

**Title 16, Division 9, Article 6  
California Board of Barbering and Cosmetology**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING**

**§ 950.10. Transfer of Credit**

**California Code of Regulations**

**NOTICE IS HEREBY GIVEN** that the Board of Barbering and Cosmetology (Board) is proposing to amend California Code of Regulations (CCR), Title 16, Division 9, Section 950.10, as described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office **on December 27, 2022**, or must be received by the Board at the hearing, should one be scheduled.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this Notice.

**WRITTEN COMMENTS**

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Section 7312 of the Business and Professions Code (BPC), and to implement, interpret or make specific BPC sections 7316, 7362.5, 7363, 7364, 7365, 7366, and 7367, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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. 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.)

Prior to 2022, the Act required the Board 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 numbers of practical operations for each subject, and determine how much training is required before a student begins performing services on paying patrons. (BPC § 7362). BPC section 7367 states, "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."

In accordance with the above requirements, the Board adopted Title 16, California Code of Regulations (16 CCR) section 950.10, which sets standards for how credit for total clock hours will be granted for a student transferring from one course of study to another or a holder of a special license (e.g. manicurist or esthetician) who enrolls in a general course of study (e.g. cosmetologist). These standards include how those individuals would receive credit for total clock hours completed and credit for minimum hours of technical instruction according to specified percentages, and the minimum practical operations required in each type of course listed in this section (cosmetologist course to esthetician course, cosmetologist course to manicurist course, esthetician course to cosmetologist course and manicurist course to cosmetologist course).

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 and 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. With the enactment of Assembly Bill (AB) 2196 (Chapter 527, Statutes of 2022), effective January 1, 2023, electrolysis course

curriculum requirements will be similarly codified (see amendments to BPC section 7366 approved by the Governor September 25, 2022.) However, neither SB 803 nor AB 2196 specifies how hours for these newly enacted curriculum requirements will be deemed “identical” or how the Board will “grant credit for training obtained” for instruction in each of the various subject matter areas specified in BPC sections 7362.5, 7363, 7364, 7365 and 7366 or for instruction hours required for licensure.

In addition, SB 803 removed requirements for practical operations that previously were required to be specified by the Board in regulation at BPC 7362. As a result of the foregoing statutory changes, the Board’s current regulation is inconsistent with the Act and has been superseded by a new statutory scheme, existing regulation needs to be repealed, and new regulations need to be adopted. Those regulations would specify how the Board would grant credit for prior hours of “identical” technical and practical instruction earned in another program to a student changing from one program of instruction to another for courses in barbering, cosmetology, hairstyling, skin care, nail care and electrolysis. This proposal would address these issues by:

(1) specifying that a student changing from one program instruction to another would receive credit on an hour-for-hour basis if specified criteria were met, including: (1) prior instruction hours earned by the student are identical as defined, and (2) credit for the instruction hours of the prior program are granted in accordance with the requirements of this proposed section.

(2) specifying by subject matter of program or license type (cosmetologist licensee/cosmetology program, barber licensee/barbering program, esthetician licensee/skin care program, manicurist licensee/nail care program, hairstyling licensee/hairstyling program, and electrologist licensee/electrolysis program) how credit may be granted to a student in accordance with BPC sections 7362.5, 7363, 7364, 7365 and 7366;

(3) specifying that for any other hours of practical and technical instruction in courses that are earned by a student in excess of the minimum technical curriculum content hours prescribed by statute, a student shall receive credit for identical prior hours earned, as defined, that are required for licensure; and,

(4) providing definitions for the use of the words “changing from one program of instruction to another” and “earned” as referenced in this section.

In addition, the Board proposes to repeal other outdated or unnecessary references in this existing section that provide: (1) total clock hours credit calculations by course type (cosmetologist course to esthetician course, cosmetologist course to manicurist course, esthetician course to cosmetologist course and manicurist course to cosmetologist course), (2) credit and balance formulas for calculating the minimum hours of technical instruction and minimum practical operations for these types of courses, (3) requirements for credit not being granted until a student in a cosmetologist course completes the number of hours instruction and training, (4) effective until January 1

2009, that training received as an apprentice could be credited toward a course of training in a school and the setting the maximum number of hours for transfer at 800, and (5) training received in a school shall not be credited toward training in an apprenticeship program.

## **ANTICIPATED BENEFITS OF THE PROPOSED REGULATION**

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents. This regulatory proposal will benefit the health and welfare of California residents by clarifying how training credit transfers between programs of instruction and make the transfer of credit process easier to understand for schools, students, and licensees in courses for barbering, cosmetology, skin care, nail care, hairstyling, and electrolysis. This would help ensure that students do not inadvertently incur unnecessary costs and expenses in repeating identical instruction hours that have already been earned at another Board-approved school.

This regulatory proposal does not affect worker safety or the state's environment. The regulation only concerns the transfer of credit for students and clarifies the Board's regulations that take into consideration recent changes to state statutes regarding curriculum content and the applicability of credits to those transfers.

## **CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS**

During the process of developing this regulation, the Board has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

## **DISCLOSURES REGARDING THIS PROPOSED ACTION**

### **FISCAL IMPACT ESTIMATES**

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None. The Board does not anticipate additional workload or costs resulting from the proposed regulations. Any workload and costs of implementation are a result of current law.

As a result, the regulations do not result in business impacts to the state. Any economic impacts, including costs, savings, or decreased revenues are a result of current law.

**Nondiscretionary Costs/Savings to Local Agencies:** None

**Local Mandate:** None

**Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement:** None

**Business Impact Estimates:**

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 regulation will not have a significant adverse economic impact on businesses because it does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses.

In addition, BPC section 7367 mandates that the Board shall grant credit to students who obtain identical training when they change from one program of instruction to another. This proposal merely provides a simple, straightforward method for schools, students, and applicants to determine if prior education earned would be acceptable by the Board as transferrable to a new educational program in accordance with the minimum educational standards set by SB 803 and AB 2196.

As a result, the regulations do not result in business impacts to the state. Any economic impacts, including costs, savings, or decreased revenues are a result of current law.

**Cost Impact on Representative Private Person or Business:**

The Board is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Any economic impacts, including costs, savings, or decreased revenues are a result of current law.

**Significant Effect on Housing Costs: None**

**EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulation will not affect small businesses because it only concerns what the Board will grant in transfer of credit for students and clarifies the Board’s regulations that take into consideration recent changes to state statutes regarding curriculum content and the applicability of credits to those transfers. It does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses.

In addition, BPC section 7367 mandates that the Board shall grant credit to students who obtain identical training when they change from one program of instruction to another. This proposal merely provides a simple, straightforward method for schools,

students, and applicants to determine if prior education earned would be acceptable by the Board as transferrable to a new educational program in accordance with the minimum educational standards set by SB 803 and AB 2196.

As a result, the regulations do not result in business impacts to the state. Any economic impacts, including costs, savings, or decreased revenues are a result of current law.

## **RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:**

### **Impact on Jobs/Businesses:**

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because this proposal merely provides a simple, straightforward method for schools, students and applicants to determine if prior education earned would be acceptable by the Board as transferrable to a new educational program in accordance with the minimum educational standards set by SB 803 and AB 2196. It does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses.

### **Benefits of Regulation:**

This regulatory proposal will benefit the health and welfare of California residents by clarifying how training credit transfers between programs of instruction and make the transfer of credit process easier to understand for schools, students, and licensees in courses for barbering, cosmetology, skin care, nail care, hairstyling, and electrolysis. This would help ensure that students do not inadvertently incur unnecessary costs and expenses in repeating identical instruction hours that have already been earned at another Board-approved school.

This regulatory proposal does not affect worker safety or the state's environment because it does not involve worker safety or the environment. The regulation only concerns the transfer of credit for students and clarifies the Board's regulations that take into consideration recent changes to state statutes regarding curriculum content and the applicability of credits to those transfers.

**Business Reporting Requirements:** This regulatory action does not require businesses to file a report with the Board.

## **CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally

effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations during the written comment period, or at the hearing if one is scheduled, to the addresses listed under Contact Person in this Notice.

## **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person named below.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

## **CONTACT PERSON**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Samuel Swafford  
Address: 2420 Del Paso Road, Suite 100  
Sacramento, CA 95834  
Telephone No.: (279) 278-5121  
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The backup contact person is:

Name: Allison Lee  
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Website Access: Materials regarding this proposal can be found at  
[http://www.barbercosmo.ca.gov/laws\\_regs/prop\\_regs.shtml](http://www.barbercosmo.ca.gov/laws_regs/prop_regs.shtml).