC section 115.4. The item asks the applicant to attach a copy of a certificate of release from active duty (DD-214 which is the Department of Defense’s standard report of separation for members of the U.S. Armed Forces that includes the necessary information for the Board to process such requests) or other evidence showing the date and type of discharge to receive expedited review. To date, the Board has not received any other type of evidence in lieu of the DD-214. This information is necessary to determine whether the applicant has provided satisfactory evidence that they have met the requirements for expedited processing per BPC section 115.4.

- Do any of the following statements apply to you:
 - a. You were admitted to the United States as a refugee pursuant to section 1157 of Title 8 of the United States Code,
 - b. You were granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to section

1158 of Title 8 of the United States Code; or,

- c. You have a special immigrant visa and were granted a status pursuant to section 1244 of Public Law 110-181, Public Law 109-163, or section 602 (b) of Title VI of Division F of Public Law 111-8 [relating to Iraqi and Afghan translators/interpreters of those who worked for or on behalf of the United States Government].
 - *If YES, you must attach evidence of your status as a refugee, asylee, or special immigrant visa holder as provided in the instructions page above. Failure to do so may result in application processing delays.

Rationale for this question and attachment of documentation: These questions are necessary to determine whether the applicant qualifies for expediting of the initial application for refugees, asylees, and holders of special immigrant visas as required by BPC section 135.4(a)'s criteria for expediting these types of applications. If the applicant answers yes, they are requested to attach official documents commonly issued by federal agencies or the courts for the categories of individuals listed in BPC section 135.4 as evidence of their status as a refugee, asylee, or special immigrant visa holder. These documents are necessary to verify and ensure the applicant meets the statutory requirements for expediting the initial application process. Copies of official government documents will help ensure the accuracy of the information provided by the applicants to the Board.

Question Nos. 7-12: The following questions are required to update the Board's application consistent with the changes made by SB 803 as specified above.

- Question No. 7: "Are you providing a detailed floor plan with this application showing the layout and dimensions of the mobile unit and the location of doors, windows, restrooms, sinks, lift or ramps, ventilation, and other necessary equipment in compliance with the Board's health and safety regulations in Article 12 of Division 9 of the CCR (commencing with Section 977)?"
 - *If YES, please submit a copy of the floor plan with this application.

Rationale: BPC section 7355(b)(1) requires that an application to operate a mobile unit includes a detailed floor plan with the application. As a result, the Board mandates that this information be confirmed through disclosures in response to this question and requiring documentation attached as proof of such compliance.

- Question No. 8: Does the mobile unit have the required equipment in compliance with the Board’s mobile unit regulations in Article 5 of Division 9 of the CCR (commencing with Section 937(c))?

Rationale: BPC section 7357 authorizes the Board to adopt regulations that ensure the unit “shall be kept clean, in good repair, and in compliance with” Article 7 of the Act. Under existing section 937, equipment requirements are being retained to ensure that minimum standards for public safety and disability access under the Americans with Disabilities Act (ADA) are met, including renumbered equipment requirements at subdivisions (c)-(f) relating to storage cabinet doors with safety catches, equipment not stored in cabinets securely anchored, no services performed while the mobile unit is in motion, and a ramp or lift for disabled individuals.

- Question No. 9: Are you providing proof of purchase (cancelled check or transaction receipt showing mobile unit purchase by the applicant or authorized representative) or lease (copy of lease agreement between the applicant and the mobile unit owner) of the mobile unit with this application?
 - *If YES, please submit a copy of the proof of purchase or lease, as applicable, with this application.

Rationale: BPC section 7355(b)(2) requires that a proof of purchase or lease agreement be included with the application. As a result, the Board mandates that this information be confirmed through disclosures in response to this question and requiring documentation attached as proof of such compliance.

- Question Nos. 10-12 would require disclosures for all of the following:
- Does the mobile unit have a self-contained potable water supply (if shampooing services are offered)?
 - Does the mobile unit have continuous, on-demand hot water tanks which shall not be less than six-gallon capacity?
 - Does the mobile unit have adequate ventilation (which includes at least one window capable of opening and a powered ventilation fan)?

Rationale: BPC section 7357(b)(1)-(3) requires that a mobile unit be equipped with a self-contained potable water supply if shampooing services are offered, continuous and on-demand hot water supply with not less than six-gallon capacity, and a system of adequate ventilation. In the Board’s experience, a mobile unit that contains, at a minimum, at least one window capable of opening and a powered ventilation fan would be adequate ventilation for the typical mobile unit providing services pursuant to the Act.

Since no such clarification exists in law or regulation, the Board proposes to add this qualification to the newly proposed application.

- Section E - Final Certification: The final certification portion of the form seeks signature, printed name, and title of each required individual signing the form and the date they signed it. Each member signing the form certifies the following:
 - I declare under penalty of perjury under the laws of the State of California that I am authorized to sign this application on behalf of the applicant, that I have read this application and the information provided herein along with any accompanying documents, and that the foregoing and all attachments are true and correct.

Rationale: This section requires the applicant or authorized representative of the applicant to sign and date the application under penalty of perjury that they are authorized to sign the application on behalf of the applicant, that they have read the application and any information included therein and any accompanying documents, and that the foregoing information is true and correct. This section must be signed by the individual owner, all partners of a partnership, or authorized representatives of a corporation. This requirement would help confirm that the application is authorized to be filed on behalf of the applicant by the individual signing and certifying the information provided on and with the application.

Certification under penalty of perjury helps to ensure that the documentation contains truthful, factual representations made in good faith. (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [judicial explanation for the use of certifications].) The Board relies upon applicants' self-reported information in evaluating applications. In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. ["The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]

In signing this application, I further acknowledge receiving notice of the following:

BPC section 7359 states:

“It is unlawful for any person, firm or corporation to hire, employ, allow to be employed, or permit to work, in or about a mobile unit, any person who performs or practices any occupation regulated under this chapter who is not duly licensed by the board. Any person violating this section is guilty of a misdemeanor.”

Rationale: This statement is necessary to provide applicants with notice of this requirement and to help ensure compliance with this standard in the Board’s enforcement of the aforementioned provision.

- Notice to Applicants: The following notice and chart are given to applicants to clarify which portion of the application fee is nonrefundable, the requirements for submitting a completed application for processing, other fee requirements per CCR section 998 (initial inspection, renewal and delinquency), and the time frames when the application will be abandoned in compliance with BPC section 7345. These statements are necessary to help ensure compliance with these statutory and regulatory requirements. Although this information is somewhat repeated in the below-referenced attachment related “Information Collection, Access, and Disclosure Statement”, in the Board’s experience additional notices and repetition will help the regulated community to maintain greater comprehension and compliance with these standards.
 - The nonrefundable application fee of \$50 must accompany this application. In addition, the Board requires the initial inspection and license fee of \$100 to be submitted with this application or the application will be deemed incomplete. If the application is determined to be incomplete and the applicant fails to complete the application within one year after it has been filed, the Board shall return the initial inspection and license fee to the applicant after that one-year period expires.

APPLICATION FOR MOBILE UNIT SCHEDULE OF FEES

FEE TYPE	FEE AMOUNT
Application Fee (Nonrefundable)	\$50
Initial Inspection & License Fee	\$100
Renewal Fee	\$40
Delinquency Fee	\$20

- Information Collection, Access, and Disclosure Statement: The following statement is included with the form instructions in compliance with the

requirements of the Information Practices Act, Section 1798.17 of the Civil Code:

- *This statement is for your information. The Information Practices Act, Section 1798.17 of the Civil Code, requires the following information to be provided when collecting information from individuals.

AGENCY NAME: Board of Barbering and Cosmetology

TITLE OF OFFICIAL RESPONSIBLE FOR INFORMATION
MAINTENANCE: Executive Officer

ADDRESS: 2420 Del Paso Road, Suite 100, Sacramento, CA 95834

INTERNET ADDRESS: www.barbercosmo.ca.gov

AUTHORITY WHICH AUTHORIZES THE MAINTENANCE OF THE
INFORMATION: BPC Sections 30, 31, 494.5, 7355, 7357, and 7358 and
CCR section 937.

CONSEQUENCES OF NOT PROVIDING ALL OR ANY PART OF THE
REQUESTED INFORMATION: It is mandatory that you provide all
information requested. Omission of any item of requested information will
result in the application being rejected as incomplete.

PRINCIPAL PURPOSE(S) FOR WHICH THE INFORMATION IS TO BE
USED: The information requested will be used to determine qualifications
for licensure and to establish positive identification. Each individual has
the right to review their files or records maintained on them by this agency,
unless the records are exempted by section 1798.40 of the California Civil
Code.

ANY KNOWN OR FORESEEABLE DISCLOSURES WHICH MAY BE
MADE OF THE INFORMATION: Your completed application becomes the
property of the Board and will be used by authorized personnel to
determine your eligibility for a license. Information on your application may
be transferred to other governmental or law enforcement agencies.
Pursuant to the California Public Records Act (Gov Code Section 6250 et
seq.) and the information Practices Act (Civ. Code Section 1798.61), if the
application is approved and the license granted, the personal or business
name of the applicant and the address information entered on the
attached form(s) will become public information subject to disclosure.
However, in addition to the name and address, except for the SSN, ITIN or
FEIN, other information provided on this form may be disclosed to a

member of the public, upon request, under the California Public Records Act or pursuant to a court order or subpoena.

SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER (SSN/ITIN): Disclosure of your social security number or taxpayer identification number is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 [42 U.S.C.A. Section 405(c)(2)(C)] authorize collection of your social security number or taxpayer identification number. Your social security number or taxpayer identification number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with section 17520 of the Family Code, or for verification of licensure or examination and where licensure is reciprocal with the requesting state. If you fail to disclose your social security number, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

TAX OBLIGATION DISCLOSURE NOTICE: Under BPC sections 31 and 494.5, the California Department of Tax and Fee Administration (CDTFA) and the Franchise Tax Board (FTB) may share taxpayer information with the Board. You are required to pay your state tax obligation. This application may be denied, or your license may be suspended if you have a state tax obligation, and the state tax obligation is not paid, and your name appears on either the CDTFA or FTB certified list of top 500 tax delinquencies.

These statements are also necessary to provide an applicant with notice that the application may be denied, or license suspended if the applicant fails to pay their state tax obligations. This notice is required by BPC sections 31 and 494.5. This statement is also necessary to provide an applicant with notice that the application will be rejected as incomplete if all applicable information is not provided and that the application will not be processed in accordance with the authority set forth in BPC section 7345.

Repeal Existing Section 950.1, and Title

Repeal existing Section 950.1, and Title: BPC section 7362 was amended to remove the Board's authority to determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum number of practical operations for each subject, and the authority to determine how much training is required before a student may begin performing services on paying patrons. BPC 7362.5 was also amended to change the course requirement from 1,500 hours to 1,000 hours and specify the curriculum topics. Therefore, this regulation regarding the curriculum for a barbering course is no longer

authorized by the Act and must be repealed to remain consistent with changes made by SB 803.

Repeal Existing Section 950.2, and Title

Repeal existing Section 950.2, and Title: BPC section 7362 was amended to remove the Board's authority to determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum number of practical operations for each subject, and the authority to determine how much training is required before a student may begin performing services on paying patrons. BPC section 7362.5 was also amended to change the course requirement from 1,600 hours to 1,000 hours and specify the curriculum topics. Therefore, this regulation regarding the curriculum for a cosmetology course is no longer authorized by the Act and must be repealed to remain consistent with changes made by SB 803.

Repeal Existing Section 950.3, and Title

Repeal existing Section 950.3, and Title: BPC section 7362 was amended to remove the Board's authority to determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum number of practical operations for each subject, and the authority to determine how much training is required before a student may begin performing services on paying patrons. BPC section 7364 was also amended to specify the curriculum topics. Therefore, this regulation regarding the curriculum for a skin care course is no longer authorized by the Act and must be repealed to remain consistent with changes made by SB 803.

Repeal Existing Section 950.4, and Title

Repeal existing Section 950.4, and Title: BPC section 7362 was amended to remove the Board's authority to determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum number of practical operations for each subject, and the authority to determine how much training is required before a student may begin performing services on paying patrons. BPC section 7365 was also amended to specify the curriculum topics. Therefore, this regulation regarding the curriculum for a nail care course is no longer authorized by the Act and must be repealed to remain consistent with changes made by SB 803.

Amend Existing Section 962

Amend existing subdivision (a)(1): The regulation is being amended to add the

additional licensing type(s) of electrology and hairstyling consistent with revisions to the Act (see e.g., BPC section 7316). This section is also amended to change the definition of “good standing” from valid and current license to current, active, and unrestricted license. It is necessary to change the definition of “good standing” for enforcement purposes. Current, active, and unrestricted means that the license is currently paid in full, in “active” status which allows the licensee to practice, and is not subject to any disciplinary actions. It is also necessary to add the electrology and hairstyling license types issued by the Board consistent with the Act. The new hairstyling license type was added by SB 803.

Amend existing subdivision (b): BPC section 7395.1 regarding cosmetology externs was amended by SB 803 to define “appropriate training” as a student extern that has completed 25% of the required minimum practical operations and minimum hours of technical instruction, so this CCR section is being amended to match that percentage. The Board also proposes to add the words “and this section” to clarify that the term is defined for the purposes of this section (subsection (e)) and to avoid confusion about what the Board would consider “appropriate.” The Board is proposing to repeal CCR sections 950.2-950.4 (see above), so mention of these sections have been replaced with references to the statutory section that superseded these board regulations at BPC section 7362.5, which set the required minimum hours of practical and technical instruction.

Amend existing subdivision (e): This proposal would add cross-references to BPC section 7316’s standards regarding the acts that a student extern can perform, consistent with the revised definitions contained in Section 7316 per SB 803. This would help ensure that only authorized acts are performed under the direct supervision of a designated licensee who oversees those specific acts within their scope of practice and to ensure competency and safe practice of the extern. In addition, these changes would help provide specific authority to enforce these standards when there is noncompliance as authorized by BPC section 7395.1, 7395.2, 7403 and 7406. It also seeks to clarify that a student extern shall not perform chemical treatments on any clients unless the extern has received “appropriate training” (as defined in subdivision (b)) in the application of those treatments from a barbering or cosmetology school approved by the Board pursuant to CCR section 941. Existing standards do not specify that such applications are required to be performed under these conditions at an approved school as defined. The Board proposes to adopt these requirements to ensure compliance with those Board requirements in the application process. BPC Sections 7316 and 7362.5, were also added to the reference section to clarify additional sections of the Act that are being implemented by this section.

Amend Existing Section 998

Amend existing Section 998: This section is amended to from “board” to “Board” to

correct a typographical error and adopt a short-form reference that more correctly identifies this “Board” as the Board of Barbering and Cosmetology.

Amend existing subdivision (a) through (e): This proposal would remove all of the preapplication fees since Section 928 regarding the preapplication for examination is being repealed. BPC section 7337.5 regarding “school preapplications” was repealed under SB 803 so the Board no longer has authority to collect preapplication fees. These subdivisions are also being renumbered due to the repeal of the preapplication fee subsections.

Underlying Data

- Committee Analysis for SB 803, Committee on Business and Professions, dated July 14, 2021
- Senate Bill 803 (Chapter 648, Statutes of 2021)
- Assembly Bill 2196 (Chapter 527, Statutes of 2022)
- Hourly Rate Calculator 2022-2023
- Workload analysis tables for: (A) the California Board of Barbering and Cosmetology Interpreter Application Form, (B) California Board of Barbering and Cosmetology Proof of Training Document; and, (C) California Board of Barbering and Cosmetology Mobile Unit License Application.
- January 24, 2022, Board Meeting Materials
- January 24, 2022, Board Meeting Minutes
- July 25, 2022, Board Meeting Materials
- July 25, 2022, Board Meeting Minutes
- October 24, 2022, Board Meeting Materials
- October 24, 2022, Board Meeting Minutes
- January 23, 2023, Board Meeting Materials
- January 23, 2023, Board Meeting Minutes
- July 17, 2023, Board Meeting Materials
- July 17, 2023, Draft Board Meeting Minutes
- U.S. Citizenship and Immigration Services Website Printout from Handbook from Employers M-274, entitled “13.1 List A Documents That Establish Identity and

Employment Authorization”

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts/evidence/documents/testimony or other evidence:

This proposal does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses, including Board approved schools.

Licensees and applicants are currently required to complete and submit the existing versions of the three forms, as specified, and are not anticipated to incur additional workload or costs to complete and submit the updated versions. Any other economic impacts, including costs, savings, or decreased revenues are a result of current law.

Economic Impact Assessment

The Board has determined that this regulatory proposal will have the following effects:

This regulatory proposal will not create or eliminate jobs or existing businesses, or affect business expansion within the State of California. This regulatory package aligns the Board’s regulations in line with the updated statutes.

Licensees and applicants are currently required to complete and submit the existing versions of the three forms, as specified, and are not anticipated to incur additional workload or costs to complete and submit the updated versions.

This regulatory proposal benefits the health and welfare of California residents because it will avoid confusion about licensing requirements, and provide consistency between the statutes and regulations for applicants, licensees, and schools who will benefit from these changes. The proposal will also update existing forms with corresponding instructions to assist applicants, licensees, and schools in providing the correct and required information, and allow the Board to communicate with them more effectively, thereby ensuring only qualified applicants obtain licensure for the benefit of the health and welfare of California residents.

This regulatory proposal does not affect worker safety because it does not involve worker safety.

This regulatory proposal does not affect the state's environment because it does not involve the environment.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

No such alternatives have been proposed, however, the Board welcomes comments from the public.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.