

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**JUNE 3, 2013**

Legislative and Budget Committee Meeting

California Board of Barbering and Cosmetology  
2420 Del Paso Road  
1<sup>st</sup> Floor Sequoia Room, Room 109  
Sacramento, CA 95834



# California State Board of Barbering and Cosmetology

## Legislative and Budget Committee Meeting Agenda

Monday, June 3, 2013

1:00 P.M. – 5:00 P.M.

Or until completion of business

California Board of Barbering and Cosmetology  
2420 Del Paso Road  
1<sup>st</sup> floor Sequoia Room, Room 109  
Sacramento, CA 95834

Joseph Federico, Industry Member,  
President

Wen Ling Cheng, Public Member,  
Vice President

Mary Lou Amaro, Industry Member

Bobbie Anderson, Public Member

Andrew Drabkin, Public Member

Richard Hedges, Public Member

Christie Truc Tran, Industry Member

Dr. Kafi Williams, Industry Member

Kristy Underwood  
Executive Officer

Edmund G. Brown Jr., Governor  
State of California

Department of Consumer Affairs  
Board of Barbering and Cosmetology

Telephone: (916) 575-7100

Website: [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)

2420 Del Paso Road, Suite 100  
Sacramento, CA 95834

### **ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE**

1. Welcome and Introductions
2. Election of Committee Chairperson
3. Apprenticeship Program Review Update – Final Recommendation on Regulation Changes.
4. Discussion and Recommendations for Legislative Report on the Study of Appropriate Licensing Sub-categories
5. Update and Discussion of the Status of the BBC Budget Change Proposal to Increase Inspector Positions
6. Proposed Legislation – Update and Discussion of Proposed Bills that Could Impact BBC:
  - AB 1153 – Advanced Esthetician Curriculum Bill
  - SB 308 – Sunset Review Bill
  - SB 689 – Spot Bill
7. Public Comment  
*Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]*

A quorum of the Board will be present. Meetings of the Board of Barbering and Cosmetology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting shall make a request no later than five (5) working days before the meeting to the Board by contacting Tami Guess at (916) 575-7144 or sending a written request to that person at the address noted above.



State and Consumer Services Agency – Governor Edmund G. Brown Jr.  
**Board of Barbering and Cosmetology-Department of Consumer Affairs**  
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## MEMORANDUM

<b>DATE</b>	May 28, 2013
<b>TO</b>	Legislative and Budget Committee Members Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood Board of Barbering and Cosmetology, Executive Officer
<b>SUBJECT</b>	Apprentice Recommendations

Staff is making the attached recommendations to the regulations that pertain to the apprentice program. These changes will:

- Prevent an individual from being issued an apprentice license that has applied for the examination and has been deemed qualified to sit for the examination.
- Allow an apprentice to only be enrolled twice in the apprenticeship program, and that is only if the apprentice officially dis-enrolls in the program and the Board has been notified.
- Require that a licensee can only have two apprentices within their supervision at a given time.

In addition, to the above recommendations, staff asks the committee to allow them additional time to prepare a recommendation on updating the curriculum for all apprentice license types. This recommendation, as well as any language approved by the committee today can be presented to the full Board at the next Board meeting.

**914.1 Filing of Apprenticeship Application; Eligibility**

(a) If an applicant for an apprentice license has previously applied for and qualified for the licensing examination in a particular discipline, they are ineligible to apply for the apprenticeship program in the same discipline.

Note: Authority cited: Section 7312, Business and Professions Code; and Section 15376, Government Code. Reference: Section 7334, Business and Professions Code; and Section 15376, Government Code.

**914.2 Filing of Apprenticeship Application; Re-enrollments**

The term of an apprenticeship is 2 years. At any time if the apprentice discontinues enrollment in the apprenticeship program, the Board shall be notified by the apprentice program sponsor within 10 days of the dis-enrollment.

If after the 2-year period the apprentice has not completed the required 3,200 hours and related training, and the Board has been notified of the cancellation of enrollment and the apprentice license has been surrendered to the Board as required by section 923 of this article, the applicant may re-enroll once to complete the program. After 2 enrollments into the apprenticeship program the applicant is no longer eligible to participate in the program.

Note: Authority cited: Section 7312, Business and Professions Code; and Section 15376, Government Code. Reference: Section 7334, Business and Professions Code; and Section 15376, Government Code.

**§ 918. Trainers' Scope of Practice. Apprentice Trainers.**

- (a) No licensee shall train an apprentice unless his or her license includes the scope of practice of the apprentice's license.
- (b) A licensee is allowed to have under their supervision a maximum of two apprentices at any given time.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7332 and 7336, Business and Professions Code.



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## MEMORANDUM

TO: Members, Legislation and Budget Committee      Date: June 3, 2013  
Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer  
Board of Barbering and Cosmetology

SUBJECT: Appropriate Licensing Categories

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In the Board's sunset review the following recommendation was made:

*The Board should review the issue of recognizing specialized service providers like eyelash extension appliers, makeup artists and waxers. The Board should work with national groups, professional associations, colleagues at NIC, school owners and licensees to determine if steps are necessary to create easier paths to Board recognition for individuals performing limited services. The Board should provide the Committee with statutory recommendations by January 1, 2014.*

To prepare the Legislation and Budget Committee to begin addressing this issue, staff has conducted the following research and this memo will summarize the research that has been completed thus far.

Staff has:

- Contacted the National Interstate Council of Cosmetologists (NIC)
- Conducted a review of all other States' licensing types
- Prepared background in each of the skill sets listed in the recommendation
- Spoke to school owners
- Obtained information from those in support of separate licensing categories

### **Current Scope**

First and foremost, we should review the current scope of practice for a cosmetologist and esthetician:

<b>COSMETOLOGIST</b>	<b>ESTHETICIAN</b>
Arranging, dressing, curling, waving, machineless permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means, the hair of any person.	Giving facials, applying makeup, giving skin care, removing superfluous hair from the body of any person by use of depilatories, tweezers or waxing, or applying eyelashes to any person.
Massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions or creams.	Beautifying the face, neck, arms or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions or creams.
Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations antiseptics, tonics, lotions, or creams.	Massaging, cleaning or stimulating the face, neck, arms, of the upper body, by means of the hands, devices, apparatus, or appliances with the use of cosmetic preparations, antiseptics, tonics, lotions or creams.
Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves commonly known as rays.	
Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person.	
Massaging, cleansing, treating, or beautifying the hands or feet of any person.	

*Please note: Skin care is defined as a branch of cosmetology; therefore, all licensed cosmetologists can perform all practices defined on the scope of an esthetician.*

### **Review of NIC**

- The NIC testing program does not offer national examinations in makeup or lash extensions.

- The NIC does offer a waxing certificate test in Virginia and Wyoming.
- The NIC offers an advanced esthetician examination in Utah and Virginia.

### **Review of Other States**

In a review of other state licensing categories the following was found:

- Louisiana issues a makeup permit upon completion of a 40 hour course
- Nevada issues a demonstrators permit to demonstrate makeup in a salon for the purpose of selling a product.
- Oklahoma issues a cosmetician license which is for makeup and hair dressing only.
- Virginia and Wyoming issue waxing certificates
- Utah and Virginia issue Advanced Esthetics licenses

### **Makeup Artist Certification**

In 2012, the Board opposed a bill to establish a makeup artist certification based on the fact that makeup application exists in the scope of practice for both the cosmetologist and the esthetician.

Supporters of the bill and of the concept to license makeup artists, state there is a need to license individuals who wish only to perform makeup services as opposed to skin care services (facials, waxing, etc). Currently, an individual who would like to perform only make-up services in a salon, must be a licensed cosmetologist or esthetician. Supporters of the proposal state that individuals should be allowed to focus their learning on the services that they plan to establish a career in, as opposed to learning facials and skin care that will not be a part of their profession. The proposal for makeup artist certification currently requires an individual to:

- Be at least 17 years of age
- Completed no less than the 10<sup>th</sup> grade or its equivalent
- Completed a 480 hours course in makeup artistry
- Allows for grandfathering of existing makeup artist
- Requires an application fee

The current proposal does not require an examination for minimal competency.

### **Facts to Consider:**

- Makeup application is part of the cosmetology curriculum and the esthetic curriculum, specifically stating: The subject of makeup shall include but is not limited to the following issues: skin analysis, complete and corrective makeup, and the application of false eyelashes.
- A separate licensing category is breaking apart the existing scope of practice.
- The Milady esthetics fundamental textbook (approved by the Board) has a chapter dedicated to makeup artistry stating that: Estheticians should have a thorough understanding of makeup because makeup skills and knowledge add another element of expertise to enhance your reputation, grow your clientele, and increase your menu of services.

- Current curriculum for the esthetics course requires a minimum of 20 hours of technical instruction and 40 practical operations while the proposal is suggesting 480 hours for makeup artistry.
- Current law exempts individuals from licensure if they are performing functions regulated by the board that are in the course of theatrical, radio, television or motion picture industries.
- Currently schools can only be cosmetology, barbering or electrology. In breaking up the scope, the Board will need to consider if there will be stand-alone specialty schools approved.
- Some schools already offer additional training in makeup as options for a student to enhance their skills while enrolled in cosmetology or esthetics.
- There have not been any reported cases of unlicensed makeup artists working in salons.
- There have not been reported cases of consumer harm as a result of makeup application.
- Would a 480 hour course in makeup artistry be above and beyond the minimal competency of an individual and should the Board therefore consider this as advanced training?

### **Waxing Certification**

As noted previously, two states offer a waxing certification (Virginia and Wyoming). Both states require the passing of a practical and written examination of which both states utilize the NIC for the examination. Virginia requires a minimum of 115 hours in waxing curriculum be completed and Wyoming requires 125 hours.

No individuals have approached the Board to pursue a stand-alone waxing certificate.

### **Facts to Consider**

- Waxing is part of the cosmetology curriculum and the esthetic curriculum.
- A separate licensing category is breaking apart the existing scope of practice.
- The Milady esthetics fundamental textbook (approved by the Board) has a chapter dedicated to hair removal stating that: Estheticians should have a thorough understanding of hair removal because this is an essential service that estheticians must be able to perform effectively and safely.
- Current curriculum for the esthetics course requires a minimum of 25 hours of technical instruction and 50 practical operations.
- In Fiscal Year 2011/2012, the highest number of reported consumer harm cases was related to waxing.

### **Eyelash Extensions**

No other state singles out the service of eyelash extensions. This procedure is specifically noted in the scope of practice and the curriculum of an esthetician and cosmetologist. While the Board has not received consumer harm cases, there have been reports in the media regarding the dangers of eyelash extensions.

### Facts to Consider

- In May 2013, ABC news reported that the glue used for eyelash extensions may cause allergic reactions.
- May 2013, the Consumer Reports medical advisor issued a statement to use caution when receiving this service.
- The Milady Esthetics Fundamental textbook (approved by the Board) has a section on the application of eyelashes.
- Eyelash extensions are noted in section 7316 of the Business and Professions Code for the scope of practice of a cosmetologist and an esthetician.

### Action Needed By Committee

The Committee should discuss the following points to facilitate this discussion:

- The Committee should determine if the existing scope of practice for any license type should be broken apart in order to allow specialty licensing categories.
- If the Board establishes individual certifications, what are the limits to possible categories. This is a slippery slope as once the scope of practice is broken up, how far can it be minimized. Such as:
  1. Shampooing certificate
  2. Straight Razor Shave certificate
  3. Colorist Certificate
  4. Hair Cutting only Certificate
- Will the Board be approving a new criteria of schools (make-up only, waxing only, etc.)

### Options

- ❖ Keep existing licensure as is to maintain the Board's scope of practice.
- ❖ Consider recognizing advanced training that is approved by industry associations.
- ❖ Recommend legislative language to break up the scope of practice and issue licenses to individual categories.



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## BOARD OF BARBERING & COSMETOLOGY BILL ANALYSIS

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**Author: Assembly Member Eggman**  
**Subject: Master Esthetician License**  
(Co-Author: Senator Wyland)

**Bill Number: AB 1153**

**Version: Amended April 16, 2013**

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### Existing Law:

The Barbering and Cosmetology Act provides for licensure and regulation of cosmetologists, barbers and electrologists. In addition, the Act establishes that skin care and manicuring are both branches of cosmetology and licenses each of those areas as manicurists and estheticians.

The esthetician scope of practice is defined in section 7316 (c) (1), which states:  
Within the practice of cosmetology there exists the specialty branches of skin care and nail care.

- (1) Skin care is any one or more of the following practices:
- (A) Giving facials, applying make-up, giving skin care, removing superfluous hair from the body of any person by use of depilatories, tweezers or waxing, or applying eyelashes to any person.
  - (B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions or creams.
  - (C) Massaging, cleansing, or stimulating the face, neck, arms or upper part of the human body by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

Business and Professions Code section 7324 states the qualifications for admittance to the esthetician examination are:

- Is not less than 17 years of age,
- Has completed the 10<sup>th</sup> grade in a public school of this state or its equivalent,
- Is not subject to denial pursuant to section 480,

- Has done any of the following:
  - (1) Completed a course in skin care from a school approved by the Board.
  - (2) Practiced skin care, as defined in this chapter, outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in skin care from a school the curriculum of which complied with the requirements adopted by the Board. Each three months of practice shall be deemed equivalent of 100 hours of training for qualification under paragraph (1).

California Code of Regulations, section 950.3, states the curriculum for a skin care course shall consist of 600 hours of technical instruction and practical training covering all practices of an esthetician pursuant to section 7316. See Attachment A for the existing esthetician curriculum.

**This Bill:**

This bill provides for the following:

- Establishes title protection for master esthetician.
- Removes the requirement that a 10<sup>th</sup> grade education must be complete in this state for the esthetician license type and the proposed master esthetician.
- Adds section 7324.5 allowing for the Board to admit to an examination for a license as a master esthetician to practice advanced skin care person who meets the following qualifications:
  1. Is not less than 17 years old
  2. Has completed the 10 grade or its equivalent
  3. Is not subject to denial pursuant to section 480
  4. Has done at least one of the following:
    - Completed a course in advance skin care that is approved by the Board
    - Earned a national or international diploma or certification in advanced or master esthetics that is recognized by the Board.
    - Holds a current esthetician’s license pursuant to Section 7324 and either:
      - (A) Provides satisfactory evidence that he or she has worked as an esthetician for a minimum of 2,000 client contact hours, at least 500 hours of which consisted of supervised, advanced skin care treatments.
      - (B) Has completed continuing education coursework in advanced skin care that complies with requirements established by the board and demonstrated that he or she has worked as a master esthetician for a period of time established by the board prior to the effective date of the act that added this section.
- Establishes that the advanced skin care course is not less than 1200 hours.
- Establishes an application and examination fee be the actual cost to the Board.
- Establishes a license fee for a master esthetician to be not more than \$40.

**Analysis:**

**Scope**

The most significant concern in the bill is that it does not address Business and Professions Codes section 7316(b) or 7316(c), which addresses scope of practice of cosmetology and skin

care. Currently, a cosmetologist can perform all functions within the scope of practice for an esthetician. The cosmetologist attends a program of 1600 hours and the esthetician attends 600 hours. The bill as written would continue to allow a cosmetologist to perform all skin care functions by completing the existing 1600 hour course. In addition, without the scope being clarified it is unclear where the Board will make the distinction between the existing esthetician and the proposed master esthetician.

### Examination

Due to the fact that “advanced skin care” is not defined, it is unclear how the Board will examine individuals. Currently, there are two States that license and examine for an advanced esthetician license. Both States utilize the NIC (national) examination. However, their scope is clearly defined. The Candidate Information Bulletin for the national practical advanced esthetician examination indicates that the core domain services of the advanced esthetician are as follows:

- Cleansing the face
- Manual Lymphatic Drainage
- Ultrasonic Exfoliation Treatment
- Jessner’s or 20% BHA Chemical Peel
- Particle Microdermabrasion
- Advanced Facial Treatment-LED
- Electricity and Electrical Equipment-Microcurrent
- Advanced Body Treatment-Dry Exfoliation and Mud or Seaweed Mask

The Candidate Information Bulletin for the national written examination for advanced esthetician indicates the following domain services:

- Skin Analysis
- Exfoliation Methods
- Electricity and Use of Various Electrical Equipment
- Advanced Methods of Hair Removal-Including Laser and Light
- Advanced Facial Treatments
- Advanced Body treatments
- Lymphatic Drainage
- Pre/Post-Operative Treatments

Based on this information, the Board would not be able to adopt the national examination as it currently exists. Business and Professions Code section 7320.5 states that any licensee of the Board who uses a laser is guilty of a misdemeanor. In addition, section 7320 specifies that the chapter confers no authority to practice medicine or surgery.

The information contained in the national examination may present a situation where a licensee crosses into the medical profession and because it specifically tests on the use of lasers as well as LED advanced facials which we believe are medical procedures. The examination could not be adopted as it currently exists.

### Qualifications

The bill establishes three methods in which an individual would qualify to sit for an examination.

1. Completion of a 1200 hour course in advanced esthetics.

Comments

The Board would be required to establish a curriculum based on the exact same scope that is currently the basis for the existing esthetician license.

2. Earned a national or international diploma or certification in advanced or master esthetics that is recognized by the Board.

Comments

It is unclear what national or international diplomas exist. The Board does not currently have this authority for any of its license types.

3. Holds a current esthetician license and shows proof of either working as an esthetician for a minimum of 2,000 client contact hours (of which 500 hours are supervised advanced skin care treatments) or completion of continuing education in advanced skin care and proof that he or she has worked as a master esthetician for a period of time.

Comments

There has been no definition of "advanced skin care". Currently, an esthetician can perform skills that may be referred to as advanced. Because a current esthetician can already perform advanced skills, there is no requirement for an esthetician to be supervised. It is unclear how the Board would verify the 2,000 hours as well as why an esthetician would be supervised for 500 hours. Any evidence or proof to be provided to the Board to indicate that a licensed esthetician is performing advanced skin care would require advanced skin care to be defined.

PROs

- ✓ The ever changing skin care industry raises the risk of consumer harm if adequate training is not provided.
- ✓ A 1200 hours course could be beneficial to provide the additional training.
- ✓ Maintaining a two-tier license allows individuals to go to school for the minimum of 600-hours and be able to choose a career in basic facials and waxing only, while allowing an individual to go to school for a longer period of time to focus on advance skin exfoliation, etc.

CONS

- ✓ No scope of practice is identified to separate the current esthetician from the proposed master esthetician.
- ✓ The national examination cannot be utilized because it contains the use of lasers and may contain other medical practices.
- ✓ Estheticians can take advanced training on their own and make themselves more marketable to high-end or med-spas.
- ✓ By not addressing the cosmetology license and the fact that skin care is a branch of cosmetology, it is allowing cosmetologists to perform services that they have never been trained in.

**Fiscal Impact:**

Programming costs would be involved to add a new license type to the Board's database, however, because of the current status of the Breeze implementation this cost is unknown. In addition, the Board may have to develop its own examination or work with the NIC to modify the examination and those costs are not known. The Board is potentially looking at a minimum cost of \$100,000.

## Attachment A-Existing Curriculum for Skin Care

350 hours of technical instruction and practical training in facials. The required subjects of instruction in facials shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:

Manual, Electrical and Chemical Facials (70 hours of Technical Instruction and 140 Practical Operations):

The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling.

Preparation (15 hours of Technical Instruction):

The subject of Preparation shall include, but not be limited to the following issues:

Client consultation, intake procedures, contraindications, professionalism, client record keeping, pre and post operative care, CPR/AED, salon and spa skills.

(2) 200 Hours of Technical Instruction in Health and Safety

The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction for each subject-matter as follows:

Laws and Regulations (10 hours of Technical Instruction):

The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (40 hours of Technical Instruction):

The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, communicable diseases including HIV/AIDS and Hepatitis B. Chemical composition and purpose of cosmetic and skin care preparation. Elementary chemical makeup, chemical skin peels, physical and chemical changes of matter. Electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.

Disinfection and Sanitation (10 hours of Technical Instruction):

The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures.

Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

Anatomy and Physiology (15 Hours of Technical Instruction):

The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology, Bacteriology, skin analysis and conditions.

50 Hours of Technical Instruction and Practical Training in Hair Removal and Make-up

The required subjects of instruction in Hair Removal shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Eyebrow Beautification (25 hours of Technical Instruction and 50 Practical Operations):

The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow shaping and hair removal techniques, hair analysis, waxing, tweezing, manual or electrical depilatories.

The subject of Make-up shall include, but is not limited to, the following issues: Skin analysis, basic and corrective application, application of false eyelashes.

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1153**

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**Introduced by Assembly Member Eggman**  
(Coauthor: Senator Wyland)

February 22, 2013

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An act to amend Sections ~~7324 and 7364~~ of 7324, 7364, and 7423 of, and to add Sections 7320.6 and 7324.5 to, the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1153, as amended, Eggman. ~~Esthetician: advanced skin care course. Master esthetician: license.~~

~~Existing law requires an applicant for an esthetician license to meet certain educational requirements and authorizes the State Board of Barbering and Cosmetology to approve schools that are licensed by the Bureau for Private Postsecondary and Vocational Education, or a public school in this state, and that provide a course of instruction approved by the board. A skin care course established by a school consists of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by board regulation. law, the Barbering and Cosmetology Act, provides for the licensure and regulation of barbers and cosmetologists, including the practice of skin care by licensed estheticians, by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. The act requires an applicant for an esthetician license to complete an application, pay an application and examination fee, pass the examination, and meet other educational and practice qualifications such as the completion of an approved skin care course of instruction that includes no less than~~

600 hours of practical training and technical instruction that accords with the curriculum established by the board. A violation of the act is a crime, unless otherwise provided.

This bill would provide for the licensure and regulation of master estheticians. The bill would require an applicant for a master esthetician license to complete an application, pay an application and examination fee, pass the examination, and meet other educational and practice qualifications, such as the completion of a 1,200-hour advanced skin care course approved by the board. The bill would ~~allow a school to establish~~ provide that an advanced skin care course shall consist of not less than ~~600~~ 1,200 hours of practical training and technical instruction in accordance with a curriculum established by board regulation. ~~The advanced skin care course would not be a requirement of obtaining an esthetician license.~~ This bill would also prohibit a person who is not licensed as a master esthetician from representing himself or herself as a master esthetician. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

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

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

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

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

1     SECTION 1. Section 7320.6 is added to the Business and  
2     Professions Code, to read:  
3     7320.6. Persons who are not licensed as master estheticians  
4     in this state shall not represent themselves as a master esthetician.  
5     SECTION 1.  
6     SEC. 2. Section 7324 of the Business and Professions Code is  
7     amended to read:  
8     7324. The board shall admit to examination for a license as an  
9     esthetician to practice skin-care, care any person who has made  
10    application to the board in proper-form, form and paid the  
11    application and examination fee required by this chapter, and who  
12    is qualified as follows:

- 1 (a) Is not less than 17 years of age.
- 2 (b) Has completed the 10th grade ~~in the public schools of this~~
- 3 ~~state or its equivalent.~~
- 4 (c) Is not subject to denial pursuant to Section 480.
- 5 (d) Has done any of the following:
- 6 (1) Completed a course in skin care, as described in subdivision
- 7 (a) of Section 7364, from a school approved by the board.
- 8 (2) Practiced skin care, as defined in this chapter, outside of this
- 9 state for a period of time equivalent to the study and training of a
- 10 qualified person who has completed a course in skin care from a
- 11 school the curriculum of which complied with requirements
- 12 adopted by the board. Each three months of practice shall be
- 13 deemed the equivalent of 100 hours of training for qualification
- 14 under paragraph (1).
- 15 (3) Completed the apprenticeship program in skin care specified
- 16 in Article 4 (commencing with Section 7332).

17 *SEC. 3. Section 7324.5 is added to the Business and Professions*

18 *Code, to read:*

19 *7324.5. The board shall admit to examination for a license as*

20 *a master esthetician to practice advanced skin care any person*

21 *who has made application to the board in proper form and paid*

22 *the application and examination fee required by this chapter, and*

23 *who is qualified as follows:*

- 24 (a) *Is not less than 17 years of age.*
- 25 (b) *Has completed the 10th grade or its equivalent.*
- 26 (c) *Is not subject to denial pursuant to Section 480.*
- 27 (d) *Has done at least one of the following:*
- 28 (1) *Completed a course in advanced skin care as described in*
- 29 *subdivision (b) of Section 7364, from a school approved by the*
- 30 *board.*
- 31 (2) *Earned a national or international diploma or certification*
- 32 *in advanced or master esthetics that is recognized by the board.*
- 33 (3) *Holds a current esthetician's license pursuant to Section*
- 34 *7324 and either:*
- 35 (A) *Provides satisfactory evidence that he or she has worked*
- 36 *as an esthetician for a minimum of 2,000 client contact hours, at*
- 37 *least 500 hours of which consisted of supervised, advanced skin*
- 38 *care treatments.*
- 39 (B) *Has completed continuing education coursework in*
- 40 *advanced skin care that complies with requirements established*

1 *by the board and demonstrated that he or she has worked as a*  
2 *master esthetician for a period of time established by the board*  
3 *prior to the effective date of the act that added this section.*

4 ~~SEC. 2.~~

5 *SEC. 4.* Section 7364 of the Business and Professions Code is  
6 amended to read:

7 7364. (a) A skin care course established by a school shall  
8 consist of not less than 600 hours of practical training and technical  
9 instruction in accordance with a curriculum established by board  
10 regulation.

11 (b) An advanced skin care course established by a school shall  
12 consist of not less than ~~600 additional~~ 1,200 hours of practical  
13 training and technical instruction in accordance with a curriculum  
14 established by board regulation. The advanced skin care course is  
15 not a requirement of obtaining an esthetician license.

16 *SEC. 5.* Section 7423 of the Business and Professions Code is  
17 amended to read:

18 7423. The amounts of the fees required by this chapter relating  
19 to licenses for individual practitioners are as follows:

20 (a) (1) Cosmetologist application and examination fee shall be  
21 the actual cost to the board for developing, purchasing, grading,  
22 and administering the examination.

23 (2) A cosmetologist initial license fee shall not be more than  
24 fifty dollars (\$50).

25 (b) (1) An esthetician *or master esthetician* application and  
26 examination fee shall be the actual cost to the board for developing,  
27 purchasing, grading, and administering the examination.

28 (2) An esthetician *or master esthetician* initial license fee shall  
29 not be more than forty dollars (\$40).

30 (c) (1) A manicurist application and examination fee shall be  
31 the actual cost to the board for developing, purchasing, grading,  
32 and administering the examination.

33 (2) A manicurist initial license fee shall not be more than  
34 thirty-five dollars (\$35).

35 (d) (1) A barber application and examination fee shall be the  
36 actual cost to the board for developing, purchasing, grading, and  
37 administering the examination.

38 (2) A barber initial license fee shall be not more than fifty dollars  
39 (\$50).

1 (e) (1) An electrologist application and examination fee shall  
2 be the actual cost to the board for developing, purchasing, grading,  
3 and administering the examination.

4 (2) An electrologist initial license fee shall be not more than  
5 fifty dollars (\$50).

6 (f) An apprentice application and license fee shall be not more  
7 than twenty-five dollars (\$25).

8 (g) The license renewal fee for individual practitioner licenses  
9 that are subject to renewal shall be not more than fifty dollars  
10 (\$50).

11 (h) Notwithstanding Section 163.5 the license renewal  
12 delinquency fee shall be 50 percent of the renewal fee in effect on  
13 the date of renewal.

14 (i) Any preapplication fee shall be established by the board in  
15 an amount sufficient to cover the costs of processing and  
16 administration of the preapplication.

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



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## **BOARD OF BARBERING & COSMETOLOGY**

### **BILL ANALYSIS**

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**Author:** Senator Price  
(Co-Author: Assembly member Gordon)

**Subject:** Sunset Review Bill

**Bill Number:** SB 308

**Version:** Amended May 2, 2013

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#### **Existing Law:**

Existing law provides for the licensure and regulation of barbering and cosmetology by the State Board of Barbering and Cosmetology and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2014.

Existing law provides that a board-approved school of barbering and cosmetology is one that is licensed by the Bureau for Private Postsecondary Education.

#### **This Bill:**

This bill would instead repeal these provisions on January 1, 2016, and specify that the board would be subject to review by the appropriate policy committees of the Legislature upon repeal.

This bill requires a school to be approved by the board before it is approved by the BPPE but allows the application review process to take place simultaneously. In addition, this bill provides the Board with the authority to remove the approval. Specifically stating:

Notwithstanding any other law, the board may revoke, suspend or deny at any time approval of a school on any of the following grounds:

(1) Unprofessional conduct which includes, but is not limited any of the following:

(A) Incompetence or gross negligence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology, or disregard for the health and safety of patrons.

(B) Repeated similar negligent acts.

(C) Conviction of any crime substantially related to the qualifications, functions, or duties of the owner of an approved school, in which case, the records of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

(D) Advertising by means of knowingly false or deceptive statements.

(2) Failure to comply with the requirements of this chapter.

(3) Failure to comply with the rules governing health and safety adopted by the board and approved by the State Department of Public Health, for the regulation of board-approved schools.

(4) Failure to comply with the rules adopted by the board for the regulation of establishments, or any practice licensed and regulated under this chapter.

(5) Continued practice by a person knowingly having an infectious or contagious disease.

(6) Habitual drunkenness, or habitual use of or addiction to the use of any controlled substance.

(7) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(8) Failure to display the license or health and safety rules and regulations in a conspicuous place.

(9) Refusal to permit or interference with an inspection authorized under this chapter.

(10) Any action or conduct that would have warranted the denial of a school approval.

**Analysis:**

SB 308 is the sunset bill established for the Board. This bill will extend the sunset date of the Board from January 1, 2014 to January 1, 2016.

This bill also addresses the issue that the Board grants approval to schools but does not have the authority to remove that approval. As noted in the background paper for the sunset review hearing, this bill formalizes those recommendations to allow the Board to remove its approval. This bill utilizes the existing disciplinary grounds specified in Business and Professions Code section 7403 that are already in place for establishments and licensed individuals.

**Fiscal Impact:**

No significant impact.

AMENDED IN SENATE MAY 2, 2013

AMENDED IN SENATE APRIL 18, 2013

**SENATE BILL**

**No. 308**

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**Introduced by Senator Price**  
(Principal coauthor: Assembly Member Gordon)

February 15, 2013

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An act to amend Sections 5800, 5810, 5812, 7200, 7215.6, 7303, and 7362 of, and to add Sections 5806, 5807, and 5811.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 308, as amended, Price. Professions and vocations.

(1) Existing law authorizes a certified interior designer, as defined, to obtain a stamp from an interior design organization, as defined, that uniquely identifies the designer and certifies that he or she meets certain qualifications and requires the use of that stamp on all drawings and documents submitted to any governmental agency by the designer. Existing law provides that these provisions are repealed on January 1, 2014, and shall be subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection, which has been abolished.

This bill would instead repeal those provisions on January 1, 2018, and would make them subject to review by the appropriate policy committees of the Legislature. The bill would include in the definition of a certified interior designer that a certified interior designer provides plans and documents that illustrate specified things and engages in coordination and collaboration with other design professionals, as specified.

The bill would require a certified interior designer to use a written contract that includes specified information when contracting to provide

interior design services to a client pursuant to these provisions and require that nothing in these provisions prohibit interior design or interior decorator services by any person or retail activity.

The bill would require all meetings of an interior design organization to be subject to the open meeting requirements applicable to state agencies.

(2) Existing law provides for the licensure and regulation of various businesses and professions by boards within the Department of Consumer Affairs, including the State Board of Guide Dogs for the Blind. Existing law requires that the board consist of certain members. Existing law establishes a pilot project to provide an arbitration procedure for the purpose of resolving disputes between a guide dog user and a licensed guide dog school, as specified. Existing law repeals these provisions on January 1, 2014.

This bill would extend the operation of these provisions until January 1, 2018.

(3) Existing law provides for the licensure and regulation of barbering and cosmetology by the State Board of Barbering and Cosmetology and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2014.

This bill would instead repeal these provisions on January 1, ~~2018;~~ 2016, and specify that the board would be subject to review by the appropriate policy committees of the Legislature upon repeal.

Existing law provides that a board-approved school of barbering and cosmetology is one that is licensed by the Bureau for Private Postsecondary Education or a public school in the state, and offers a course of instruction approved by the board.

This bill would require a school to be approved by the board before it is approved by the Bureau for Private Postsecondary Education and authorize both entities to simultaneously process a school's application for approval. The bill would also authorize the board to revoke, suspend, or deny its approval of a school on specified grounds.

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

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

1 SECTION 1. Section 5800 of the Business and Professions  
2 Code is amended to read:  
3 5800. As used in this chapter:

1 (a) “Certified interior designer” means a person who meets all  
2 of the following requirements:

3 (1) Prepares and submits nonstructural or nonseismic plans and  
4 documents consistent with Sections 5805 and 5538 to local building  
5 departments that are of sufficient complexity so as to require the  
6 skills of a licensed contractor to implement them.

7 (2) Engages in programming, planning, designing, and  
8 documenting the construction and installation of nonstructural or  
9 nonseismic elements, finishes, veneers, and furnishings within the  
10 interior spaces of a building.

11 (3) Provides plans and documents that illustrate partition layouts,  
12 horizontal exiting, rated corridors, reflected ceiling plans and  
13 lighting orientation, location of power and communication outlets,  
14 materials, finishes, furniture, interior alterations, fixtures, millwork,  
15 appliances, and equipment.

16 (4) Engages in coordination and collaboration with other design  
17 professionals who may be retained to provide consulting services,  
18 including, but not limited to, architects, engineers, and other  
19 specialty consultants.

20 (5) Has demonstrated by means of education, experience and  
21 examination, the competency to protect and enhance the health,  
22 safety, and welfare of the public.

23 (b) An “interior design organization” means a nonprofit  
24 organization, exempt from taxation under Section 501(c)(3) of  
25 Title 26 of the United States Code, of certified interior designers  
26 whose governing board shall include representatives of the public,  
27 except that an organization that is not currently exempt under that  
28 section that submits an application to the Internal Revenue Service  
29 requesting an exemption under that section shall be eligible to be  
30 an interior design organization if it meets the requirements under  
31 that section within a reasonable period of time.

32 SEC. 2. Section 5806 is added to the Business and Professions  
33 Code, to read:

34 5806. Nothing in this chapter shall prohibit interior design or  
35 interior decorator services by any person or retail activity.

36 SEC. 3. Section 5807 is added to the Business and Professions  
37 Code, to read:

38 5807. (a) A certified interior designer shall use a written  
39 contract when contracting to provide interior design services to a  
40 client pursuant to this chapter. The written contract shall be

1 executed by the certified interior designer and the client, or his or  
2 her representative, prior to the certified interior designer  
3 commencing work. The written contract shall include, but not be  
4 limited to, all of the following:

5 (1) A description of the services to be provided to the client by  
6 the certified interior designer.

7 (2) A description of any basis of compensation applicable to  
8 the contract and the method of payment agreed upon by the parties.

9 (3) The name, address, and certification number of the certified  
10 interior designer and the name and address of the client.

11 (4) A description of the procedure that the certified interior  
12 designer and the client will use to accommodate additional services.

13 (5) A description of the procedure to be used by any party to  
14 terminate the contract.

15 (6) A three-day rescission clause in accordance with Chapter 2  
16 (commencing with Section 1688) of Title 5 of Part 2 of Division  
17 3 of the Civil Code.

18 (7) A written disclosure stating whether the certified interior  
19 designer carries errors and omissions insurance.

20 (b) Subdivision (a) shall not apply to any of the following:

21 (1) Interior design services rendered by a certified interior  
22 designer for which the client will not pay compensation.

23 (2) Interior design services rendered by a certified interior  
24 designer to any of the following:

25 (A) An architect licensed under Chapter 3 (commencing with  
26 Section 5500).

27 (B) A landscape architect licensed under Chapter 3.5  
28 (commencing with Section 5615).

29 (C) An engineer licensed under Chapter 7 (commencing with  
30 Section 6700).

31 (c) As used in this section, "written contract" includes a contract  
32 in electronic form.

33 SEC. 4. Section 5810 of the Business and Professions Code is  
34 amended to read:

35 5810. (a) This chapter shall be subject to review by the  
36 appropriate policy committees of the Legislature.

37 (b) This chapter shall remain in effect only until January 1,  
38 2018, and as of that date is repealed, unless a later enacted statute,  
39 that is enacted before January 1, 2018, deletes or extends that date.

1 SEC. 5. Section 5811.1 is added to the Business and Professions  
2 Code, to read:

3 5811.1. The meetings of an interior design organization issuing  
4 stamps under Section 5801 shall be subject to the rules of the  
5 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
6 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
7 the Government Code).

8 SEC. 6. Section 5812 of the Business and Professions Code is  
9 amended to read:

10 5812. It is an unfair business practice for any person to  
11 represent or hold himself or herself out as, or to use the title  
12 “certified interior designer” or any other term, such as “licensed,”  
13 “registered,” or “CID,” that implies or suggests that the person is  
14 certified as an interior designer when he or she does not hold a  
15 valid certification as provided in Sections 5800 and 5801.

16 SEC. 7. Section 7200 of the Business and Professions Code is  
17 amended to read:

18 7200. (a) There is in the Department of Consumer Affairs a  
19 State Board of Guide Dogs for the Blind in whom enforcement of  
20 this chapter is vested. The board shall consist of seven members  
21 appointed by the Governor. One member shall be the Director of  
22 Rehabilitation or his or her designated representative. The  
23 remaining members shall be persons who have shown a particular  
24 interest in dealing with the problems of the blind, and at least two  
25 of them shall be blind persons who use guide dogs.

26 (b) This section shall remain in effect only until January 1, 2018,  
27 and as of that date is repealed, unless a later enacted statute, that  
28 is enacted before January 1, 2018, deletes or extends that date.  
29 Notwithstanding any other law, the repeal of this section renders  
30 the board subject to review by the appropriate policy committees  
31 of the Legislature.

32 SEC. 8. Section 7215.6 of the Business and Professions Code  
33 is amended to read:

34 7215.6. (a) In order to provide a procedure for the resolution  
35 of disputes between guide dog users and guide dog schools relating  
36 to the continued physical custody and use of a guide dog, in all  
37 cases except those in which the dog user is the unconditional legal  
38 owner of the dog, the following arbitration procedure shall be  
39 established as a pilot project.

1 (b) This procedure establishes an arbitration panel for the  
2 settlement of disputes between a guide dog user and a licensed  
3 guide dog school regarding the continued use of a guide dog by  
4 the user in all cases except those in which the dog user is the  
5 unconditional legal owner of the dog. The disputes that may be  
6 subject to this procedure concern differences between the user and  
7 school over whether or not a guide dog should continue to be used,  
8 differences between the user and school regarding the treatment  
9 of a dog by the user, and differences over whether or not a user  
10 should continue to have custody of a dog pending investigation of  
11 charges of abuse. It specifically does not address issues such as  
12 admissions to schools, training practices, or other issues relating  
13 to school standards. The board and its representative are not parties  
14 to any dispute described in this section.

15 (c) The licensed guide dog schools in California and the board  
16 shall provide to guide dog users graduating from guide dog  
17 programs in these schools a new avenue for the resolution of  
18 disputes that involve continued use of a guide dog, or the actual  
19 physical custody of a guide dog. Guide dog users who are  
20 dissatisfied with decisions of schools regarding continued use of  
21 guide dogs may appeal to the board to convene an arbitration panel  
22 composed of all of the following:

- 23 (1) One person designated by the guide dog user.
- 24 (2) One person designated by the licensed guide dog school.
- 25 (3) A representative of the board who shall coordinate the  
26 activities of the panel and serve as chair.

27 (d) If the guide dog user or guide dog school wishes to utilize  
28 the arbitration panel, this must be stated in writing to the board.  
29 The findings and decision of the arbitration panel shall be final  
30 and binding. By voluntarily agreeing to having a dispute resolved  
31 by the arbitration panel and subject to its procedures, each party  
32 to the dispute shall waive any right for subsequent judicial review.

33 (e) (1) A licensed guide dog school that fails to comply with  
34 any provision of this section shall automatically be subject to a  
35 penalty of two hundred fifty dollars (\$250) per day for each day  
36 in which a violation occurs. The penalty shall be paid to the board.  
37 The license of a guide dog school shall not be renewed until all  
38 penalties have been paid.

39 (2) The penalty shall be assessed without advance hearing, but  
40 the licensee may apply to the board for a hearing on the issue of

1 whether the penalty should be modified or set aside. This  
2 application shall be in writing and shall be received by the board  
3 within 30 days after service of notice of the penalty. Upon receipt  
4 of this written request, the board shall set the matter for hearing  
5 within 60 days.

6 (f) As a general rule, custody of the guide dog shall remain with  
7 the guide dog user pending a resolution by the arbitration panel.  
8 In circumstances where the immediate health and safety of the  
9 guide dog user or guide dog is threatened, the licensed school may  
10 take custody of the dog at once. However, if the dog is removed  
11 from the user's custody without the user's concurrence, the school  
12 shall provide to the board the evidence that caused this action to  
13 be taken at once and without fail; and within five calendar days a  
14 special committee of two members of the board shall make a  
15 determination regarding custody of the dog pending hearing by  
16 the arbitration panel.

17 (g) (1) The arbitration panel shall decide the best means to  
18 determine final resolution in each case. This shall include, but is  
19 not limited to, a hearing of the matter before the arbitration panel  
20 at the request of either party to the dispute, an opportunity for each  
21 party in the dispute to make presentations before the arbitration  
22 panel, examination of the written record, or any other inquiry as  
23 will best reveal the facts of the disputes. In any case, the panel  
24 shall make its findings and complete its examination within 45  
25 calendar days of the date of filing the request for arbitration, and  
26 a decision shall be rendered within 10 calendar days of the  
27 examination.

28 (2) All *arbitration* hearings shall be held at sites convenient to  
29 the parties and with a view to minimizing costs. Each party to the  
30 arbitration shall bear its own costs, except that the arbitration panel,  
31 by unanimous agreement, may modify this arrangement.

32 (h) The board may study the effectiveness of the arbitration  
33 panel pilot project in expediting resolution and reducing conflict  
34 in disputes between guide dog users and guide dog schools and  
35 may share its findings with the Legislature upon request.

36 (i) This section shall remain in effect only until January 1, 2018,  
37 and as of that date is repealed, unless a later enacted statute, that  
38 is enacted before January 1, 2018, deletes or extends that date.

39 SEC. 9. Section 7303 of the Business and Professions Code is  
40 amended to read:

1 7303. (a) Notwithstanding Article 8 (commencing with Section  
2 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the  
3 Government Code, there is in the Department of Consumer Affairs  
4 the State Board of Barbering and Cosmetology in which the  
5 administration of this chapter is vested.

6 (b) The board shall consist of nine members. Five members  
7 shall be public members, and four members shall represent the  
8 professions. The Governor shall appoint three of the public  
9 members and the four professional members. The Senate  
10 Committee on Rules and the Speaker of the Assembly shall each  
11 appoint one public member. Members of the board shall be  
12 appointed for a term of four years, except that of the members  
13 appointed by the Governor, two of the public members and two  
14 of the professions members shall be appointed for an initial term  
15 of two years. No board member may serve longer than two  
16 consecutive terms.

17 (c) The board may appoint an executive officer who is exempt  
18 from civil service. The executive officer shall exercise the powers  
19 and perform the duties delegated by the board and vested in him  
20 or her by this chapter. The appointment of the executive officer is  
21 subject to the approval of the director. In the event that a newly  
22 authorized board replaces an existing or previous bureau, the  
23 director may appoint an interim executive officer for the board  
24 who shall serve temporarily until the new board appoints a  
25 permanent executive officer.

26 (d) The executive officer shall provide examiners, inspectors,  
27 and other personnel necessary to carry out the provisions of this  
28 chapter.

29 (e) This section shall remain in effect only until January 1, ~~2018~~,  
30 ~~2016~~, and as of that date is repealed, unless a later enacted statute,  
31 that is enacted before January 1, ~~2018~~, ~~2016~~, deletes or extends  
32 that date. Notwithstanding any other law, the repeal of this section  
33 renders the board subject to review by the appropriate policy  
34 committees of the Legislature.

35 SEC. 10. Section 7362 of the Business and Professions Code  
36 is amended to read:

37 7362. (a) A school approved by the board is one that is first  
38 approved by the board and subsequently approved by the Bureau  
39 for Private Postsecondary Education or is a public school in this  
40 state, and provides a course of instruction approved by the board.

1 However, notwithstanding any other law, both the board and the  
2 Bureau for Private Postsecondary Education may simultaneously  
3 process a school's application for approval.

4 (b) The board shall determine by regulation the required subjects  
5 of instruction to be completed in all approved courses, including  
6 the minimum hours of technical instruction and minimum number  
7 of practical operations for each subject, and shall determine how  
8 much training is required before a student may begin performing  
9 services on paying patrons.

10 (c) Notwithstanding any other law, the board may revoke,  
11 suspend, or deny at any time approval of a school on any of the  
12 following grounds:

13 (1) Unprofessional conduct which includes, but is not limited  
14 to, any of the following:

15 (A) Incompetence or gross negligence, including failure to  
16 comply with generally accepted standards for the practice of  
17 barbering, cosmetology, or electrology, or disregard for the health  
18 and safety of patrons.

19 (B) Repeated similar negligent acts.

20 (C) Conviction of any crime substantially related to the  
21 qualifications, functions, or duties of the owner of an approved  
22 school, in which case, the records of conviction or a certified copy  
23 thereof shall be conclusive evidence of the conviction.

24 (D) Advertising by means of knowingly false or deceptive  
25 statements.

26 (2) Failure to comply with the requirements of this chapter.

27 (3) Failure to comply with the rules governing health and safety  
28 adopted by the board and approved by the State Department of  
29 Public Health, for the regulation of board-approved schools.

30 (4) Failure to comply with the rules adopted by the board for  
31 the regulation of establishments, or any practice licensed and  
32 regulated under this chapter.

33 (5) Continued practice by a person knowingly having an  
34 infectious or contagious disease.

35 (6) Habitual drunkenness, or habitual use of or addiction to the  
36 use of any controlled substance.

37 (7) Obtaining or attempting to obtain practice in any occupation  
38 licensed and regulated under this chapter, or money, or  
39 compensation in any form, by fraudulent misrepresentation.

- 1 (8) Failure to display the license or health and safety rules and
- 2 regulations in a conspicuous place.
- 3 (9) Refusal to permit or interference with an inspection
- 4 authorized under this chapter.
- 5 (10) Any action or conduct that would have warranted the denial
- 6 of a school approval.



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## BOARD OF BARBERING & COSMETOLOGY BILL ANALYSIS

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**Author: Senator Price**

**Subject: Spot Bill**

**Bill Number: SB 689**

**Version: Introduced Version**

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**Existing Law:**

Existing law provides for the licensure and regulation of the practice of Barbering and Cosmetology, including the practice of skin care by licensed estheticians, and exempts specified persons from those requirements.

**This Bill:**

This bill makes non substantive changes to those provisions. Specifically, it adds “and Rehabilitation” when referring to the Department of Corrections.

**Analysis:** This bill is a spot bill.

**Fiscal Impact:** None

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**Introduced by Senator Price**

February 22, 2013

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An act to amend Section 7319 of the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

SB 689, as introduced, Price. Barbering and cosmetology.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of barbering and cosmetology, including the practice of skin care by licensed estheticians, and exempts specified persons from those requirements.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

- 1 SECTION 1. Section 7319 of the Business and Professions  
2 Code is amended to read:  
3 7319. The following persons are exempt from this chapter:  
4 (a) All persons authorized by the laws of this state to practice  
5 medicine, surgery, dentistry, pharmacy, osteopathic medicine,  
6 chiropractic, naturopathy, podiatry, or nursing and acting within  
7 the scope of practice for which they are licensed.  
8 (b) Commissioned officers of the United States Army, Navy,  
9 Air Force, Marine Corps, members of the United States Public  
10 Health Service, and attendants attached to those services when  
11 engaged in the actual performance of their official duties.

1 (c) Persons employed to render barbering, cosmetology, or  
2 electrolysis services in the course of and incidental to the business  
3 of employers engaged in the theatrical, radio, television or motion  
4 picture production industry.

5 (d) Persons engaged in any practice within its scope when done  
6 outside of a licensed establishment, without compensation.

7 (e) Persons engaged in the administration of hair, skin, or nail  
8 products for the exclusive purpose of recommending,  
9 demonstrating, or selling those products.

10 (f) Persons who render barbering or cosmetology services in an  
11 institutional program during the course of and incidental to the  
12 incarceration or confinement of inmates, prisoners, or persons  
13 charged with a crime. However, all of the following conditions  
14 shall apply:

15 (1) Those persons shall complete a barbering training course,  
16 developed by the Department of Corrections *and Rehabilitation*  
17 and approved by the Department of Consumer Affairs, in the proper  
18 care of instruments and the prevention of infectious diseases.

19 (2) Those persons shall successfully pass an examination,  
20 developed and administered by the Department of Corrections *and*  
21 *Rehabilitation*, on the proper care of instruments and the prevention  
22 of infectious diseases.

23 (3) All barbering facilities located in correctional institutions  
24 shall be subject to all appropriate health and safety sanitation  
25 standards, as determined by the Department of Corrections *and*  
26 *Rehabilitation*.

*No Attachment*