CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY

JULY 15, 2013
Board Meeting
Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room S-102
Sacramento, CA 95834

BarberCosmo
Board of Barbering & Cosmetology

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. Kari 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

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

Board Meeting Agenda

Monday, July 15, 2013
11:00 A.M.
Until completion of business

Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room S-102, 1st Floor
Sacramento, CA 95834

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call **(Joseph Federico)**

2. Public Comment on Items not on the Agenda
   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)

3. Board President's Report **(Joseph Federico)**

4. Executive Officer Report **(Kristy Underwood)**

   - Review of Board Statistics

5. Approval of Board Meeting Minutes

   - April 8, 2013
   - May 6, 2013

6. Committee Reports

   A. Legislative and Budgets Committee **(Joseph Federico, Chair)**

      1. Report on the June 3, 2013 Meeting
      2. Update and Discussion of Proposed Bills that could Impact BBC:

         a. AB 1153 – Advanced Esthetician Curriculum Bill
         b. SB 308 – Sunset Review Bill

      3. Proposed Regulations – Review and Approval of Proposed Changes to the Apprenticeship Program:
         a. Title 16, Division 9, Article 3 of the California Code of Regulations Sections: 914, 918, 921, 921.1 and 921.2.

California State Board of Barbering and Cosmetology

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

B. Enforcement and Inspections Committee **(Richard Hedges, Chair)**

1. Report on the June 3, 2013 Meeting
2. Discussion and Recommendations on Ways the Board Can Prevent Unlicensed Activity (Mobile Licensees)
3. Discussion on Lash/Brow Tinting
4. Discussion of the Option of Offering Remedial Education in Lieu of a Citation and/or Fine

7. Proposed Regulations – Review and Approval of Proposed Changes to:

- Title 16, Division 9, Article 12 of the California Code of Regulations Sections: 977, 978, 979, 980.1, 980.2, 980.3, 981, 982, 983, 987, 991, and 992 that relates to Health and Safety.

- Title 16, Division 9, Article 6, Section 940 of the California Code of Regulations that relates to Minimum Equipment of Schools

8. Proposed Board Meeting Dates For 2014

9. Discussion and Review of Regulations Pertaining to Cross-Over Courses:

- Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8, 950.9 and 950.10

10. Agenda Items for Next Meeting

11. 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)]

12. **CLOSED SESSION:**

Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3))

OPEN SESSION:

13. Adjournment

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.

No Attachment

No Attachment

No Attachment

Quarterly Barbering and Cosmetology Licensing Statistics
Fiscal Year 12/13

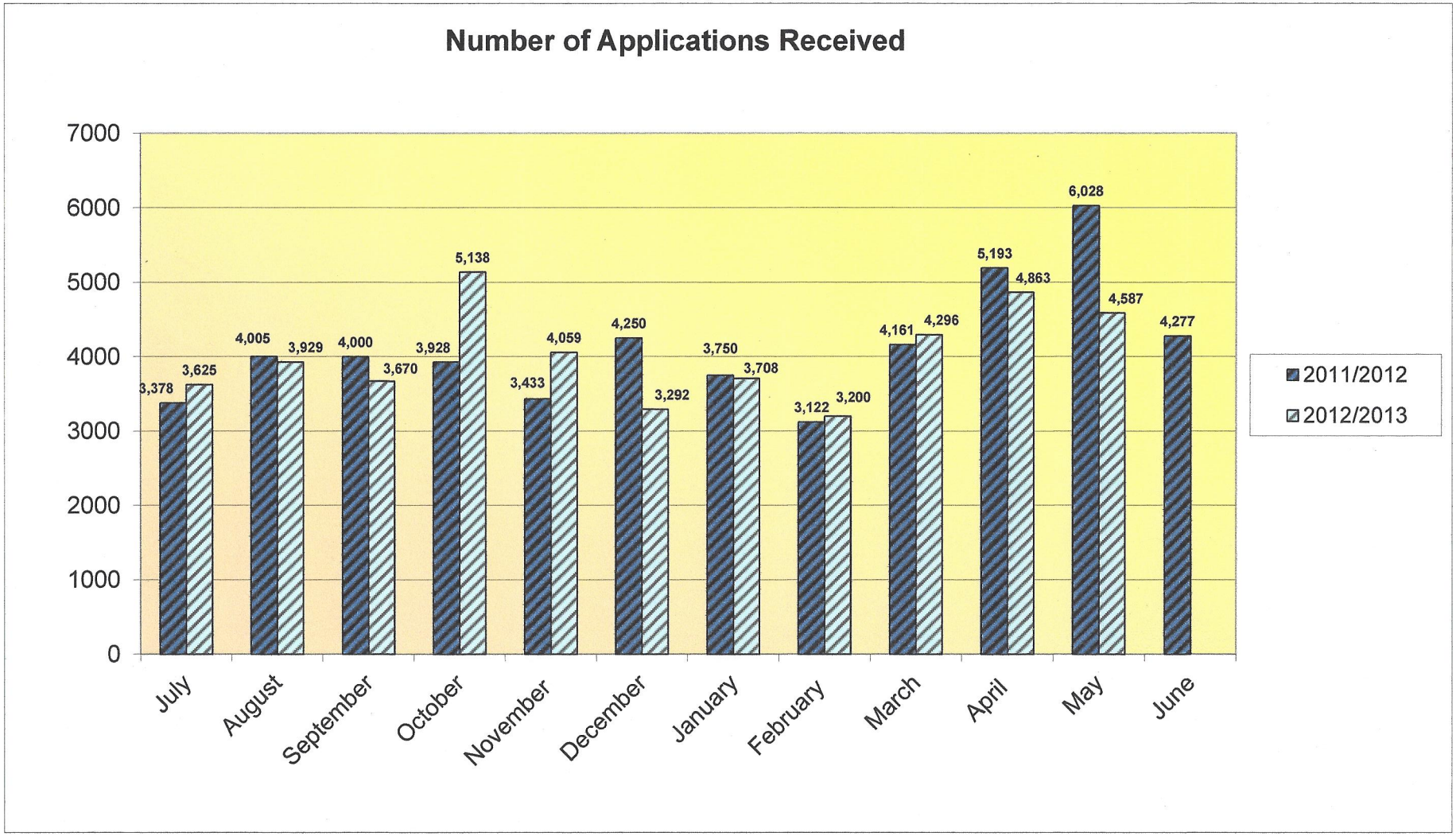
Applications Received

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June*	YTD*
Establishment	1,497	1,532	1,356	1,118	5,503
Barber	499	550	511	453	2,013
Barber Apprentice	69	98	84	95	346
Cosmetology	5,448	6,242	5,719	4,691	22,100
Cosmetology Apprentice	85	144	103	81	413
Electrology	8	8	11	8	35
Manicuring	1,978	2,109	1,804	1,631	7,522
Esthetician	1,640	1,806	1,615	1,373	6,434
Total	**11,224**	**12,489**	**11,203**	**9,450**	**44,366**

Licenses Issued

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June*	YTD*
Establishment	1,834	1,113	1,621	1,223	5,791
Mobile Unit	0	3	0	0	3
Barber	416	331	328	286	1,361
Barber Apprentice	61	70	93	69	293
Cosmetology	3,118	3,047	3,148	1,983	11,296
Cosmetology Apprentice	85	102	104	57	348
Electrology	7	3	6	7	23
Electrology Apprentice	0	0	0	0	0
Manicuring	1,346	1,102	1,360	790	4,598
Esthetician	1,356	1,027	1,419	745	4,547
Total	**8,223**	**6,798**	**8,079**	**5,160**	**28,260**

* Data is for April-May only


Number of Applications Received
7000
6000
5000
4000
3000
2000
1000
0
3,378
3,625
4,005
3,929
4,000
3,670
3,928
5,138
3,433
4,059
4,250
3,292
3,750
3,708
3,122
3,200
4,161
4,296
5,193
4,863
6,028
4,587
4,277
July
August
September
October
November
December
January
February
March
April
May
June
2011/2012
2012/2013

Examination Results
(March 1, 2013- May 31, 2013)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate	*DNA
Barber	374	93	467	**80%**	103
Cosmetologist	3,504	382	3,886	**90%**	586
Esthetician	1,194	95	1,289	**93%**	85
Electrologist	9	0	9	**100%**	0
Manicurist	1,327	198	1,525	**87%**	151
TOTAL	**6,408**	**768**	**7,176**	**89%**	**925**

*** Did Not Attend**

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	348	89	437	**80%**
Spanish	18	5	23	**78%**
Vietnamese	8	3	11	**73%**
Korean	0	2	2	**0%**
TOTAL	**374**	**99**	**471**	**79%**

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,348	1,736	4,084	**57%**
Spanish	86	269	355	**24%**
Vietnamese	233	157	390	**60%**
Korean	28	13	41	**68%**
TOTAL	**2,667**	**2,162**	**4,829**	**55%**

Manicurist	Passed	Failed	Total	Pass Rate
English	342	176	518	**66%**
Spanish	10	10	20	**50%**
Vietnamese	749	490	1,239	**60%**
Korean	17	7	24	**71%**
TOTAL	**1,101**	**683**	**1,777**	**62%**

Esthetician	Passed	Failed	Total	Pass Rate
English	781	184	965	**81%**
Spanish	0	0	0	**0%**
Vietnamese	357	78	435	**82%**
Korean	20	10	30	**67%**
TOTAL	**1,158**	**272**	**1,400**	**83%**

Electrologist	Passed	Failed	Total	Pass Rate
English	7	1	8	**88%**
Spanish	0	0	0	**0%**
Vietnamese	0	0	0	**0%**
Korean	0	0	0	**0%**
TOTAL	**7**	**1**	**8**	**88%**

State and Consumer Services Agency – Governor Edmund G. Brown Jr.
BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
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QUARTERLY BARBERING AND COSMETOLOGY DISCIPLINARY REVIEW COMMITTEE STATISTICS

Fiscal Year 12-13

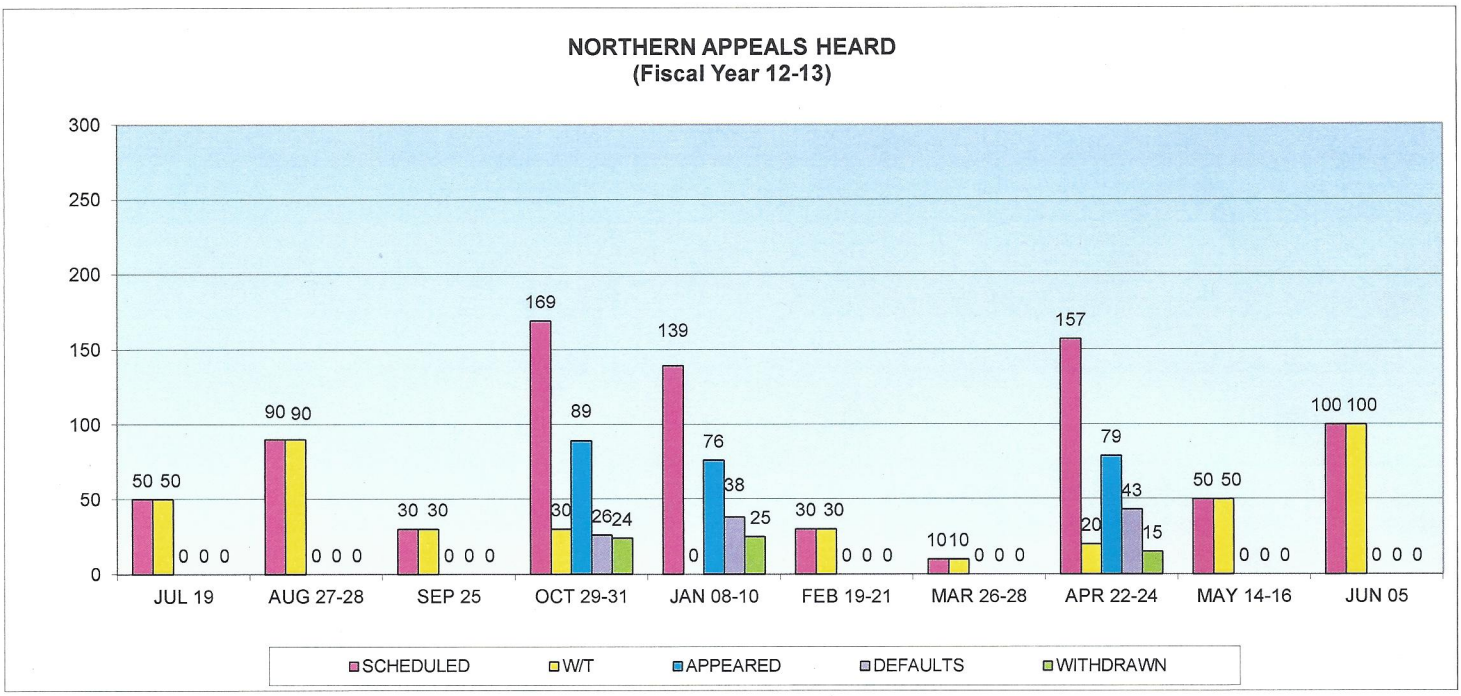
Report Date: June 30, 2013

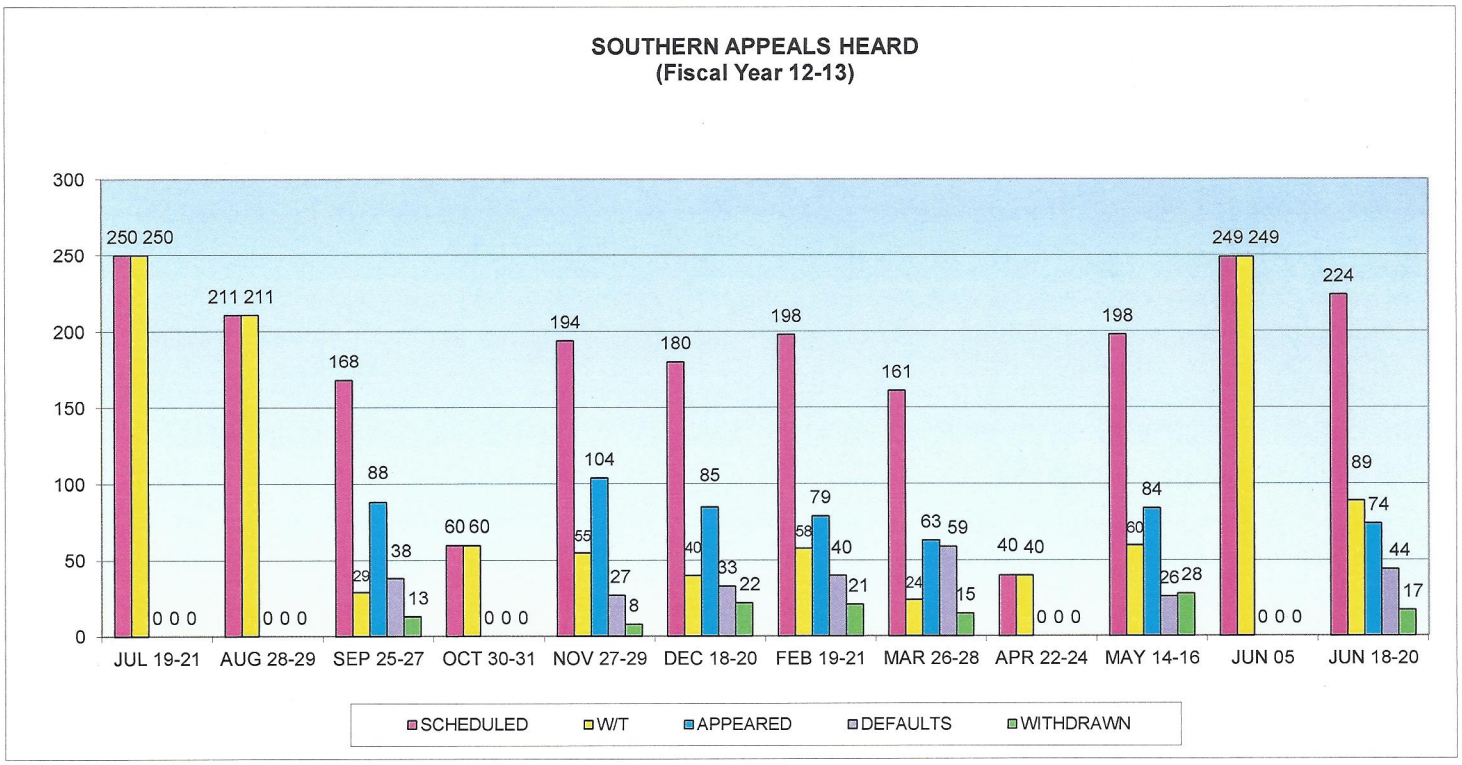
	April - June	YTD
NORTHERN		
Heard	307	825
Received	220	864
Pending[1]	786	786[2]
SOUTHERN		
Heard	711	2,133
Received	517	2,224
Pending[1]	1,765	1,765[2]

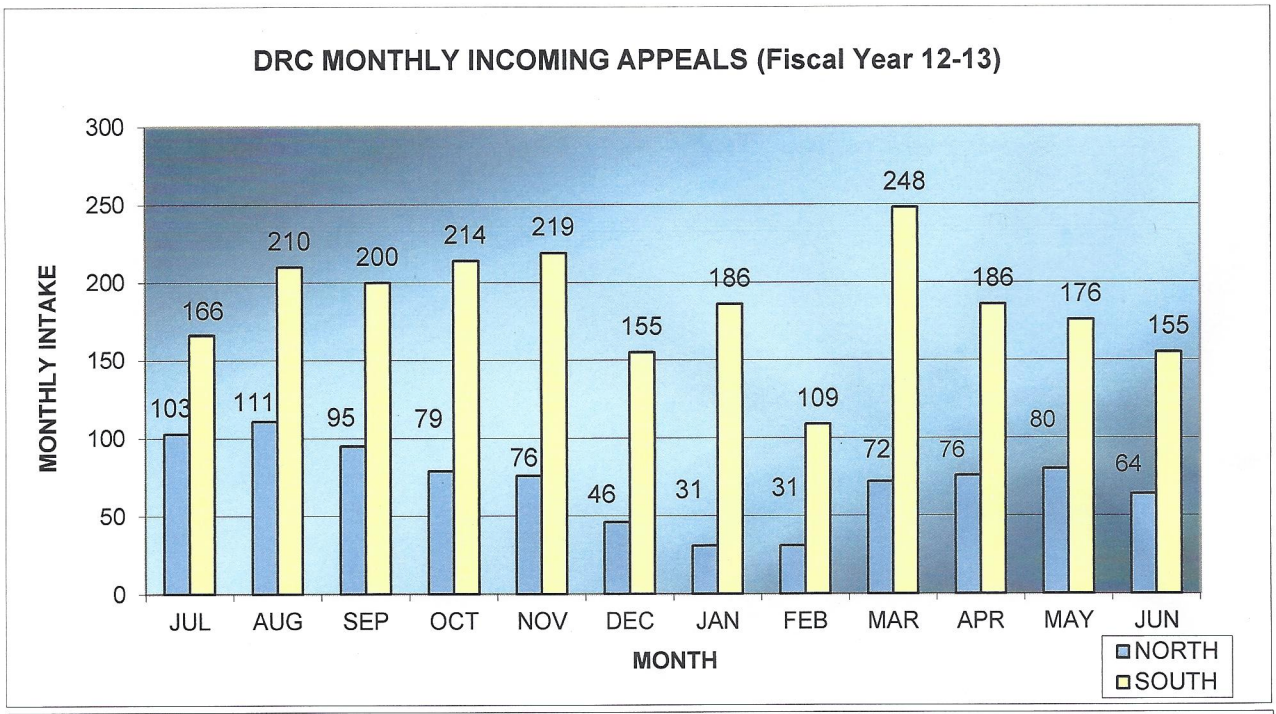
[1] Pending refers to the number of appeals received but not yet heard by DRC.
[2]Figure represents number of pending requests as of report date.

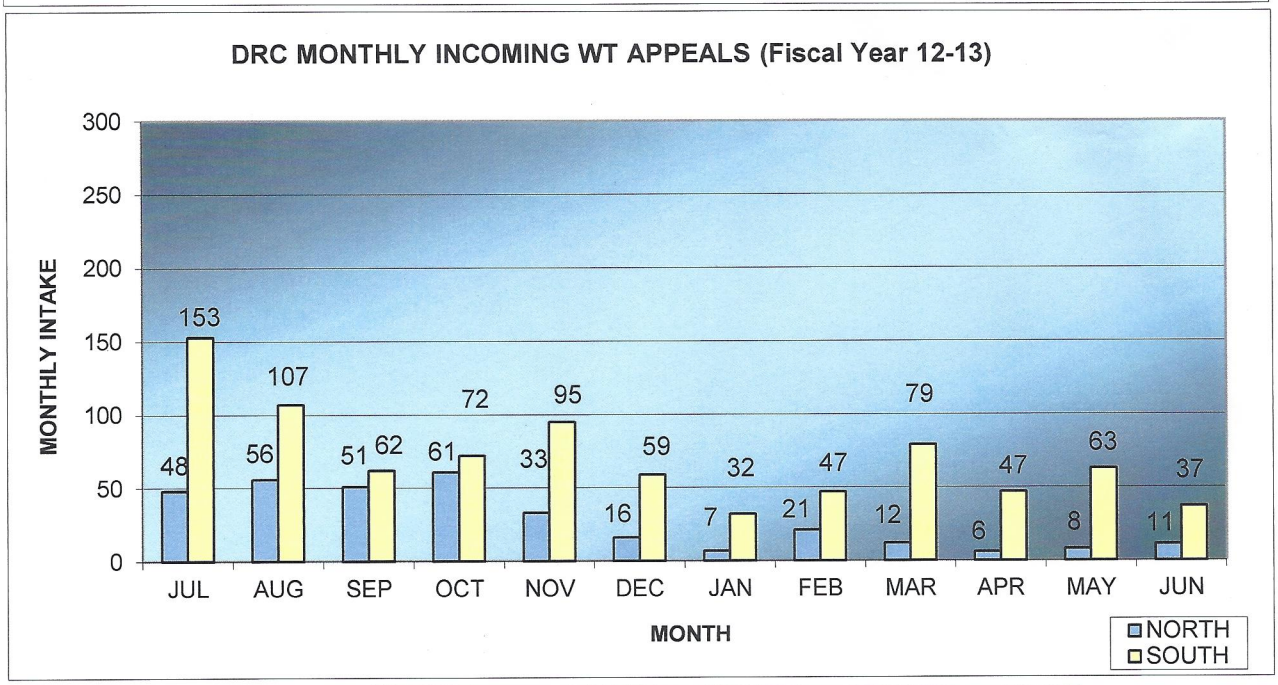
2013 SCHEDULED HEARINGS

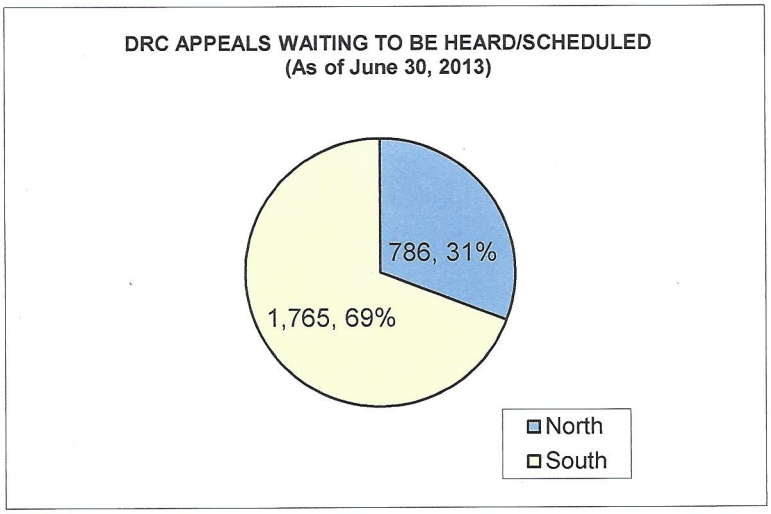
Northern	Sacramento	July 29-31, 2013
Southern	Norwalk	August 27-29, 2013
Southern	Los Angeles	September 24-26, 2013
Southern	San Diego	October 22-24, 2013
Northern	Sacramento	November 18-20, 2013
Southern	Los Angeles	December 17-19, 2013


NORTHERN APPEALS HEARD
(Fiscal Year 12-13)
300
250
200
150
100
50
0
50 50 0 0 0
90 90 0 0 0
30 30 0 0 0
169 30 89 26 24
139 0 76 38 25
30 30 0 0 0
10 10 0 0 0
157 20 79 43 15
50 50 0 0 0
100 100 0 0 0
JUL 19
AUG 27-28
SEP 25
OCT 29-31
JAN 08-10
FEB 19-21
MAR 26-28
APR 22-24
MAY 14-16
JUN 05
SCHEDULED
W/T
APPEARED
DEFAULTS
WITHDRAWN


SOUTHERN APPEALS HEARD
(Fiscal Year 12-13)
300
250
200
150
100
50
0
250 250 0 0 0
211 211 0 0 0
168 29 88 38 13
60 60 0 0 0
194 55 104 27 8
180 40 85 33 22
198 58 79 40 21
161 24 63 59 15
40 40 0 0 0
198 60 84 26 28
249 249 0 0 0
224 89 74 44 17
JUL 19-21
AUG 28-29
SEP 25-27
OCT 30-31
NOV 27-29
DEC 18-20
FEB 19-21
MAR 26-28
APR 22-24
MAY 14-16
JUN 05
JUN 18-20
SCHEDULED
W/T
APPEARED
DEFAULTS
WITHDRAWN


DRC MONTHLY INCOMING APPEALS (Fiscal Year 12-13)
MONTHLY INTAKE
300
250
200
150
100
50
0
103
166
111
210
95
200
79
214
76
219
46
155
31
186
31
109
72
248
76
186
80
176
64
155
JUL
AUG
SEP
OCT
NOV
DEC
JAN
FEB
MAR
APR
MAY
JUN
MONTH
NORTH
SOUTH


DRC MONTHLY INCOMING WT APPEALS (Fiscal Year 12-13)
MONTHLY INTAKE
300
250
200
150
100
50
0
48
153
56
107
51
62
61
72
33
95
16
59
7
32
21
47
12
79
6
47
8
63
11
37
JUL
AUG
SEP
OCT
NOV
DEC
JAN
FEB
MAR
APR
MAY
JUN
MONTH
NORTH
SOUTH


DRC APPEALS WAITING TO BE HEARD/SCHEDULED
(As of June 30, 2013)
786, 31%
1,765, 69%
North
South

QUARTERLY BARBERING AND COSMETOLOGY
ENFORCEMENT STATISTICS Fiscal Year 12-13

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun*	YTD*
COMPLAINTS					
Complaints Received	845	680	720	372	2,617
Referred to DOI	9	14	13	3	39
Complaints Closed	813	753	1,171	221	2,958
Total Complaints Pending	853	885	784	863	863
APPLICATION INVESTIGATIONS					
Received	435	471	409	289	1,604
Pending	66	94	154	0	314
Closed	420	422	464	284	1,590
ATTORNEY GENERAL					
Referred	28	16	29	17	90
Accusations Filed	10	16	14	13	53
Statement of Issues Filed	1	1	0	0	2
Total Pending	107	104	106	106	106
DISCIPLINARY PROCESS					
Proposed Decisions	6	7	1	2	16
Default Decision	3	4	6	1	14
Stipulation	9	11	10	11	41
DISCIPLINARY OUTCOMES					
Revocation	8	10	11	5	34
Revoke, Stay, Probation	4	11	2	1	18
Revoke, Stay, Suspend/Prob	7	2	5	9	23
Revocation, Stay w/ Suspend	0	0	0	0	0
Probation Only	0	0	0	0	0
Suspension Only	0	0	0	0	0
Suspension & Probation	0	0	0	0	0
Suspension, Stay, Probation	5	4	5	3	17
Surrender of License	0	2	6	3	11
Public Reprimands	0	0	0	0	0
License Denied	2	0	2	1	5
Other	0	0	0	0	0
Total	26	29	31	22	108
PROBATION					
Active	164	149	134	133	151

***Only includes data from April 2013 and May 2013.**

QUARTERLY BARBERING AND COSMETOLOGY
INSPECTION AND CITATIONS STATISTICS Fiscal Year 12-13

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun*	YTD
CITATIONS					
Establishments	2,421	2,158	1,919	1,470	7,968
Barber	142	150	118	101	511
Barber Apprentice	10	3	5	7	25
Cosmetologist	825	729	659	431	2,644
Cosmetologist Apprentice	10	11	10	4	35
Electrologist	0	0	0	2	2
Electrologist Apprentice	0	0	0	0	0
Manicurist	594	520	478	363	1,955
Esthetician	63	47	46	40	196
Unlicensed Est.	96	112	113	67	388
Unlicensed Individual	128	155	106	93	482
Total	4,289	3,885	3,454	2,578	14,206
INSPECTIONS					
Establishments w/ violations	2,408	2,140	1,902	1,470	7,920
Establishments w/o violations	328	418	613	608	1,967
Total	2,736	2,558	2,515	2,078	9,887

***Only includes data from April 2013 and May 2013.**

BarberCosmo
Board of Barbering & Cosmetology

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Budget Updates

Constraints:

On April 26, 2011, the Governor issued Executive Order B-06-11 ordering No travel, either in state or out-of-state, is permitted unless it is mission critical or there is no cost to the state. The board prepared a reduction plan for FY 2012-13. The plan included eliminating the attendance to all outreach events and two (2) staff members will be traveling to conduct the scheduled disciplinary review hearings in Southern CA. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

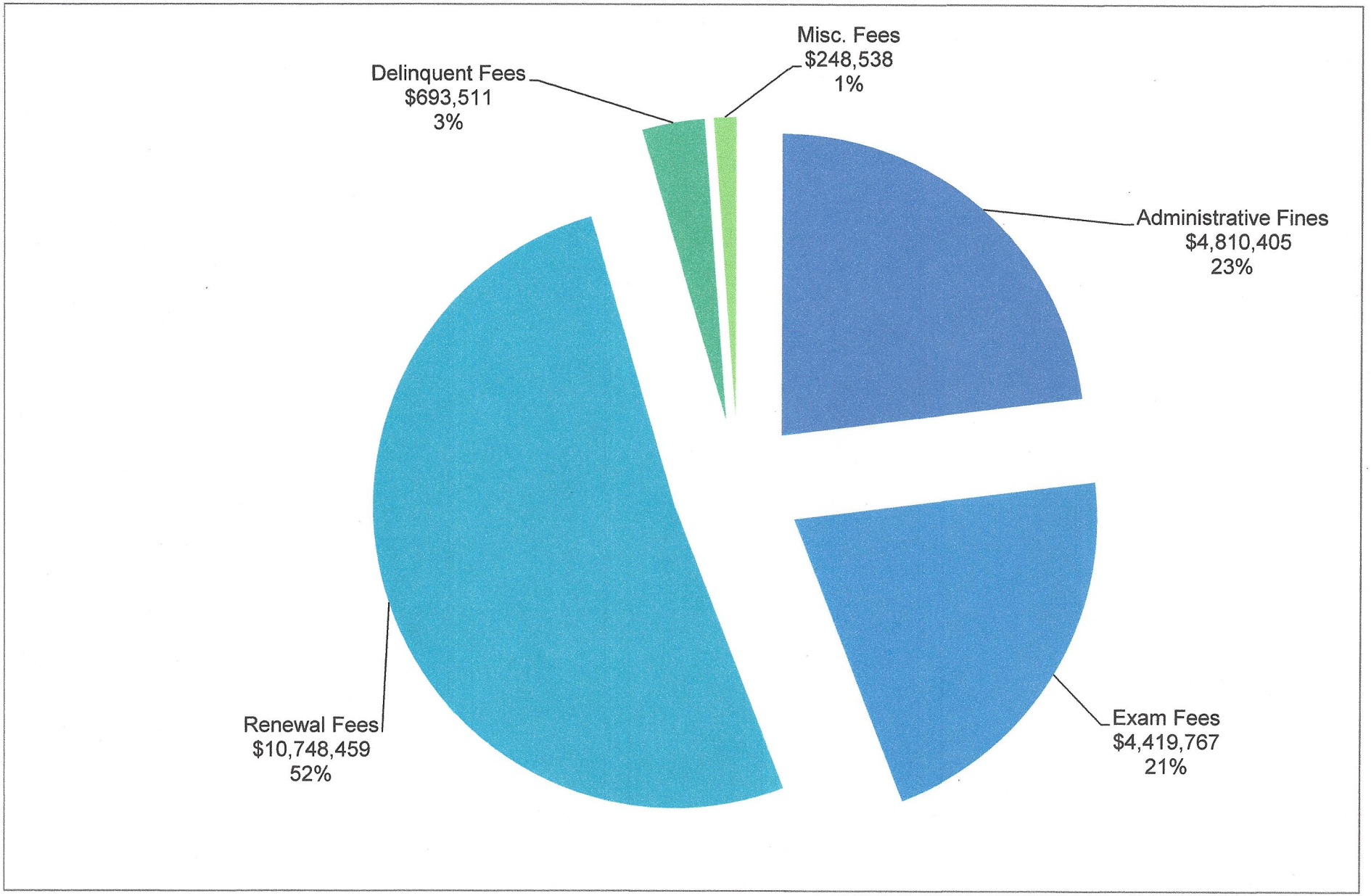
1. Budget 2012/13 Fiscal Year (July 2012 - June 2013):

Chart 1 displays the revenues received as of May 31, 2013.

Chart 2 displays the expenditures as of May 31, 2013.

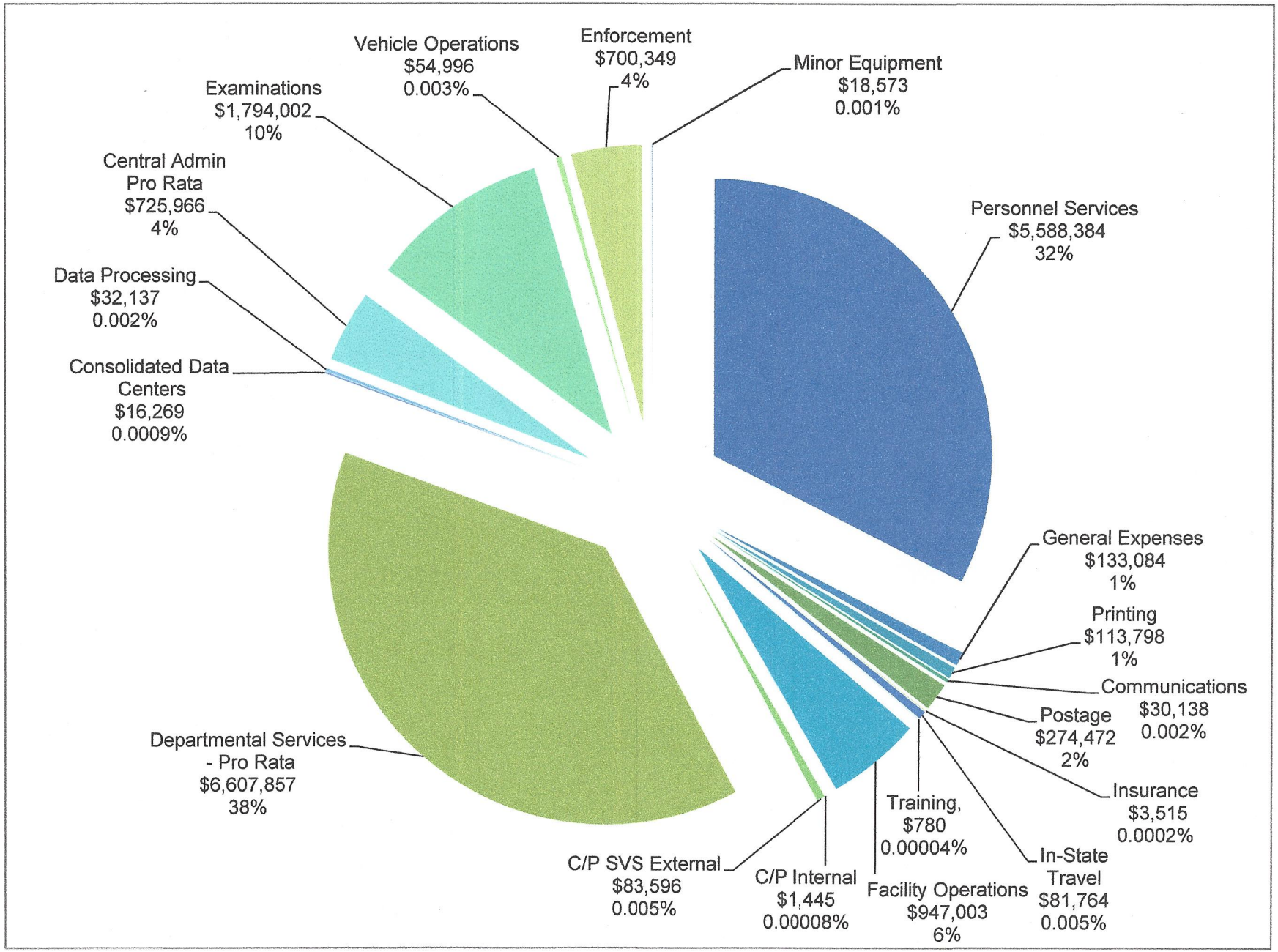
Attachment 3 displays projected expenditures for end of the year.

Monthly Budget Report (12/13 FY) FM 11
Revenues
(As of 05/31/13)



Revenues as of 05/31/13
$20,920,680

Monthly Budget Report (12/13 FY) FM 11
Expenditures
(As of 05/31/13)



Expenditures as of 05/31/13
$17,208,127

Board of Barbering and Cosmetology
Fiscal Year 2012/2013
Projected Expenditures 05/31/13

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	3,821,423	3,524,005	297,418
Expert Examiners	452,554	382,000	70,554
Temporary	0	116,514	(116,514)
Statutory-Exempt	103,608	98,821	4,787
Board Member Commission	0	13,500	(13,500)
Overtime	0	30,000	(30,000)
Total Salary & Wages	**4,377,585**	**4,164,840**	**212,745**
Salary Savings	(81,405)	0	(81,405)
5% Salary Savings	(131,066)	141,000	(278,460)
Net Salary & Wages	**4,165,114**	**4,305,840**	**(140,726)**
Staff Benefits	2,026,165	1,729,314	296,851
Total of Personnel Services	**6,191,279**	**6,035,154**	**156,125**

Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	198,988	159,000	39,988
Printing	178,413	183,000	(4,587)
Communication	99,605	38,035	61,570
Postage	285,384	285,384	0
Insurance	4,489	4,489	0
Travel In State	87,789	87,789	0
Travel, Out-of-State	0	0	0
Training	24,513	13,000	11,513
Facilities Operations	1,305,338	1,058,758	246,580
Consultant & Professional Svs. - Interdept.	125,781	1,445	124,336
Consultant & Professional Svs. - External	509,947	154,000	355,947
Depart. and Central Admin. Services	6,717,534	6,176,282	541,252
Consolidated Data Center	68,468	68,468	0
Examinations	1,394,177	2,773,867	(1,379,690)
Major Equipment	32,000	194,034	(162,034)
Minor Equipment	113,000	11,300	101,700
Data Processing	0	0	0
Other Items of Expense	7,288	7,288	0
Vehicle Operations	84,772	75,000	9,772
Enforcement	1,612,404	822,200	790,204
Special Items of Expenses	0	194,034	(194,034)
Required OE&E Savings		171,022	(171,022)
Total Operating Expenses & Equipment	12,849,890	12,478,395	371,495
Total reimbursements	(57,000)		(57,000)
Total	**18,984,169**	**18,513,549**	**314,495**

0069 - Barbering and Cosmetology
Analysis of Fund Condition

Prepared 12/6/12

(Dollars in Thousands)

NOTE: $21 Million General Fund Repayment Outstanding

Governor's Budget 13-14

		ACTUAL 2011-12	CY 2012-13	Governor's Budget BY 2013-14
BEGINNING BALANCE		$ 15,985	$ 9,993	$ 11,795
Prior Year Adjustment		$ 99	$ -	$ -
Adjusted Beginning Balance		$ 16,084	$ 9,993	$ 11,795
REVENUES AND TRANSFERS				
Revenues:				
125600	Other regulatory fees	$ 5,735	$ 5,219	$ 5,966
125700	Other regulatory licenses and permits	$ 4,943	$ 4,145	$ 4,186
125800	Renewal fees	$ 10,390	$ 11,616	$ 11,809
125900	Delinquent fees	$ 717	$ 731	$ 745
141200	Sales of documents	$ -	$ -	$ -
142500	Miscellaneous services to the public	$ -	$ -	$ -
150300	Income from surplus money investments	$ 31	$ 35	$ 44
150500	Interest Income from Interfund Loans	$ -	$ -	$ -
160400	Sale of fixed assets	$ -	$ -	$ -
161000	Escheat of unclaimed checks and warrants	$ 21	$ 21	$ 21
161400	Miscellaneous revenues	$ 18	$ 18	$ 18
Totals, Revenues		$ 21,855	$ 21,785	$ 22,789
Transfers from Other Funds				
Transfers to Other Funds				
GF Loan per item 1110-011-0069, Budget Act of 201		$ -11,000		
Totals, Revenues and Transfers		$ 10,855	$ 21,785	$ 22,789
Totals, Resources		$ 26,939	$ 31,778	$ 34,584
EXPENDITURES				
Disbursements:				
0840 State Controller (State Operations)		$ 20	$ 23	$ -
1110 Program Expenditures (State Operations)		$ 16,882	$ 19,852	$ 20,454
8880 Financial Information System for California (State Ops)		$ 44	$ 108	$ 92
Total Disbursements		$ 16,946	$ 19,983	$ 20,546
FUND BALANCE				
Reserve for economic uncertainties		$ 9,993	$ 11,795	$ 14,038
Months in Reserve		6.0	6.9	8.1

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR 2012-13 AND ON-GOING.

B. ASSUMES INTEREST RATE AT .30%.

C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

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BarberCosmo
Board of Barbering & Cosmetology

FY 12-13 Outreach/Industry Events

Participated:

- October 21, 2012: Electrology Association Convention(Sacramento)
  Speaker: Kristy Underwood
- November 7, 2012: Paul Mitchel School (Sacramento)
  Speaker: Kristy Underwood and Board Members
- March 21, 2013: Safety Nail News Report
  Skpe for Fox News Channel 5 for San Diego
  Speaker: Kristy Underwood
- April 14- 15, 2013: Cosmo Prof Spring Style Show (San Jose)
  Attendee: Mary Lou Amaro
- April 17, 2013: Skyline Community College (San Bruno)
  Speaker: Richard Hedges
- April 26, 2013: Parlier High School (Parlier)
  Speaker: Mary Lou Amaro
- May 19, 2013: California Cosmetology Association Hair Show (Redding)
  Attendee: Mary Lou Amaro
- May 28, 2013: Lyle's Beauty College (Fresno)
  Speakers: Mary Lou Amaro, Lupe Ramirez and Rachel Joy
- June 10, 2013: BBC's Open House Outreach Event (Sacramento)
  Hosted: BBC Staff
  Attendees: Schools, Students and Licensee's
- June 16, 2013: The International Latino Expo (Long Beach)
  Attendee: Mary Lou Amaro
- June 24, 2013: Fox 40 News Live –Topic: Nail Safety (Sacramento)
  Speaker: Kristy Underwood

- June 24, 2013: Univision Channel 19 –Topic: Safe Sandal Season (Sacramento)
  Speaker: Cristina Valdivia

- July 1, 2013: Channel 10 News –Topic: Safe Sandal Season (Sacramento)
  Speaker: Kristy Underwood

- July 3, 2013: Channel 3 News –Topic: Safe Sandal Season (Sacramento)
  Speaker: Kristy Underwood

Scheduled:

- July 17, 2013: Nail Salon Town Hall Meeting (Orange)
  Attendees: Kristy Underwood and Tammy Guess

- September 16, 2013: Sacramento City College (Sacramento)
  Speaker: Kristy Underwood

- September 23, 2013: BBC's Outreach Event (Sacramento)
  Hosted: BBC Staff
  Attendees: Schools, Students and Licensee's

BarberCosmo
Board of Barbering & Cosmetology

State and Consumer Services Agency – Edmund G. Brown Jr., Governor
BOARD OF BARBERING AND COSMETOLOGY
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CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF APRIL 8, 2013

San Jose Hilton and Towers
300 Almaden Boulevard
San Jose, California 95110

BOARD MEMBERS PRESENT
Joseph Federico, President
Wen Lin Cheng, Vice President
Mary Lou Amaro
Bobbie Jean Anderson
Richard Hedges
Christie Tran
Dr. Kari Williams

STAFF MEMBERS PRESENT
Kristy Underwood, Executive Officer
Gary Duke, Legal Counsel
Tandra Guess, Board Policy Analyst

1. **Agenda Item #1, Call to Order/Roll Call**

Mr. Federico called the meeting to order at 10:00 a.m. The Board members introduced themselves.

2. **Agenda Item, #2, 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 (a)]

Ms. Jaime Schrabeck, Precision Nails, distributed a packet which included information from recent articles published by Nail Pro Magazine. The focus of the article was to publicize in a positive way the owner of mobile nail salon. Ms. Schrabeck reiterated that mobile salons are not mobile units regulated by the state board. People are traveling to people's homes and offices. Also included in the packet was a printout of results of a search of mobile spa services in Los Angeles and San Francisco. Ms. Schrabeck pointed out that those professionals who own their salons are following regulations and are subject to inspections; whereas the mobile spa services are not. Mr. Hedges inquired of Ms. Underwood the tools the Board has for regulating and inspecting mobile spa services. Ms. Underwood stated the board is limited by the fact that the mobile spa services travel to individuals' homes.

Mr. Fred Jones, Professional Beauty Federation of California, pointed out the invitation included in the Board's packets to attend the 13th Welcome to Our World Event in Sacramento, Monday, April 29th, from 3:00 p.m. to 7:00 p.m. on the south steps of the State Capitol.

Ms. Mary Jane Dana, Lavish Lashes, asked the Board to allow her an opportunity at some point to present herself as a subject matter expert in lash extensions and to inquire about exploring that for the state as a specialty license.

3. Agenda Item #3, Board President's Report

Mr. Joseph Federico recognized the new Board members and asked them to provide a brief background. New members include Dr. Kari Williams and Mary Lou Amaro. Mr. Joseph Federico recognized the three members who recently left the Board: Katie Dawson, Frank Lloyd, and Deedee Crossett. These members made significant contributions to the Board and the Board would like to publicly thank them for their service.

On March 18th, 2013, Mr. Joseph Federico along with Mr. Richard Hedges and Ms. Kristy Underwood attended the Sunset Review hearing. The Board will be discussing final responses later in the agenda. Mr. Federico asked the Board for a motion to take agenda item No. 10 out of order.

Upon a motion by Mr. Richard Hedges and a second, agenda item No. 10 will be taken out of order. The motion was approved by a vote of 7-0.

4. Agenda Item #10, Proposed Legislation

Two bills were discussed. SB 308 is the Sunset Bill. It is currently just spot language. There is no substantial language in the bill, but it is one that the Board is watching. As changes occur, the Board will be notified.

AB 1153 is a bill on an advanced skin care course. This bill currently requires the Board to develop a course of study for advanced esthetics.

Public Comment

Ms. Katie Armitage, President, Associated Skin Care Professionals (ASCP), requested that previously provided materials be incorporated in the record. Ms. Katie Armitage pointed out that skin care education has not kept pace with consumers' growing appreciation for the value of skin treatments and consumer knowledge and demand has reached a new level of sophistication. There have been tremendous advances in chemical formulations, technology, and equipment. Better skilled estheticians are required. The Board must consider whether the current core curriculum is adequate for today's marketplace and for consumer safety. Most employers acknowledge insufficient training in their newly licensed esthetician hires. Skin care professionals themselves know they are ill prepared for the demands of the skin care career, as evidenced by a recent member survey. 53 percent of those responding answered 'no' when asked if they felt the core skin care training received prior to obtaining a license adequately prepares individuals for success in the skin care field. Many schools look to the Board for guidance to shape their curriculum and these schools assume if the Board's curriculum requirements as well as the contents of the current NIC test both remain static, there is no need for them to change their curriculum. It is clear that the current 600-hour core curriculum which allows for 350 hours instruction in facials, 200 hours of health and safety, and 50 hours of training in hair removal and makeup is inadequate for today's marketplace. Ms. Katie Armitage asks the California Board to embrace change and to show leadership nationally by setting an excellent example and asks that the Board not wait for something really bad to happen to a consumer before the Board acts. She specifically requests that the Board make two decisions: one, support this letter and testimony AB 1153 which would authorize the Board to create a master esthetician credential which would be title protected, and then for the Board to make a

commitment to reevaluate and elevate required entry-level curriculum for licensed estheticians as a means to boost consumer confidence and consumer protection.

Ms. Lynelle Lynch, President and Owner of Bellus Academy, prepared and submitted documents and requests that the documents be placed in the record along with her remarks. It is critical for the success of AB 1153 that we collaborate and work within the existing laws to develop the most effective language that this Board will embrace which enhances the overall services provided to our consumers, as well as, protects the consumers. Today as businesses and individuals struggle and our state continues to have high unemployment, we have an opportunity to make positive changes and create jobs with the introduction of the master esthetic license. She stated the problem addressed today is that our current 600-hour esthetic program is too basic and does not address the advanced exfoliations and techniques that are within the scope of our practice and our license. We have an opportunity to protect the consumer by a thoughtful evaluation of the curriculum that will provide for the necessary theory and practical hands-on to perform these treatments. A 1,200-hour master esthetic license will validate this very important training and will create the credibility needed. Another compelling fact is our California State placement rate for basic estheticians. As an average, the BBC statistics state that 66 percent of those obtaining a license obtain a job. Employers will seek out master estheticians for their elite positions. Simply stated the industry has outgrown the curriculum. In conclusion, the master esthetician license would be the Ph.D. of skin care and we really want to enable our state to offer this for our graduates and for the profession. She also encouraged the Board to take a very serious look at the basic 600 hours and work together with employers and industry experts to reevaluate this basic curriculum.

Ms. Joanne Berry, Director of Spa Wellness with Bellus Academy, stated the basic esthetician program of 600 hours only provides the basic knowledge, so basic waxing, basic eyebrow shaping and basic European facials. It doesn't really go into the chemical exfoliation procedures that are currently being offered to the public. It doesn't go into working with dermatologists and plastic surgeons and it also doesn't go into cellulite treatments or oxygen facials. Bellus Academy has included these services in their extra 600 hours. When a student enrolls, they go into the basic program and then they can go into the master esthetician program which is an extra 600 hours which would make the course 1,200 hours. That's the license we're looking for to ensure a few things: consumer demand that estheticians are actually providing the treatments their customers want and public safety. In addition, they are looking at a more intensive theory on the histology and physiology of the skin. It is felt that 1,200 hours is the minimum that will ensure a graduate has the time to both comprehend the theory behind skin care and the practical time to demonstrate their ability. This will create more jobs in the industry. The document highlights what the 600-hour program does not include.

Ms. Jaime Schrabeck, Precision Nails, is not a licensed esthetician. Whenever she sees the word medical attached to any of the licenses, it concerns her. The fact of the matter is that once the Board licenses someone, the individual can work in any established place they want to, not just in a spa, with a doctor's supervision. So, there are skills they take from this advanced course that they would be using in any salon.

Ms. Katie Armitage responded to Ms. Jaime Schrabeck's comment. She stated she is not proposing any change in the scope of practice. They would be helping doctors and assisting in the medical field. They would not be performing procedures on their own.

Ms. Gina Pelayo, Esthetician and Cosmetology Instructor at Skyline Community College, commented on the de-licensing issue. Her response has always been would you want someone to do a chemical peel on you that doesn't have a license and hasn't been trained.

She feels the State Board does not prepare the student now to compete in a world o esthetic.

Ms. Angie Nandin is a licensed esthetician for over 20 years and actually received a grea education at Skyline. She continues to improve by taking many post-secondary classes She stated what is needed in the esthetics field is actually to advance the education for the esthetician. Currently, esthetic training is under cosmetology. She feels there is a need tc broaden the scope for the esthetician. Estheticians are coupled with cosmetology, but we are actually a completely different realm.

Mr. Harold Boyd representing Pigment Cosmetics, Inc., stated while the Esthetic issue being discussed is not really a makeup artist issue, it is an issue that is dealing with some o the similar things that Pigment Cosmetic's has been talking about in a different piece o legislation that he hopes to move through the legislative process. While his organization is not opposed to the bill at this point, they will be talking again with those representatives tc become a part of this bill because the issues are similar to the issues that he is dealing with as far as, makeup artists, such as the issues of education and the issues of advancec licensure. He does see the similarity there and we would like to make the Board aware o the approach that he will be using.

There being no further public comment, the item was opened up to Board discussion.

Mr. Richard Hedges stated that the Board has been actually trying to increase hours in some of the license scopes but that the economy in many parts of the state is depressed and the Boards efforts were stopped because of the worry of not getting people in the workplace fast enough. A previous effort was made but did not receive the Andministrations approval. Anything that hinders putting people out into the workplace has been hard for the Board to implement. Secondly, 600 hours is a minimum. People can train as much as they want to. This bill is not complete. There is no scope of practice outlined in it. Mr. Hedges recommends watching this bill until it is complete.

Mr. Joseph Federico echos Mr. Richard Hedges' statements. It is worrisome to create basically a new licensure without a scope of practice to define it.

Ms. Katie Armitage stated they felt it was more advantageous to leave the scope as it is. The marketplace will sort itself out. Employers are going to want master estheticians as opposed tc people who just have their core license when they are in these advanced settings.

Mr. Joseph Federico questioned whether items such as the chemical exfoliation, resurfacing, anc peels, would be introduced in the initial 600-hour program or would such items be held off until a student enrolled in the additional 600 hours.

Ms. Katie Armitage stated there is a lot of discussion that has to happen as to how they would approach this. There are two steps in the process. The first piece is creating a master esthetic license and making it title protected and the second piece is reevaluating core curriculum. Some of the things in the master program would be addressed partially in the core curriculum so the esthetician has basic knowledge.

Ms. Lynelle Lynch, Bellus Academy, believes strongly this should be a collaboration. While they were mindful to present what they felt was an initial draft, they felt that they needed to spend the quality time with the employers and with this Board to draft the bill. The scope has always included advanced exfoliation. It has always included all of the advancements this industry has seen rapidly grow. It just has not come down to what the curriculum is in the school. The State license should be much more comprehensive.

Mr. Richard Hedges stated the Board's sole mandate is to protect the California consumer. He does not know what the Board will be directed to do by the Legislature. The Board also has to consider the reaction of the Medical Board.

Ms. Katie Armitage stated they were well aware of possible Medical Board reaction and that that is one of the reasons they don't want to change the scope of practice. Her understanding is we introduce the legislation and then the Board determines what should be in the actual curriculum.

Ms. Mary Jane Dana believes that there are certain skill sets and specialties that are better served by being presented or taught outside the basic 600-hour requirement. She would not want the State to dictate that. She would like to have the flexibility to cater to the marketplace and to determine how these specialties such as lash extensions, can be best served.

Ms. Angie Nandin suggested that the realm of scope be broken down into three different scopes. Once you get into the body, that is a completely different realm and you may have more of a conflict with people that do massage treatments and body treatments.

Ms. Katie Armitage stated the major thing we cannot lose focus on is, that the majority of estheticians are going to work with their core curriculum and that is why it is so important that the curriculum is reviewed. There is an elite group that is going to be working in these other settings and we need to have some way of recognizing them. She stated ASCP is a sister organization for Associated Body Work and Massage Professionals. They are well aware of scope of practice issues concerning the body.

Mr. Richard Hedges motioned for the Board to take a watch position on AB 1153.

Upon motion by Mr. Richard Hedges and a second by Dr. Kari Williams, the motion was approved by a 7-0 vote.

5. Agenda Item #4, Executive Officer Report

Ms. Kristy Underwood stated the statistical report is in the Board's packet. The Board is still moving forward on the implementation of the Breeze database. The earliest Breeze would be implemented is the middle of May. Standard statistics are included in the packet.

Mr. Richard Hedges is concerned that certain groups of people have a very low pass rate especially on the written. Are the schools that are teaching in foreign languages doing the things they should and are our tests actually clear to people that speak those languages?

Ms. Kristy Underwood stated they have worked with the national organization on the translations. She is confident that the examination translations are accurate in the languages that are offered. Our next step is to start talking to the schools.

Mr. Fred Jones, Professional Beauty Federation of California: Recounted his experience with translation. It is his conclusion that there is not a problem with the language translation issue.

Mr. Richard Hedges is concerned about this because there are license candidates who have no violations but as of yet, are not licensed. Their records reflect they failed the licensing exam a couple times. So, they know their craft but they just can't pass the licensing examination.

Mr. Fred Jones believes it is incumbent upon students to look at what the passing scores are of the schools and for the students to understand that not all schools are created equal and the students need to seek out schools that have good records, good instructors, good connections with industry, clean facilities, etc.

6. **Agenda Item #5, Approval of Board Meeting Minutes**

- **January 11, 2013**

Upon a motion by Mr. Richard Hedges and a second by Ms. Bobbie Anderson, the minutes were approved by a 7-0 vote.

7. **Agenda Item #6, Discussion of Lash/Brow Tinting**

A representative from FDA was scheduled to address this issue before the Board but had to cancel due to budget restrictions. Extensive information was provided and is included in the Board meeting packet. It is recommended that this item be taken to the Enforcement Committee for further discussion.

Upon a motion by Mr. Richard Hedges and a second by Dr. Kari Williams, this item will be moved to the Enforcement Committee for review. The motion was approved by a 7-0 vote.

8. **Agenda Item #7, Approval of Final Responses to Sunset Review**

Ms. Kristy Underwood stated there are 17 items that the committee presented and the Board's responses are in the packet. She asked for a motion from the Board to approve the responses and then this will go to the committee.

Mr. Richard Hedges moved to accept the report.

Public Comment

Mr. Manhal Mansour of Pigment Cosmetics, commented regarding the proposed Board response for issue number 8, of the Response to Sunset Review Report. Out of 17 issues, no less than three talked about unlicensed activities. The Board states that it is exceptionally concerned with the rampant unlicensed activities in the State of California. Issue number 8 talks about licensure categories. Mr. Mansour stated we can all acknowledge as practitioners that there is a tremendous amount of unlicensed activity that goes on in the field of makeup artistry. The staff had recommended that the Board get back to the committee by January 2014, and at the end of that Sunset hearing, Senator Price, with support from the other members of the committee, recommended that this matter be addressed sooner than that. He does not understand how the Board's recommendation would be to delay addressing the matter of unlicensed activity, when it happens every day.

Mr. Richard Hedges: The requirement is that we give them the Boards statutory recommendations by January 2014. That's the drop-dead date. It doesn't mean we have to wait. It will be based on workload and whether positions are filled that have gone unfilled because of the state budget.

Mr. Manhal Mansour's concern is that there is a legislative agenda and legislative session that ends in the latter part of May. A delay beyond the month of May would push the issue into a new legislative session.

Mr. Richard Hedges: The overall committee's recommendation was 2014 and we will do our best to get it out by then. We're mandated to do it. That's what the Senate committee mandated.

Public Comment

Ms. Mary Jane Dana commented briefly on the subject of lash tinting. This issue was brought up previously and a suggestion made to bring it to the Enforcement Committee. Ms. Dana suggested a possible option would be to not take action and that might be reasonable with regards to enforcing tinting or not enforcing. In the letter on page 2, one of the statements is although cosmetic products and ingredients are subject to regulation and enforcement by the FDA, professional practices such as hair dying in salons generally falls under the jurisdiction of state and local authorities. She encouraged the Board to consider the fact that there are a number of products that exist in the marketplace that when either misused or abused would render them unsafe, but the proper practice and use of those products would render them safe and it may be within the Board's ability to choose to not comment or enforce that particular practice of lash tinting.

Mr. Fred Jones of the Professional Beauty Federation of California spoke at the Sunset Review Committee on March 19th, on behalf of the Board having sole oversight of schools. It is the quest of the PBFC to have one Department of Consumer Affairs (DCA) entity, over schools instead of having two DCA agencies duplicate oversight over schools. He wanted to get on record to let schools know that PBFC is still having this discussion and if the schools would like the Board to have sole oversight, they need to let their voices be heard. He stated the Board has approved an official position that it wants to have sole regulatory oversight over beauty colleges.

Mr. Harold Boyd, Pigment Cosmetics, supports the comments that were made by Mr. Manhal Mansour. The industry has been dealing with this issue now for about three years. There is a legislative timeline whereby legislation can be introduced and if you miss that date, you would wait another year. That's why they are urging the Board to direct staff or make some effort to get this going right away. May 3rd is the drop-dead date as to whether or not legislation can or cannot be introduced. Many makeup artists want to enhance their income. Many are minorities. They would like to move this thing forward so that they can have some idea of whether or not they will have a certificate for makeup artists.

Upon a motion by Mr. Richard Hedges and a second by Ms. Christie Tran, the motion to accept the report was approved by a vote of 7-0.

9. **Agenda Item #8, Approval of 2013-2017 Strategic Plan Revision**

Ms. Kristy Underwood stated the strategic plan has already been approved by the Board. We are asking that the Board motion to adopt an edit within our mission statement. The Board recently had a technical advisory committee with a group of barbers, the barbers brought to our attention, and as staff we agree, that the mission statement should be changed to add the word "barbering" so it reads barbering and beauty industry.

Mr. Richard Hedges: I would be in favor of this and I would move to carry the amendment to our mission statement.

Upon a motion by Mr. Richard Hedges and a second by Ms. Mary Lou Amaro, the motion was approved by a vote of 7-0.

10. Agenda Item #9, Proposed Regulations

Ms. Kristy Underwood stated this is the first set of revised health and safety regulations, which the Board has seen and approved previously. As the Board has been going through the process internally, edits have been found that needed to be made to the document. The content remains the same, the edits are superficial. Ms. Kristy Underwood requested the Board's for approval on the edits.

Public Comment

Ms. Jaime Schrabeck, Precision Nails, referred to Section 992, skin exfoliation. She would like to see some language in there addressing the other end of the pH scale which are things that are alkaline and caustic and are just as corrosive to the skin as something that is too acidic.

Ms. Kristy Underwood reminded the Board that these revisions are still very early in the stages she wants to make sure the members understand that when staff goes back with this approval, it will go for public comment and the Board will have multiple public hearings on the revisions.

Public Comment

Mr. Fred Jones thanked everyone participating in this endeavor and stated he is very desirous to see this start of the regulation process.

Mr. Richard Hedges made a motion to adopt these edits and it was seconded by Ms. Mary Lou Amaro. The motion was approved by a vote of 7-0.

Ms. Kristy Underwood referred to Item 9, the minimum equipment for schools. She stated staff has worked with several representatives from different schools and now are proposing changes to regulation. Ms. Underwood asked for the Board's approval.

Mr. Richard Hedges motioned to approve these regulations.

Public Comment

Mr. Fred Jones, PBFC, in support.

Upon a motion by Mr. Richard Hedges and a second by Ms. Mary Lou Amaro, the motion was approved by a vote of 7-0.

11. Agenda Item #11, Annual Review and Approval of Board Member Guidelines and Procedures Manual

Ms. Kristy Underwood stated there have been a couple technical changes made to the Board Member Procedures Manual.

Upon a motion by Mr. Richard Hedges and a second by Ms. Wen Ling Cheng, the motion to implement changes to the Board Member Guidelines and Procedures Manual was approved by a vote of 7-0.

12. Agenda Items for Next Meeting

Mr. Richard Hedges stated obviously what comes out of the committee meeting should be on the agenda if time permits. Mr. Richard Hedges welcomed the new Board members and pointed out that the Board needs help on the DRC committee.

13. Agenda Item #13, 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 (a)].

Ms. Lupe Ramirez Flores, Lumar 4 Hair and California Cosmetology Association, thinks that one of the problems with the low pass rate of the licensing test is the language. There is a big difference between Spanish Castilian and Mexican. Often people come into the cosmetology profession because they don't have a high school diploma or because they don't have a college degree. Another reason for the low pass rate is attendance and the period of time between completion of school and testing. There was also mention about everything being on the website. Some people may not have access to a computer or may not be computer literate.

Mr. Fred Jones, Professional Beauty Federation of California, noted that he writes a monthly column for The Stylist Magazine. This month's column is devoted to his daughter who received her cosmetology license about 18 months ago. The column is about her effort to go from schooling into the salon world. Next month's article is on licensure. Several states are considering de-licensing our industry. We as industry professionals need to defend this system of licensure. The Board's role is to protect consumers.

14. Agenda Item #14, ADJOURNMENT

With no further business, the meeting was adjourned.

State and Consumer Services Agency – Edmund G. Brown Jr., Governor
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CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF MAY 6, 2013

2420 Del Paso Road
Sequoia Room, 1st Floor
Sacramento, CA 95834

Additional Meeting Location set up via teleconferencing:
Constituent Service Center
8475 South Vermont Avenue
Los Angeles, CA 90044

BOARD MEMBERS PRESENT
Joseph Federico, President
Mary Lou Amaro
Andrew Drabkin
Richard Hedges
April Moreno
Dr. Kari Williams

STAFF MEMBERS PRESENT
Kristy Underwood, Executive Officer
Gary Duke, Legal Counsel
Tami Guess, Board Policy Analyst

TELECONFERENCED IN:
Bobbie Anderson, Constituent Service Center

ABSENT:
Wen Ling Cheng, Vice President
Christie Tran

1. **Agenda Item #1, Call to Order/Roll Call**

Mr. Federico called the meeting to order at 10:00 a.m. The Board members introduced themselves.

2. **Agenda Item, #2, Proposed Legislation**

- **AB 1153 - Advanced Esthetician Curriculum Bill**
  Ms. Underwood stated this bill has been amended since the last Board meeting when a watch position was taken on this bill. It has now been made into a two-year bill. Mr. Hedges inquired as to whether there had been any changes in the bill since the Board took its last position. The bill has changed. At the time of the last Board meeting, the bill strictly

addressed curriculum and now it addresses a licensing type. It clearly defines a master esthetician license at 1200 hours and gives the Board the authority examine and license. It does not, however, address the scope of practice concerns that came up at the last meeting.

Public Comment

Bob Jensen, Chairman of Associated Skin Care Professionals, (ASCP) a national membership organization with 13,000 members: ASCP is concerned about two phenomena. One is a recent survey they did of their California members that found that of those who are licensed, 53 percent felt they were not adequately prepared to actually start providing skin care services. They are also concerned that, from their perception and talking to a variety of people in the field, that too many estheticians are in over their heads in terms of some of the practices they are engaging in. They have very modest training and think they are ready to engage in certain practices but really are quite shy of that. As a result of that activity, ASCP would like an opportunity to work with the Board on two reform initiatives. The first would be a reexamination in 2013 of the adequacy of the current 600-hour education requirement for an esthetician. The second would be further development of Assembly Bill 1153 which would create a new master esthetician license.

The ASCP believes the need for reform is urgent, they moved aggressively in pushing AB 1153. It has become apparent to them over the last two or three weeks that both this Board and the chair and staff of the Assembly Business & Professions Committee desire greater care and more detail. Specifically, discomfort was registered with the idea of two tiers of esthetic licenses without any differentiation as to scope of practice. The staff raises some additional issues that deserve more conversation and careful analysis.

The ASCP had proposed living with the existing statutory skin care scope language and then they jumped directly to providing some illustrative separate curriculum guidelines for regular esthetician and a master esthetician. They now believe the process will be better served by adding a couple of layers in the middle: First, some new statutory language parsing the general existing scope language for estheticians into two separate descriptions of what basic estheticians could perform versus what master estheticians would be allowed to do. The second new layer would be the detailing of Board rules.

The ASCP's revised aim would be to work with this Board and Assembly B&P staff over the next three months to produce a more comprehensive bill language by August 2013. They wish to gather comments and make adjustments in the bill text, and then seek full legislative approval in 2014. Associated Skin Care Professionals are mindful of budget constraints and are offering support to the Board in the areas of drafts of revised proposed legislation, Board rules, and curriculum guidelines and can also assist in outreach efforts. They ask that the Board continue maintaining a watch status on this bill. They hope to come up with a revised bill by August 2013.

Mr. Hedges indicated he is very interested in the health of the industry and commented that the health of the industry and consumer safety go together. He is concerned that people will cross the line into medical practices.

Upon a motion by Mr. Hedges and a second by Mr. Federico, the Board will continue its watch position on this bill and accept any comments from the public and from the industry. The motion was approved by a vote of 7-0.

- **SB 308 - Sunset Review Bill**

  This bill will extend the sunset date. As currently written, it extends the sunset date four years. However, there will be amendment for a review in two years. It gives the Board more oversight over schools. Staff is recommending some changes to the language to ensure that there is due process for any type of school that the Board takes an action against. This would include going through the hearing process. Senate staff is in agreement and Ms. Underwood will be meeting with them to make those changes. Staff recommends a support position on this bill.

  Public Comment

  Fred Jones, Professional Beauty Federation of California (PBFC): The author of the bill did commit in committee that he would limit the scope of shutting down schools to egregious violations on the part of schools. There is still some question that he needs to work out with the author's staff about whether student mistakes could be grounds for shutting down a school. It is PBFC's position that not be the case. Students are expressly exempted from licensure requirements. One can make a legal argument that therefore licensure requirements shouldn't be grounds for removing school approval. PBFC supports the intent of the bill to extend the sunset of the Board for another two years.

  John Moreno, Vice President, Bakersfield Barber College: Bakersfield Barber College filed with the Bureau of Private Post-Secondary Education (BPPE) its application for approval. They submitted the correct paperwork and fees. Bakersfield Barber College has not heard back from the BPPE in a significant amount of time, but the BPPE has taken their fees. He is asking the Board to look into the problem with lack of communication from the BPPE.

  Mr. Hedges commented that he is concerned about exempting all student activity. The word "egregious" needs to be defined very carefully.

  Upon a motion by Mr. Federico and a second by Dr. Kari Williams, the Board will support SB 308. The motion was approved by a vote of 7-0.

3. **Agenda Item #3, Appointment of Committee Members**

As co-chair of DRC, Mr. Hedges made an impassioned plea for help on the DRC. Ms. Underwood described the DRC. Each committee can have up to four members.

Mr. Hedges will stay on all committees that he is presently on. Mr. Federico approved.

- Licensing and Examination Committee: Mr. Hedges, Mr. Federico, Mr. Drabkin, Ms. Amaro
- Enforcement and Inspections Committee: Mr. Hedges, Mr. Federico, Dr. Williams, Ms. Moreno
- Legislative and Budget Committee: Mr. Hedges, Mr. Federico, Ms. Moreno, Dr. Williams, Ms. Anderson (alternate)
- Education and Outreach: Ms. Amaro, Mr. Federico, Mr. Drabkin, Mr. Hedges (alternate), Dr. Williams (alternate)
- Disciplinary Review Committee: Mr. Hedges, Mr. Federico, Dr. Williams, Ms. Cheng, Ms. Anderson, Ms. Tran, Ms. Amaro, Ms. Moreno (alternate), (all members listed as DRC alternate). New members are encouraged to contact Ms. Underwood to schedule "ride along."

Mr. Hedges reported on outreach. He is on the advisory board for the Skyline Barbering and Cosmetology School. The Board trains and tests people in the women's prison in Chowchilla and licenses them before they are released from prison. It is very difficult in today's job market for someone being paroled to get a job. Mr. Hedges believes the Board can use this program as a pilot program.

Mr. Federico would like a discussion regarding cross-over courses and their regulations put on the agenda of a future meeting.

Public Comment

John Moreno: In favor of the training and licensing of inmates.

4. **Agenda Item #14, ADJOURNMENT**

With no further business, the meeting was adjourned.

BarberCosmo
Board of Barbering & Cosmetology

State and Consumer Services Agency – Governor Edmund G. Brown Jr.
Board of Barbering and Cosmetology-Department of Consumer Affairs
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BOARD OF BARBERING & COSMETOLOGY
BILL ANALYSIS

Author: **Assembly Member Eggman**
(Co-Author: Senator Wyland)

Subject: Master Esthetician License

Bill Number: AB 1153

Version: Amended April 16, 2013

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 10th 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 10th 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. 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 exits. 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.

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL No. 1153

Introduced by Assembly Member Eggman
(Coauthor: Senator Wyland)

February 22, 2013

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:

SECTION 1. Section 7320.6 is added to the Business and Professions Code, to read:

7320.6. Persons who are not licensed as master estheticians in this state shall not represent themselves as a master esthetician.

~~SECTION 1.~~

SEC. 2. Section 7324 of the Business and Professions Code is amended to read:

7324. The board shall admit to examination for a license as an esthetician to practice skin ~~care,~~ *care* any person who has made application to the board in proper ~~form,~~ *form and* paid the *application and examination* fee required by this chapter, and *who* is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade ~~in the public schools of this state~~ or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in skin care, as described in subdivision (a) of Section 7364, 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 requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

(3) Completed the apprenticeship program in skin care specified in Article 4 (commencing with Section 7332).

SEC. 3. Section 7324.5 is added to the Business and Professions Code, to read:

7324.5. The board shall admit to examination for a license as a master esthetician to practice advanced skin care any person who has made application to the board in proper form and paid the application and examination fee required by this chapter, and who is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done at least one of the following:

(1) Completed a course in advanced skin care as described in subdivision (b) of Section 7364, from a school approved by the board.

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

(3) 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.

~~SEC. 2.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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MEMORANDUM

DATE: July 15, 2013

TO: Members, Board of Barbering and Cosmetology

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

SUBJECT: Recommendation on Revised Apprenticeship Regulations

Attached to this memorandum are the recommendations to update regulations regarding the apprenticeship program. These recommendations are presented to the Board via the Legislation and Budget Committee who has taken up this issue at public meetings on June 3, 2013. The recommendations are summarized as follows:

CCR Section 914.1
This section will be added to clarify that once an individual has been deemed "qualified" to sit for the licensure examination, they are NOT eligible for the apprenticeship program.

Justification
The apprenticeship program is one pathway to be qualified for the examination. If an individual has completed any requirements to determine exam eligibility (attended school, practiced in another state, previously completed an apprenticeship program) they are NOT eligible to become an apprentice. Apprenticeship is a pathway to licensure, if an individual has completed the pathway they are now required to obtain licensure as opposed to working on consumers without passing the examination.

CCR Section 914.2
This section will be added to clarify that if an apprentice dis-enrolls in the program, the Board must be notified. This section also clarifies that if the Board is notified of dis-enrollment the individual will be permitted back into the apprenticeship program.

Justification
The Board is finding that apprentice licenses are being issued to the same individual multiple times, sometimes allowing up to 6 years on an apprentice license. The apprentice license is a two-year license and is intended to be a pathway to licensure. Upon completion of the two years the individual should take the examination.

CCR Section 918
This section will be amended to require only two apprentices be supervised by a single trainer.

Justification
The Board regularly enters establishments where only one trainer is present and there are over 6 apprentices. The ratio of 2 apprentices to one trainer is consistent with guidelines established by the Division of Apprenticeship Standards.

CCR Sections 921, 921.1 and 921.2
This section will be amended to re-structure the apprenticeship curriculum.

Justification
The existing curriculum is not consistent with the existing curriculum in place for schools. While the apprenticeship program differs from school programs, the base curriculum is established to ensure individuals learn to be minimally competent in protecting California consumers.

The charts provided in Attachment 2 below provide a comparison of the existing apprentice curriculum with the school curriculum as well as the proposed apprentice curriculum.

Attachments:

Attachment 1: Proposed Language for Regulations Sections 914.1m 914.2 and 918
Attachment 2: Comparison Charts on Curriculum
Attachment 3: Proposed Language for Regulations Section 321, 921.1 and 921.2

ATTACHMENT 1

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 enrollement 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.

COSMETOLOGY

Topic of Instruction	Existing Apprentice Curriculum T/P* 3200 hours	School Curriculum T/P* 1600 hours	Proposed Apprentice Curriculum T/P* 3200 hours
Hair Dressing Overall	--	**1100**	**2600**
--Hair Styling	95/450	65/240	95/450
--Permanent Wave/Chemical Straighten	40/210	40/105	40/210
--Hair Color/Bleach	65/215	60/50	65/215
--Hair Cutting	20/300	20/80	20/300
Health and Safety Overall	--	**200**	**200**
--Laws and Regulations	20T	20T	20T
--Health and Safety	45T	45T	45T
--Disinfection and Sanitation	20T	20T	20T
--Anatomy and Physiology	15T	15T	15T
Esthetics	--	**200**	**200**
--Facials (manual, electrical, chemical)	25/65	25/40	25/65
--Eyebrow Beautification and Make-Up	25/55	25/30	25/55
Manicure and Pedicure	--	**100**	**200**
--Manicures and pedicures	10/34	10/25	10/34
--Artificial nails and Wraps	25/120 nails	25/120	25/120 nails

*Indicates number of minimum hours of "T"echnical instruction and "P"ractical operations.

BARBERING

Topic of Instruction	Existing Apprentice Curriculum T/P* 3200 hours	School Curriculum T/P* 1500 hours	Proposed Apprentice Curriculum T/P* 3200 hours
Hair Dressing Overall	**2600**	**1100**	**2800**
--Hair Styling	0/1660	65/240	95/450
--Permanent Wave/Chemical Straighten	0/120	40/105	40/120
--Hair Color/Bleach	0/20	60/50	65/50
--Hair Cutting	(included in styling)	20/80	20/300
Shaving Overall	--	**200**	**200**
--Preparation and Performance	0/40	100/40	100/40
Health and Safety Overall	--	**200**	**200**
--Laws and Regulations	--	20T	20T
--Health and Safety	--	45T	45T
--Disinfection and Sanitation	--	20T	20T
--Anatomy and Physiology	--	15T	15T

*Indicates number of minimum hours of "T"echnical instruction and "P"ractical operations.

ELECTROLOGY

Topic of Instruction	Existing Apprentice Curriculum T/P* 3200 hours	School Curriculum T/P* 600 hours	Proposed Apprentice Curriculum T/P* 3200 hours
Electrolysis, Thermolysis, Blend Overall	--	**400**	**400**
--Electrolysis	25/90	45/60	45/90
--Thermolysis	25/120	45/60	45/120
--Blend	25/120	45/60	45/120
--Electricity	15T	15T	15T
Health and Safety Overall	--	**200**	**200**
--Laws and Regulations	10T	20T	20T
--Health and Safety	10T	45T	45T
--Disinfection and Sanitation	25/10	20T	25T
--Anatomy and Physiology	25T	20T	25T

*Indicates number of minimum hours of "T"echnical instruction and "P"ractical operations.

921. Curriculum for Barbering Apprenticeship Course **Attachment 3**

(a) The curriculum for an apprentice enrolled in a barbering apprenticeship course shall consist of thirty-two hundred (3200) hours of technical instruction and practical training covering all practices of a barber pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 2800 Hours of Technical Instruction and Practical Training in Hair Dressing

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

Hairstyling (95 hours of Technical Instruction and 450 Practical Operations):

The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.

Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 120 Practical Operations):

The subject of Permanent Waving and Chemical Straightening shall Include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (65 hours of Technical Instruction and 50 Practical Operations):

The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers.

Hair Cutting (20 hour of Technical Instruction and 300 Practical Operations):

The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(2) 200 Hours of Technical Instruction and Practical Training in Shaving

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

Preparation and Performance (100 hours of Technical Instruction and 40 Practical Operations)

The subject of Preparation and Performance shall include, but is not limited to the following techniques and procedures: Preparing the client's hair for shaving, assessing the condition of the client's skin, performing shaving techniques, applying after-shave antiseptic following facial services, massaging the client's face, rolling cream massages.

(3) 200 Hours of Technical Instruction in Health and Safety

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

Laws and Regulations (20 hours of Technical Instruction)

The subjects 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 (45 hours of Technical Instruction)

Health and Safety/hazardous substances including 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, bacteriology and preventing communicable diseases including HIV/AIDS and Hepatitis B.

Disinfection and Sanitation (20 hours of Technical Instruction)

The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician, proper disinfection procedures for equipment used in establishments.

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.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, client record-keeping, decorum, basic tax information relating to booth renters, independent contractors, employees, and employers.

NOTE: Authority cited: Section 7312 and 7362(b), Business and Professions Code. Reference: Sections 7316, 7321.5(d)(1), 7362.5(a) and 7389, Business and Professions Code.

921.1. Curriculum for Cosmetology Apprenticeship Course.

(a) The curriculum for an apprentice enrolled in a cosmetology apprenticeship course shall consist of thirty-two hundred (3,200) hours of technical instruction and practical training covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 2600 Hours of Technical Instruction and Practical Training in Hair Dressing

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

Hairstyling (95 hours of Technical Instruction and 450 Practical Operations):

The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.

Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 210 Practical Operations):

The subject of Permanent Waving and Chemical Straightening shall Include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (65 hours Technical Instruction and 215 Practical Operations):

The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers

Hair Cutting (20 hour Technical Instruction and 300 Practical Operations):

The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(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 hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 Hours of Technical Instruction):

The subjects 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 (45 Hours of Technical Instruction):

The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Cosmetology chemistry including the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Elementary chemical makeup, chemical skin peels and chemical and physical changes of matter. Hazardous substances including training in chemicals and health in establishments, protection from hazardous chemicals and preventing chemical injuries, ergonomics, theory of electricity in cosmetology, bacteriology, communicable diseases, including HIV/AIDS, Hepatitis B, and staph and Material Safety Data Sheets.

Disinfection and Sanitation (20 Hours of Technical Instruction):

The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures for equipment used in establishments.

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.

(3) 200 Hours of Technical Instruction and Practical Training in Esthetics

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

Manual, Electrical and Chemical Facials 25 Hours of Technical Instruction and 65 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.

Eyebrow Beautification and Make-up (25 hours Technical Instruction and 55 Practical Operations):

The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow Arching and Hair Removal, including the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.

The subject of Makeup shall include, but is not limited to, the following issues: skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.

(4) 200 Hours of Technical Instruction and Practical Training in Manicuring and Pedicuring

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

Manicuring and Pedicuring (10 hours Technical Instruction and 34 Practical Operations):

The subject of Manicuring and Pedicuring shall include, but are not limited to, the following issues: Water and oil manicure, including nail analysis, and hand/foot and arm/ankle massage.

Artificial Nails and Wraps (25 hours Technical Instruction and 120 (nails) Practical Operations):

Artificial nails including acrylic: liquid and powder brush-ons, artificial nail tips and nail wraps and repairs

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service records.

NOTE: Authority cited: Sections 7312, 7362 and 7362.1(c), Business and Professions Code. Reference: Sections 7316(b), 7321(d)(1),7362, 7362.5(b) and 7389, Business and Professions Code.

921.2. Curriculum for Electrolysis Apprenticeship Course

(a) The curriculum for an apprentice enrolled in an electrology apprenticeship course shall consist of thirty-two hundred (3200) hours of technical instruction and practical training covering all practices constituting the art of electrology pursuant to section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 400 Hours of Technical Instruction and Practical training in Electrolysis, Thermolysis, Blend/Dual Modality and Electricity

The required subjects of instruction in electrolysis, thermolysis, blend/dual modality and electricity shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Electrolysis (45 hours of Technical Instruction and 120 Practical Operations)

The subject of Electrolysis shall include the study of epilation using single and multiple-needle insertion techniques, the use of galvanic current, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with electrolysis treatments.

Thermolysis (45 hours of Technical Instruction and 120 Practical Operations)

The subject of Thermolysis shall include the study of epilation using automatic and manual thermolysis equipment, insertion techniques, the use of high frequency current in both high and low intensities, skin reactions, and evaluating a client's health history for compatibility with thermolysis treatments.

Blend/Dual Modality (45 hours of Technical Instruction and 120 Practical Operations)

The subject of Blend/Dual Modality shall include the study of epilation using a combination of high frequency and galvanic currents, insertion techniques, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with Blend/Dual Modality treatments.

Electricity (15 hours of Technical Instruction)

The subject of Electricity shall include the nature of electrical current; principles of operating electrical devices; various safety precautions to be applied when operating electrical equipment, and proper maintenance of equipment.

(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 hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 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 (45 Hours of Technical Instruction)

The subject of Health and Safety shall include, but is not limited to, bacteriology, and HIV/AIDS, hepatitis, herpes, staphylococcal infections and other communicable diseases and their prevention, ergonomics, electrical safety and material safety data sheets.

Sterilization (25 Hours of Technical Instruction)

The subject of Sterilization shall include, but is not limited to, the study of proper procedures and techniques for protecting the health and safety of the consumer as well as the technician, and sanitizing equipment used in establishments.

Sterilization and sanitation shall be emphasized throughout the entire training period and must be performed on all instruments and equipment before use. Sterilization times and dates should be monitored and be recorded.

Anatomy and Physiology (25 Hours of Technical Instruction)

The subjects of Anatomy and Physiology shall include but is not limited to human anatomy and physiology, dermatology and the analysis of skin and hair, and the study of the circulatory, nervous, and endocrine systems.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, consultation, pre- and post-treatment care, salesmanship, decorum, record keeping, client service records, business skills, and basic tax information relating to independent contractors, employees and employers.

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN SENATE MAY 2, 2013

AMENDED IN SENATE APRIL 18, 2013

SENATE BILL No. 308

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

February 15, 2013

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.~~ *Sunset Review Committee.*

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, 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:

~~SECTION 1. Section 5800 of the Business and Professions Code is amended to read:~~

~~5800. As used in this chapter:~~

~~(a) "Certified interior designer" means a person who meets all of the following requirements:~~

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

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

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

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

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

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

~~SEC. 2.~~

SECTION 1. Section 5806 is added to the Business and Professions Code, to read:

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

~~SEC. 3.~~

SEC. 2. Section 5807 is added to the Business and Professions Code, to read:

5807. (a) A certified interior designer shall use a written contract when contracting to provide interior design services to a client pursuant to this chapter. The written contract shall be executed by the certified interior designer and the client, or his or her representative, prior to the certified interior designer commencing work. The written contract shall include, but not be limited to, all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~SEC. 4.~~

SEC. 3. Section 5810 of the Business and Professions Code is amended to read:

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

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

~~SEC. 5.~~

SEC. 4. Section 5811.1 is added to the Business and Professions Code, to read:

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

~~SEC. 6.~~

SEC. 5. Section 5812 of the Business and Professions Code is amended to read:

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

~~SEC. 7.~~

SEC. 6. Section 7200 of the Business and Professions Code is amended to read:

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

(b) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders

the board subject to review by the appropriate policy committees of the Legislature.

~~SEC. 8.~~

SEC. 7. Section 7215.6 of the Business and Professions Code is amended to read:

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

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

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

(1) One person designated by the guide dog user.

(2) One person designated by the licensed guide dog school.

(3) A representative of the board who shall coordinate the activities of the panel and serve as chair.

(d) If the guide dog user or guide dog school wishes to utilize the arbitration panel, this must be stated in writing to the board. The findings and decision of the arbitration panel shall be final

and binding. By voluntarily agreeing to having a dispute resolved by the arbitration panel and subject to its procedures, each party to the dispute shall waive any right for subsequent judicial review.

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

(2) The penalty shall be assessed without advance hearing, but the licensee may apply to the board for a hearing on the issue of whether the penalty should be modified or set aside. This application shall be in writing and shall be received by the board within 30 days after service of notice of the penalty. Upon receipt of this written request, the board shall set the matter for hearing within 60 days.

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

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

(2) All arbitration hearings shall be held at sites convenient to the parties and with a view to minimizing costs. Each party to the

arbitration shall bear its own costs, except that the arbitration panel, by unanimous agreement, may modify this arrangement.

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

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

~~SEC. 9.~~

SEC. 8. Section 7303 of the Business and Professions Code is amended to read:

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

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

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

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

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

~~SEC. 10.~~

SEC. 9. Section 7362 of the Business and Professions Code is amended to read:

7362. (a) A school approved by the board is one that is first approved by the board and subsequently approved by the Bureau for Private Postsecondary Education or is a public school in this state, and provides a course of instruction approved by the board. However, notwithstanding any other law, both the board and the Bureau for Private Postsecondary Education may simultaneously process a school's application for approval.

(b) The board shall 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 shall determine how much training is required before a student may begin performing services on paying patrons.

(c) Notwithstanding any other law, the board may revoke, suspend, or deny ~~at any time~~ approval of a school on any of the ~~following grounds:~~ *grounds in paragraphs (1) to (8), inclusive, for disciplinary action against a school, the proceedings for which shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.*

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

(A) Incompetence or gross negligence, including *repeated* 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~~

(2) Repeated 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~~

(3) Repeated failure to comply with the rules adopted by the board for the regulation of ~~establishments, or any practice licensed and regulated under this chapter.~~ *board-approved schools.*

~~(5)~~

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

~~(6)~~

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

~~(7)~~

(6) 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)~~

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

~~(10)~~

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

O

Agenda Item 6

BarberCosmo
Board of Barbering & Cosmetology

Board of Barbering and Cosmetology
PO Box 944226, Sacramento, CA 94244
P (800) 952-7574 F (916) 574-7574 | www.barbercosmo.ca.gov

MEMORANDUM

TO: Members, Legislation and Budget Committee
Board of Barbering and Cosmetology

Date: June 3, 2013

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

SUBJECT: Appropriate Licensing Categories

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:

COSMETOLOGIST	ESTHETICIAN
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^{th} 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.

Enforcement and Inspections Committee

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
P [916] 575-7123 F [916) 575-7280 | Tandra_Guess@DCA.CA.Gov

Agenda Item 6

MEMORANDUM

DATE	May 16, 2013
TO	Board Members Board of Barbering and Cosmetology
FROM	Kristy Underwood Board of Barbering and Cosmetology, Executive Officer
SUBJECT	**Unlicensed Activity – Mobile Licensees**

The Board has recently received a number of media articles, such as the attached, advertising licensees performing compensated services outside of a Board licensed establishment. This activity is considered unlicensed activity by the Board and subject to disciplinary action.

California Business and Professions code 7317 (b) (1- 3) states the following:

"Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board, or in an establishment or mobile unit other than one licensed by the board, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are licensed. Any violation of this section is subject to an administrative fine and may be subject to a misdemeanor."

The purpose of this memo is to advise the Board that this activity is taking place, and is becoming a work place trend, and to open up discussion on the prevention of unlicensed activity.

Well Manicured

Between juggling family, work and the constant barrage of today's technology, it's no wonder that more and more women need someone to come to *them* for a little pampering. Melanie McCulley, mobile manicurist and owner of Well Manicured, has created a thriving business around this 21st century demand. Her decision to offer portable pampering in the Los Angeles area began 12 years ago, and now her "Mobile Beauty at Your Fingertips" offers the convenience of on-site nail services for business executives, special events, celebrities and for clients unable to leave their homes. "I love [to make] house calls for female executives who don't have time for themselves," she says. "I like the flexibility. ... I make myself available for clients."

5 Reasons Why We Think It's Fabulous

1 Building relationships is key.
McCulley comes from a long line of beauty-driven family members who understand that creating a connection between technician and client is important for repeat business. But for Well Manicured, it's even more critical that McCulley earns clients' trust; after all, they are allowing her into their personal lives—at the office or in their own homes. "[Growing] relationships solidifies my clientele," explains McCulley. And gaining that connection comes fairly naturally, given her professionalism and flawless work.

2 She keeps her skill set sharp.
McCulley has been in the nail business for 14 years, and her ability to create personalized services isn't something you achieve overnight. It's important for her to stay on top of trends, which provided the impetus for her to become an educator for Hand and Nail Harmony. She also prides herself on being trained in every medium, allowing her to cater to all types of client. For instance, McCulley finds that her celebrity clients always want gel manicures, but she can also do a mean set of acrylics. "I'm a manicurist from the 90s!" she boasts.

3 She has a cutting-edge business sense.
Part of the success of a mobile business is the understanding that a tech must be accommodating. Therefore, McCulley works with flexible business hours that can be adapted to individual client's needs. Part of being flexible also means occasionally thinking outside of the box: McCulley has found that her clients crave a sun-kissed glow, so she has adopted in-home spray tanning as part of her services. Further, McCulley acknowledges that being tech savvy gives her business an added leg up; Well Manicured provides its clients with easy and secure mobile payment options using Paynet Systems, a downloadable smartphone app.

4 Everything used is disposable.
Hygiene, or lack thereof, can make or break a tech's business, especially when working in someone's home. McCulley utilizes tools that can be thrown out or kept by the client. She also likes to use little paper lunch sacks for her trash, as they are not only cute but also keep things contained for hassle-free cleanup. McCulley brings in all of the supplies to do her job and makes sure that she doesn't leave anything behind except a fabulous set of nails.

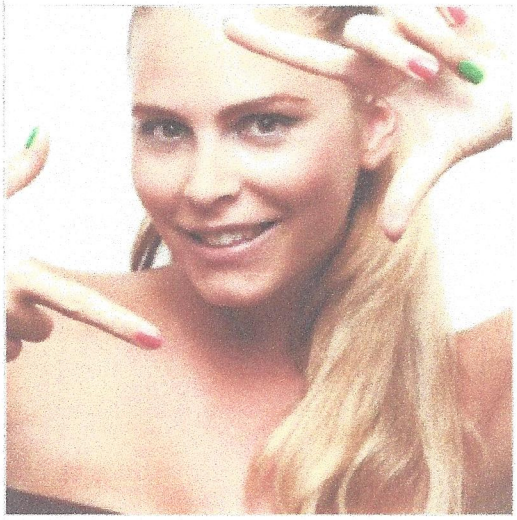
5 Believe it or not, there's a big market for mobile services.
"People can't wrap their head around [the fact] that I only do mobile ... [but] there's definitely a need for it in L.A.," says McCulley. From actresses waiting on set between scenes to women at home taking care of their kids, Well Manicured enables the multi-tasking woman to pencil in a manicure while still "doing it all." McCulley's clients love the fact that they can get a quality and safe manicure/pedicure wherever they are, "and they're willing to pay for it," notes McCulley. She particularly loves her evening appointments with busy moms: "The kids go to bed at 7:45 p.m., and she's got her glass of wine and loves it," enthuses McCulley.

Salon Statistics

Year Founded: 2000
Owner: Melanie McCulley
Website: well-manicured.com
Phone: 323.828.1624
Days/Hours: 7 days a week/ hours are flexible
Most Requested Service: Manicures and pedicures
Signature Service: Gelish gel manicure
Additional Services: On-site spray tanning

PHOTOGRAPHY BY ARMANDO SANCHEZ

How to Market Your Mobile Salon



With a nail salon seemingly on every corner, finding your niche in the business is imperative to success. Whether you're starting a new mobile salon business or want to make your current one thrive, look at these tips for making your on-the-go company stand out from the rest.

1) **Cater to mommies-to-be**. Some soon-to-be-moms are running back and forth between their last weeks of work and baby preparations, others are on bed rest and can't leave the house even if they wanted a manicure for the "big day." Either way, a mobile salon can be the ideal option for these ladies. Make your business unique by advertising the use of pregnancy-safe polishes like those from Knocked Up Nails or Safe Nails.

2) **Talk to moms**. As we all know, moms are notoriously busy. Between work, picking up and dropping off their kids, making dinner, and cleaning up vomit from the carpet, it is a wonder any mothers have ever stepped foot inside a salon. Make their lives easier by promoting specials for moms, mother-daughter manicures, and afternoon mom get-togethers. They won't even need to find a babysitter.

3) **Find women's events**. Whether it's a party, conference, leadership program, beauty company extravaganza, or just a group of women catching up, it's a great opportunity for mobile salons. Not only does a booking at one of these events give you a good day's worth of business, it provides you with the opportunity to connect with many women who could potentially become regular clients. Make your brand memorable by offering nail art pertaining to the company or the occasion.

4) **Target beauty media**. Start with local newspapers and magazines, online, TV and radio and incrementally work up to more widespread and even national media. Send out press releases every few weeks to make sure your brand is getting out there and staying there. Stay in touch with contacts; they can be incredibly valuable even later on in your career.

5) **License your brand and sell it to others**. If your mobile salon becomes a success, you can have other manicurists buy in who want to represent your company name in other parts of the state, country, or even the world. This setup allows them to already have a business model and reputation through you, while giving you the opportunity to manage a larger, higher-revenue company. And there's nothing better than making a decent living doing exactly what you love to do. —*Sarah Emick*

Key Words:

Previous
WATCH: INM's nail art how-to with gel polish and glitter

Next
NYFW Fall 2013 Nails: CND Nails at Alexander Wang (/nyfw-

STATE OF CALIFORNIA
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Agenda Item 6

MEMORANDUM

DATE	May 16, 2013
TO	Board Members Board of Barbering and Cosmetology
FROM	Kristy Underwood Board of Barbering and Cosmetology, Executive Officer
SUBJECT	**Lash/Brow Tinting**

The Board has recently received several inquiries on the process for tinting and dyeing lashes and brows. This memo is to inform the Board of the information that was obtained during staff research.

California Business and Professions code 7316 (b) (1- 3) states:

(b)The practice of cosmetology is all or any combination of the following practices:
(1) Arranging, dressing, curling, waving, machineless permanent waving, 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.
(2) 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.
(3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

California Business and Professions Code 7316 (c) (1) states the following:

(c) Within the practice of cosmetology there exist 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 makeup, giving skin care, removing superfluous hair from the body of any person by the 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.

The Food and Drug Administration (FDA) maintains that there are no approved dyes (including vegetable dyes) or tints that retain their approval for distribution in the United States. They maintain that if an establishment was to undergo inspection by an FDA

investigator and non-approved product was found on the premises; action would be taken against the establishment.

The FDA has issued an Import Alert. A copy of the import alert, FDA Fact Sheet, email thread and letter received from FDA representatives have been included for your review.

Currently, the procedures on lash/brow tinting can be found in the 11th edition of Milady's Fundamentals Esthetics Textbook – Board approved (page 616-619 and referenced on page 602). In an email dated October 19, 2012 Milady publishing states they have included a Regulatory Agency Alert Box in their publication which states:

Do not use tints with aniline derivatives (coal-tar based). These are not FDA approved and can cause blindness. Some tints are illegal in the United States, but they are still available from retailers for use. Do not use them if they are not legal in your region. You may be fined and lose your license. Permanent haircolor should not be used on brows. Vegetable dyes are allowed in some regions but do not work as well or last as long. Some regions prohibit eyelash and eyebrow tinting using any type of coloring product. Check with local laws and regulations to see what is legal in your area.

In addition, the Board has compiled a listing of which State Boards continue to allow Lash/Brow tinting for your review.

Are your Estheticians allowed to perform lash/brow tinting?				
State	Allows	Does not Allow	Not Regulated	Comments
Alabama	X			
Alaska	X			
Arizona	X			
Arkansas		X		
California		X		
Colorado		X		
Connecticut			X	No Esthectic License offered.
Delaware	X			
District of Columbia	X			
Florida	X			
Georgia	X			print out of Esthetics Curriculum
Hawaii		X		
Idaho	X			
Illinois		X		Board Meeting notes April 26, 2010
Indiana		X		
Iowa	X			
Kansas	X			
Kentucky	X			
Louisiana	X			
Maine	X			
Maryland			X	
Massachusetts		X		States it is prohibited by FDA
Michigan		X		
Minnesota	X			
Mississippi	X			
Missouri	X			
Montana	X			July 25th, 2011 decision
Nebraska		X		

Page 2				
State	Allows	Does not Allow	Not Regulated	Comments
Nevada	X			
New Hampshire	X			Peggy called back and stated Esthi's can perform lash tinting as long as the product is made for the eye area. 603-271-3608
New Jersey		X		Cited FDA prohibites
New Mexico	X			
New York		X		
North Carolina	X			
North Dakota	X			
Ohio	X			Recomends the consult with FDA on products.
Oklahoma	X			
Oregon		X		
Pennsylvania	X			
Rhode Island	X			
South Carolina		X		
South Dakota	X			
Tennessee	X			
Texas	X			
Utah		X		
Vermont		X		
Virginia	X			
Washington	X			
West Virginia	X			"The lightening of hair on the body except the scalp."
Wisconsin		X		
Wyoming	X			Print out of General provisions.

***Compiled Sept 2012**

Guess, Tandra@DCA

From: Brown, Anna Marie <AnnaMarie.Brown@fda.hhs.gov>
Sent: Friday, November 09, 2012 4:55 AM
To: Guess, Tandra@DCA
Cc: Meyers, Beth; Brown, Anna Marie
Subject: FW: FDA regulation of products intended for eyelash and eye brow tinting

Dear Ms. Guest:

This responds to your inquiry of August 15, 2012, on behalf of the California Board of Barbering and Cosmetology, concerning the status of eyelash and eyebrow dyeing. You questioned whether the FDA advisory with regards to eyelash and eyebrow tinting was still in effect, and whether Mr. Lark Lambert's April 2009 letter on this topic was still valid. We apologize for the delay in responding.

FDA's policy concerning the status of eyelash and eyebrow dyeing cited by Lark Lambert in his June 16, 2009 letter remains in effect. More accurately, this is not a matter of "policy"; it is a matter of the laws enacted by Congress under which FDA regulates cosmetics. FDA regulates cosmetics under the authority of the Federal Food, Drug, and Cosmetic Act (FD&C Act). Under this law, cosmetics must not be adulterated or misbranded. For example, under section 601(a) of the Act, a cosmetic is adulterated if it is harmful for consumers under labeled or customary conditions of use. Under section 601(e) of the Act, a cosmetic is adulterated if it contains a color additive that is "unsafe" under section 721(a), which requires that color additives and their conform with an effective listing.

Presently, there are no color additives approved for tinting the eyelashes or eyebrows. A color additive, as defined by regulation, is any dye, pigment, or other substance (including natural colors, such as vegetable or fruit dyes) that can impart color to a food, drug, or cosmetic, or to the human body. Although cosmetic products and ingredients used in them are not subject to FDA premarket approval, color additives (in any FDA-regulated product) must be used in strict conformance to a listing regulation that authorizes the color additive's use in the specific product type (food, drug, cosmetic, etc.).Coal tar hair dyes (which we believe this product contains) are exempted from the cosmetic adulteration provision of section 601(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act, see http://www.fda.gov/RegulatoryInformation/Legislation/FederalFoodDrugandCosmeticActFDCAct/FDCActChapterVICosmetics/default.htm), but only if the cosmetic product's label includes the following legend:

"Caution -- This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing eyelashes or eyebrows; to do so may cause blindness."
However, section 601(a) also stipulates that the term "hair dye" shall not include eyelash dyes or eyebrow dyes, for the purposes of sections 601(a) and (e). For that reason, section 601(e), under which use of an unapproved color additive causes a cosmetic to be adulterated, applies to eyebrow and eyelash dyes, and these products can be considered adulterated cosmetics because they contain a color additive which is unsafe within the meaning of section 721(a).

Finally, FDA has had an Import Alert for eyelash and eyebrow dyes containing coal tar colors in effect since 1982, as a means to intercept, at the time of entry into the U.S., products intended for dyeing eyelashes and eyebrows.

We hope you find this information helpful. Thank you for your concern about the regulatory compliance of the products you import. Please let us know if we can be of further assistance.

Best regards,

Anna-Marie N. Brown
Cosmetics Staff
Office of Cosmetics and Colors

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Food and Drug Administration
College Park, MD 20740

June 16, 2009

Ms. Helen Peveri
Executive Director
Board of Registration of Cosmetology
Division of Professional Licensure
Commonwealth of Massachusetts
239 Causeway Street
Boston, Massachusetts 02114

Dear Ms. Peveri:

This responds to your inquiry of April 27, 2009, on behalf of the Massachusetts Board of Registration of Cosmetology, concerning the status of eyelash and eyebrow dyeing. You presented FDA with five questions concerning this issue:

1. Is the FDA advisory with regards to eyelash/eyebrow tinting still in effect?

There are no color additives approved for dyeing the eyelashes or eyebrows. Cosmetic products marketed in the United States are regulated by the Food and Drug Administration (FDA) in accordance with the requirements of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (http://www.fda.gov/RegulatoryInformation/Legislation/FederalFoodDrugandCosmeticActFDCAct/default.htm) and, if offered for sale as consumer commodities, the Fair Packaging and Labeling Act (FPLA) (http://www.fda.gov/RegulatoryInformation/Legislation/ucm148722.htm).

Unlike other cosmetic ingredients, all color additives are subject to FDA premarket approval with the exception of coal-tar dyes used to dye the hair. Coal tar hair dyes are exempted from the cosmetic adulteration provision of section 601(a) of the FD&C Act, but only if the cosmetic product's label includes adequate directions for preliminary testing and the following warning:

> "Caution -- This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing eyelashes or eyebrows; to do so may cause blindness."

Section 601(a) of the FD&C Act also stipulates that the term "hair dye" does not include eyelash or eyebrow dyes.

Section 601(e) of the Act applies to non hair-dye products. Under this section, eyelash and eyebrow dye products can be considered adulterated if they contain a color additive which is unsafe within the meaning of section 721(a) of the FD&C Act. Section 721(a) requires that all color additives be approved for use and that their use is in conformity with an effective regulation or the cosmetic product containing the color additive will be

adulterated under section 601(e) of the Act. FDA has not approved any color additives for dyeing the eyelashes or eyebrows and therefore no regulations authorize such use.

2. Does the FDA enforce this prohibition? The Board has received information which suggests it may be the only state board enforcing the FDA's ruling and would like to know if the FDA is aware of this.

FDA does enforce the law. Import Alert No. 53-04 http://www.accessdata.fda.gov/ImportAlerts/ora_ import_ia5304.html) has been in place since 1982 as a means to intercept, at the time of entry into the U.S., products intended for dyeing eyelashes and eyebrows. There are several such products on the Import Alert from different countries, and they are automatically detained should they be imported for the U.S. market.

Although cosmetic products and ingredients are subject to regulation and enforcement by FDA, professional practice, such as hair dyeing in salons, generally falls under the jurisdiction of state and local authorities. FDA is unaware of the practices of other state boards of cosmetology regarding eyelash and eyebrow dyeing products.

3. Does the FDA prohibition apply only to metallic dyes or any other specific product or is it a general ban?

As stated above, under the laws and regulations applicable for cosmetics marketed in the U.S., no color additives have been approved for use in dyeing the eyelashes or eyebrows. Non-coal-tar color additives that may be used as hair dyes are listed in Part 73 of the Code of Federal Regulations (CFR) (http://wcms.fda.gov/FDAgov/ForIndustry/ColorAdditives/GuidanceComplianceRegulatoryInformation/ColorAdditiveListingRegulations/default.htm) and include bismuth citrate (21 CFR 73.2110), henna (21 CFR 73.2190), and lead acetate (21 CFR 73.2396), (see http://wcms.fda.gov/FDAgov/Cosmetics/GuidanceComplianceRegulatoryInformation/VoluntaryCosmeticsRegistrationProgramVCRP/OnlineRegistration/ucm109084.htm for links). The "Uses and restrictions" sections in these regulations state, in part, that these color additives cannot be used for coloring the eyelashes or eyebrows. Color additives listed in Part 74 of the CFR are mostly coal-tar (synthetic organic) color additives (exceptions: D&C Black No. 2 is oil furnace carbon black, and D&C Black No. 3 is bone char), none of which has been approved for use in dyeing the eyelashes or eyebrows and therefore cannot be lawfully used in this manner.

4. The Board has received a claim recently that vegetable based dyes are not permanent and are not included in the FDA ruling, is this accurate?

As stated above, no color additives are approved for use in dyeing the eyelashes or eyebrows. The color additive "vegetable juice," listed under 21 CFR 73.260, is an approved color additive for use in foods (as is fruit juice, 21 CFR 73.250). However, these color additives have not been approved for use in cosmetics.

5. If the FDA ruling is no longer generic but is product specific, could you let us know which product are banned, or if the FDA has stated any particular product (other than mascara, eye shadow, eyebrow pencils and eye liners, of course) are not include in the ban?

Under the laws and regulations applicable for cosmetics marketed in the U.S., there are no color additives approved for dyeing the eyelashes or eyebrows. Products with labeling that makes the claim for dyeing the eyelashes or eyebrows (whether or not they contain color additives approved by FDA for other cosmetic uses), would be considered adulterated under section 601(e) of the FD&C Act.

Sincerely,

Lark A Lambert

Lark A. Lambert
Cosmetics Staff
Office of Cosmetics and Colors
Center for Food Safety
and Applied Nutrition

U.S. Food & Drug Administration

Import Alert 53-04

FDA Home[3] Import Program[4] Import Alerts Imports Alerts by Number Import Alert

(Note: This import alert represents the Agency's current guidance to FDA field personnel regarding the manufacturer (s) and/or products(s) at issue. It does not create or confer any rights for or on any person, and does not operate to bind FDA or the public).

Import Alert # 53-04
Published Date: 03/18/2011
Type: DWPE
Import Alert Name:
"Detention Without Physical Examination of Eyelash and Eyebrow Dyes Containing Coal-Tar"

Reason for Alert:
This alert was initiated in 1982 when it was noted that, upon chemical analysis, a number of eyelash and eyebrow dyes manufactured in Austria, Germany and England, shipped to the U.S., primarily through the mail, contained coal-tar dyes which are unsafe within the meaning of Section 721(a) of the FD&C Act.

The Center for Food Safety and Applied Nutrition, Health Hazard evaluation Board, evaluated the medical evidence related to a consumer injury along with scientific literature for coal-tar dyes. Based on the review, the products listed in the attachment represented an acute, severe hazard to health with the possibility of permanent injury; i.e., impaired sight, including blindness.

The products are believed to be widely distributed in the United states, although they probably are not sold for direct use by consumers, but rather sold to and used in beauty salons. Before use, the products are mixed with hydrogen peroxide and applied by a beautician to the eyelashes with a cotton swab. The primary distributors in the U.S. are likely to be firms that supply goods to beauty salons; however, products may also be shipped directly
to beauty salons by the manufacturer.

Review of FY 91-92 detention data indicated detentions of eyelash and eyebrow dyes continue to be made for Dr. Olbrich's Combinal dye, Vienna, Austria; Refecto Cil, Vienna, Austria, and Henna, Berlin, Germany. All entries were mail entries through DET-DO and BUF-DO.

Guidance:
Districts may detain,without physical examination, eyelash and eyebrow dyes identified in the Red List.

Alert U.S. Customs agents of the possible entry of the eyelash and eyebrow dyes at mail facilities. Continue surveillance for coal-tar dyes in eyebrow and eyelash dyes. Notify DIOP if any product not on the attachment is found to contain coal-tar dye.

Product Description:
Eyelash and Eyebrow Dyes

Charge:
"The article is subject to refusal of admission in accordance with Section 801 (a)(3) in that it appears to bear or contain, for the purpose of coloring only, a color additive which is unsafe within the meaning of Section 721(a) [Adulteration, Section 601(e)]."

OASIS charge code - COSM COLOR

List of firms and their products subject to Detention without Physical Examination (DWPE) under this Import Alert (a.k.a. Red List)

AUSTRIA

Andora-Cosmetic
Unknown Street , Vienna, AUSTRIA
Date Published : 09/18/2009
53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)
Date Published: 09/18/2009

Desc:Andora -Augenbrauen und Wimpernfarbe all shades
Notes:coal tar dyes
Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

Gschwenter-Haar Kosmetic Products
unknown , Vienna, AUSTRIA
Date Published : 09/18/2009
53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)
Date Published: 09/18/2009

Desc:Refecto Cil - Augenbrauen und Wimperfarbe graphite; black; brown and blue-black shades
Notes:mfr; coal tar dyes
Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

W. Pauli
A-1160 , Vienna, AUSTRIA
Date Published : 09/18/2009
53 C - - 04 Eye Lotion (Eye Makeup Preparations)
Date Published: 09/18/2009

Desc:Pialan Hair Dye
Notes:mfr.; coal tar dyes
Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);
53 C - - 04 Eye Lotion (Eye Makeup Preparations)
Date Published: 09/18/2009

Desc:Dr Olbrich's Combinal Augenbrauen und Wimperfarbe black; brown; blue; grey shades
Notes:mfr.; coal tar dyes
Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

CANADA

National Beauty Supply
.unknown , Mississagi, Ontario CANADA
Date Published : 09/18/2009
53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)
Date Published: 09/18/2009

Desc:Dr Olbrich's combinal Augenbrauen und Wimperfarbe black; brown; blue and grey shades
Notes:Known Shipper for W Pauli FEI 3003888792; coal tar dyes
Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

GERMANY

Else Sperlich Chem. Kosm.
Fabrick , Berlin, GERMANY
Date Published : 09/18/2009
53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)
Date Published: 09/18/2009

Desc:Henna Gora Augenbrauen und Wimpernfarbe (black; brown; blue-black shades)
Notes:mfr; coal tar dyes
Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

SWITZERLAND

Anifa SA
unknown , Baar, SWITZERLAND
Date Published : 09/18/2009
53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)
Date Published: 09/18/2009

Desc:Belmacil color
Notes:coal tar dyes
Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

UNITED KINGDOM

Zena Cosmetic Co.
Unknown Street , London, England UNITED KINGDOM
Date Published : 09/18/2009
53 C - - 04 Eye Lotion (Eye Makeup Preparations)
Date Published: 09/18/2009

Desc:Permalash black and brown shades
Notes:mfr coal-tar dyes
Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

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1. http://www.addthis.com/bookmark.php?u508=true&v=152&username=fdamain
2. http://www.addthis.com/bookmark.php

3. http://www.fda.gov/default.htm
4. http://www.fda.gov/ForIndustry/ImportProgram/default.htm

Note: If you need help accessing information in different file formats, see Instructions for Downloading Viewers and Players.

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- FOIA
- No Fear Act
- Site Map
- Transparency
- Website Policies

U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993
Ph. 1-888-INFO-FDA (1-888-463-6332)
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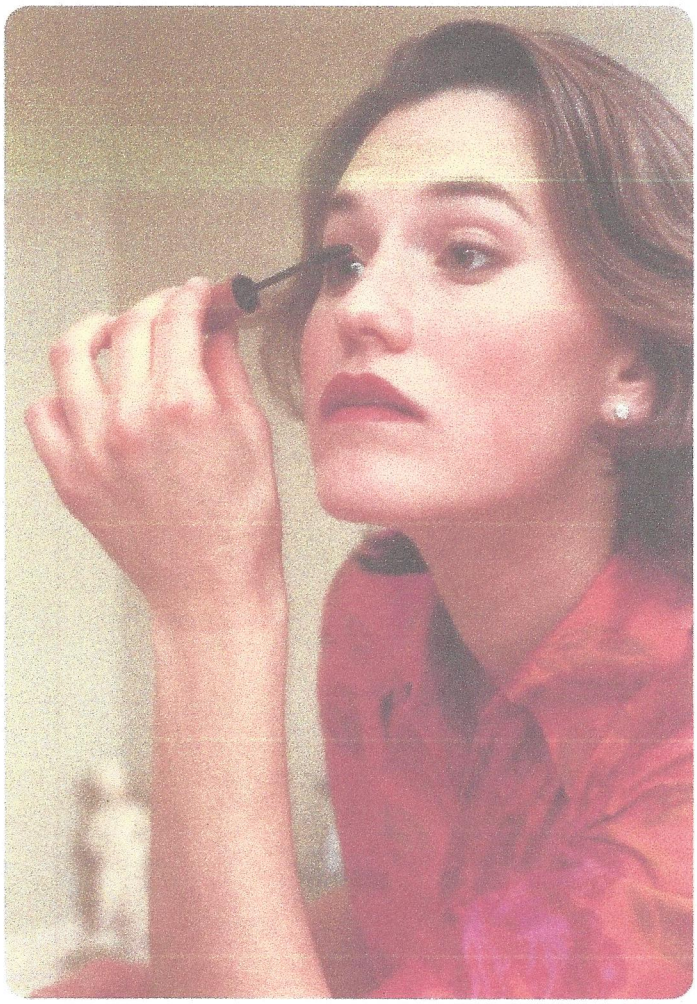
Links on this page:

Use Eye Cosmetics Safely



Photodisc

The Food and Drug Administration (FDA) regulates all cosmetics marketed in the United States, including mascara, eye shadows, eye liner, concealers, and eyebrow pencils.

Safety experts within the Office of Cosmetics and Colors in FDA's Center for Food Safety and Applied Nutrition (CFSAN) offer consumers the following advice:

Keep everything clean.
Dangerous bacteria or fungi can grow in some cosmetic products, as well as their containers. Cleanliness can help prevent eye infections.

Always wash your hands before applying eye cosmetics, and be sure that any instrument you place near your eyes is clean. Be especially careful not to contaminate cosmetics by introducing microorganisms. For example, don't lay an eyelash wand on a countertop where it can pick up bacteria. Keep containers clean, since these may also be a source of contamination.

Don't moisten cosmetic products.
Don't add saliva or water to moisten eye cosmetics. Doing so can introduce bacteria. Problems can arise if you overpower a product's preservative capability.

Don't share or swap.
People can be harmed by others' germs when they share eye makeup. Keep this in mind when you come across "testers" at retail stores. If you do sample cosmetics at a store, be sure to use single-use applicators, such as clean cotton swabs.

Don't apply or remove eye makeup in a moving vehicle.
Any bump or sudden stop can cause injury to your eye with a mascara wand or other applicator.

Check ingredients, including color additives.
As with any cosmetic product sold to consumers, eye cosmetics are required to have an ingredient declaration on the label. If they don't, they are considered misbranded and illegal.

In the United States, the use of color additives is strictly regulated. Some color additives approved for cosmetic use in general are not approved for areas near the eyes.

If the product is properly labeled,

Always wash your hands before applying eye cosmetics, and be sure that any instrument you place near your eyes is clean.

you can check to see whether the color additives declared on the label are in FDA's List of Color Additives Approved for Use in Cosmetics. (Under "For More Information" below, see "Color Additives Approved for Use in Cosmetics" and "FDA's Import Alert for Cosmetics Containing Illegal Colors.")

Use only cosmetics intended for the eyes on the eyes.
Don't use a lip liner as an eye liner, for example. You may expose eyes either to contamination from your mouth or to color additives that are not approved for use near the eyes.

Say "no" to kohl!
Also known as al-kahl, kajal, or surma, kohl is used in some parts of the world for enhancing the appearance of the eyes. But kohl is unapproved for cosmetic use in the United States.

Kohl contains salts of heavy metals such as antimony and lead. Reports have linked the use of kohl to lead poisoning in children.

Some eye cosmetics may be labeled with the word "kohl" only to indicate the shade, not because they contain true kohl.

A product's "ingredient statement" should not list kohl—this is not an FDA-approved color additive. Check the ingredient statement to make sure that kohl is not present.

Don't dye eyelashes and eyebrows.
No color additives are approved by FDA for permanent dyeing or tinting of eyelashes and eyebrows. Permanent eyelash and eyebrow tints and dyes have been known to cause serious eye injuries.

Use care with false eyelashes or extensions.
False eyelashes and extensions, as well as their adhesives, must meet the safety and labeling requirements for cosmetics. Since the eyelids are delicate, an allergic reaction, irritation, or injury in the eye area can occur. Check the ingredients to make sure you are not allergic to the adhesives.

Don't use eye cosmetics that cause irritation.
Stop using a product immediately if irritation occurs. See a doctor if irritation persists.

Avoid using eye cosmetics if you have an eye infection.
Discard any eye cosmetics you were using when you got the infection. Also, don't use eye cosmetics if the skin around the eye is inflamed.

Don't use old eye cosmetics.
Manufacturers usually recommend discarding mascara two to four months after purchase. Discard dried-up mascara.

Don't store cosmetics at temperatures above 85° F.
Preservatives that keep bacteria or fungi from growing can lose their effectiveness, for example, in cosmetics kept for long periods in hot cars.

REPORT PROBLEMS

If you need to contact FDA concerning an eye cosmetic product problem, go to the "How to Report" page on FDA's MedWatch Web site at *www.fda.gov/medwatch* and use form FDA 3500. You can also find contact information for an FDA office near you at *www.cfsan.fda.gov/~dms/district.html*. FDA

This article appears on FDA's Consumer Health Information Web page (*www.fda.gov/consumer*), which features the latest updates on FDA-regulated products. Sign up for free e-mail subscriptions at *www.fda.gov/consumer/consumerenews.html*.

For More Information
Protect Your Health
Joint FDA/WebMD resource
www.webmd.com/fda

CFSAN: Eye Cosmetic Safety
www.cfsan.fda.gov/~dms/coseye2.html

Color Additives Permitted for Use in Cosmetics
www.cfsan.fda.gov/~dms/col-vcrp.html

FDA's Office of Regulatory Affairs (ORA): Import Alert for Cosmetics Containing Illegal Colors
www.fda.gov/ora/fiars/ora_import_ia5306.html

ORA: Import Alert for Eyelash and Eyebrow Dyes Containing Coal Tar
www.fda.gov/ora/fiars/ora_import_ia5304.html

BarberCosmo
Board of Barbering & Cosmetology

Board of Barbering and Cosmetology
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MEMORANDUM

TO: Members, Enforcement and Inspections Committee
Board of Barbering and Cosmetology

Date: June 3, 2013

FROM: Tami Guess, Board Policy Analyst
Board of Barbering and Cosmetology

SUBJECT: Remedial Education in Lieu of a Citation and/or Fine

To prepare the Enforcement and Inspections Committee to begin discussion on the possibility of offering remedial education in lieu of a fine, staff has conducted the following research on what other State Boards offer and this memo will provide a sampling of what is currently offered, or been tried, by other State Boards.

Arizona

The Board of Arizona has an Infections Control and Safety class that is offered twice, monthly, on site, at their Board. The class fee is $25.00. The Board requires reciprocity applicants to take the class and the board also uses it for discipline. It is used alone or in addition to a fine. They have found use of the classes as an effective means for the education of repeat offenders and to educate licensee's coming in from other states, on the laws applicable to Arizona.

Kansas

Last year the State of Kansas discontinued their program of remedial training to licensees due to lack of participation and lack of cost effectiveness. The remedial training was offered to licensees with minor violations such as a display of an expired license. It was found that most of their licensee's would rather pay for the fine than actively participate in a class. The training included a seminar on infection control and was part of the States guidance document for discipline to establishments. Below are excerpts of their Guidance document:

Policy – Disciplinary Action for Health/Sanitation Violations Policy Number: 002-12
Last Updated: January 18, 2012

- The purpose of this policy is to provide disciplinary action based on a pattern of excessive health and sanitation violations at an establishment.
- Health and sanitation violations are reviewed on a case-by-case basis. The Board monitors establishments for a pattern of excessive violations before taking disciplinary action against an establishment.

  The levels of violations (per inspection) are as follows:
  Low Range 1-3 violations Acceptable
  Mid Range 4-5 violations Remedial Action Required

High Range > 5 violations Excessive

- Inspections resulting in low range violations are considered an acceptable part of the normal day-to-day operations of an establishment and are merely reported.
- Inspections resulting in mid range violations are of concern to the Board. For all inspections resulting in more than three violations, remedial action is required.
- If an establishment has five or more inspections resulting in violations in the mid range, the Board will issue a Summary Proceeding Order assessing a fine based on the most recent inspection ($50 per violation) and condition the establishment license for one year.
- If salon has three or more inspections resulting in violations in high range, the Board will issue a Summary Proceeding Order assessing a fine based on the most recent inspection and condition the establishment license for one year.
- The conditions of the license may be as follows:
    1. License is conditioned for one year from the effective date of the order.
    2. All employees/practitioners at the establishment must attend a mandatory infection control seminar. The establishment must contact the Board office within 20 days of the effective date of the order to schedule the seminar with the inspector. The seminar must be held within 60 days of the effective date of the order.
    3. The establishment will be subject to monthly inspections for the conditioned year. The Board will be reimbursed $50 per inspection (to be paid within thirty days of each inspection).
    4. If the establishment has no more than three infection control violations and no licensure violations reported at the monthly inspections for the first six month period during the one year conditioned period, and have complied with each of the above provisions, and the fine has been paid in full, the conditions on the license will be lifted.
    5. Failure to abide by the conditions set forth by the Board may result in revocation of Respondent's establishment license.

Oregon

Oregon at one time (in 2008 or 2009) had a remedial education program. The remedial education program was offered in-house by an Inspector of their board. The program was done away with for the reasons listed below:

- They did not have statutory right, not to cite and/or fine.
- The program was not effective, as it was not punitive enough; there were no noted reduction on the occurrence of violations.

On May 23, 2013, I received an additional statement saying in effect that their Agency does have the option to extend remedial training and it would depend on the case as presented. In one case, Agency even recommended counseling. So, it appears that in some cases Oregon does still offer a form of their remedial program.

Washington

Washington does not currently have a remedial education program. However, they are in the developmental stages of a program they call the "High Risk Program". If fully implemented the program will consist of the following:

A salon must score above an 85 percent on their salon inspection. Each potential violation is given a scoring weight. If the salon fails two inspections, in a row, they are deemed a 'high risk' salon. They are required to post their inspection report in the salon, viewable to the public. The results of the

inspection can also be viewed on the Boards website. In order to remove the 'high risk' status, the salon must pass a series of inspections and/or participate in remedial education. The remedial education is proposed to be in-person at the Board. Classroom instruction includes education on sanitation and salon safety. Washington has conducted two pilot projects and they both have been met with favorable comments from the public.

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF BARBERING AND COSMETOLOGY
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Agenda Item 7

MEMORANDUM

DATE	July 15, 2013
TO	Board Members Board of Barbering and Cosmetology
FROM	Kristy Underwood Board of Barbering and Cosmetology, Executive Officer
SUBJECT	**Proposed Regulations - Update**

Health & Safety — Public hearings are set for July 17, 2013, in Sacramento, CA and July 22, 2013, in Costa Mesa, CA. Following the hearings, and provided no further revisions to Article 12 are made and no 15-day notice of proposed changes is needed, staff will prepare the final statement of reasons for Board review and approval. Staff will then prepare the final rulemaking file, which will be submitted to the Department of Consumer Affairs' (DCA) Legal Affairs Office and Division of Legislative and Policy Review, the Department of Finance and the DCA Director. The file will also be submitted to the Department of Public Health as required by 7312(e) of the Business and Professions Code.

Equipment for Schools — A public hearing is set for August 1, 2013, in Sacramento, CA. Following the hearings, and provided no further revisions to Article 12 are made and no 15-day notice of proposed changes is needed, staff will prepare the final statement of reasons for Board review and approval. Staff will then prepare the final rulemaking file, which will be submitted to the Department of Consumer Affairs' (DCA) Legal Affairs Office and Division of Legislative and Policy Review, the Department of Finance and the DCA Director.

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MEMORANDUM

TO: Board Members,
Board of Barbering and Cosmetology

Date: May 29, 2013

FROM: Tami Guess, Board Policy Analyst
Board of Barbering and Cosmetology

SUBJECT: Proposed Board Meeting Dates for 2014

January 25, 2014 – Board Meeting – Long Beach, CA
January 26, 2014 – Reinstatement Hearing – Long Beach, CA

April 28, 2014 – Board Meeting – San Jose, CA

July 28, 2014 – Sacramento, CA
July 29, 2014 – Reinstatement Hearing – Sacramento, CA

October 20, 2013 – Ontario, CA

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Board of Barbering & Cosmetology

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Board of Barbering and Cosmetology-Department of Consumer Affairs
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MEMORANDUM

DATE	June 17, 2013
TO	Board Members Board of Barbering and Cosmetology
FROM	Tami Guess Board Policy Analyst
SUBJECT	Cross over Courses

To prepare the Board Members to begin discussion and review of the regulations that pertain to cross over courses currently offered by the Board, staff has included a copy of Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8, 950.9, and 950.10.

950.8. Curriculum for Barber Crossover Course for Cosmetologists

(a) The curriculum for students enrolled in a barber crossover course for cosmetologists shall consist of a minimum of four hundred (400) clock hours of technical instruction and practical operations covering those barber practices that are not a part of the required training or practice of a cosmetologist.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin.

(c) A barber school desiring to teach a barber crossover course as prescribed in Section 7321.5 of the code shall apply to the board for approval of such program. Such barber school shall include with its request for approval a copy of the curriculum it proposes to offer. Such curriculum shall include sufficient training in the various aspects of barbering to prepare the student properly for the barber examination and to provide barber services in an establishment. Hazardous substances shall be the course developed by the Board of Barbering and Cosmetology as provided by Section 7389.

(d) A barber school which offers a 400-hour course shall provide a completion notice to each student who completes that course. Such notice shall be included with a proof of training document pursuant to Section 909.

NOTE: Authority Cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 73/6(a), 732J.5 (d) (5) and 7362, Business and Professions Code.

950.9. Curriculum for Cosmetology Crossover Course for Barbers

(a) The curriculum for students enrolled in a cosmetology crossover course for barbers shall consist of a minimum of four hundred (400) clock hours of technical instruction and practical operations covering those cosmetological practices that are not a part of the required training or practice of a barber.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Such instruction shall include:

Cosmetology Crossover Course for Barbers Technical Instruction and Practical Operations

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	10	
(2) Cosmetology Chemistry (Shall include the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Shall also include the elementary chemical makeup, chemical skin peels, physical and chemical changes of matter.)	5	
(3) Health and Safety/Hazardous Substances (Shall include 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, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	20	
(4) Theory of Electricity in Cosmetology (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.)	5	
(5) Disinfection and sanitation (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection should be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.)	10	10
(6) Bacteriology, anatomy and physiology.	5	
(7) Wet Hair Styling (Shall include hair analysis, fingerwaving, pin curling and comb-outs.)	10	35
(8) Thermal Hair Styling (Shall include hair analysis, straightening, waving, curling with hot combs and hot curling irons.)	5	15
(9) Permanent Waving (Shall include hair analysis, sectioning patterns, chemical and heat permanent waving.)	10	35
(10) Chemical Straightening (Shall include hair analysis and the use of sodium hydroxide and other base solutions.)	5	10
(11) Hair Cutting (Shall include hair analysis, basic guideline and sectioning, the use of the razor, scissors for wet and dry cutting.)	2	10
(12) Hair Coloring and Bleaching (Shall include hair analysis, predisposition tests, safety precautions, formula mixing, tinting, bleaching, and the use of dye removers. Shall not include any credit for color rinses.)		

Cosmetology Crossover Course for Barbers Technical Instruction and Practical Operations		
Subject	**Minimum Hours of Technical Instruction**	**Minimum Practical Operations**
(A) Hair Coloring	20	15
(B) Bleaching		5
(13) Scalp and Hair Treatments (Shall include hair analysis, scientific brushing.)	2	5
(14) Facials		
(A) Manual (Shall include cleansing, scientific manipulations, packs, and masks.)	2	5
(B) Electrical (Shall include the use of all electrical modalities, including dermal lights and electrical apparatus for facials and skin care purposes.)	7	5
(C) Chemicals (Shall 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.)	10	15
(15) Eyebrow Arching and Hair Removal (Shall include the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.)	5	5
(16) Makeup (Shall include skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.)	5	10
(17) Manicuring and Pedicuring		
(A) Water and oil manicure, including nail analysis, and hand and arm massage.	5	15
(B) Complete pedicure, including nail analysis, and foot and ankle massage.	1	3
(C) Artificial nails		
1. Acrylic: Liquid and powder brush-ons	5	10 Nails
2. Artificial nail tips	3	10 Nails
3. Nail wraps and repairs	2	5 Nails

(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service record cards.

(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.

NOTE: Authority cited: Sections 7312, 7362 and 7390, Business and Professions Code. Reference: Sections 7316(b), 7321(d)(4), 7362, 7389 and 7390, Business and Professions Code.

950.10. Credit for Special License and Transfer of Training

(a) 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), shall receive credit for total clock hours completed and credit for and a balance of the minimum hours of technical instruction and the minimum practical operations required in each applicable subject as follows:

(1) Total Clock Hours Credit.

(A) Cosmetologist course to esthetician course. A student transferring from the cosmetologist course to the esthetician course shall receive a credit of 35 percent of the total clock hours earned while enrolled in the cosmetologist course.

(B) Cosmetologist course to manicurist course. A student transferring from the cosmetologist course to the manicurist course shall receive a credit of 20 percent of the total clock hours earned while enrolled in the cosmetologist course.

(C) Esthetician course to cosmetologist course. A student transferring from the esthetician course to the cosmetologist course shall receive a credit of 65 percent of the total clock hours earned while enrolled in the esthetician course. A holder of a esthetician license enrolling in the cosmetologist course shall receive a credit of 65 percent of the total clock hours required for the esthetician course.

(D) Manicurist course to cosmetologist course. A student transferring from the manicurist course to the cosmetologist course shall receive a credit of 70 percent of the total clock hours earned while enrolled in the manicurist course. A holder of a manicurist license enrolling in the cosmetologist course shall receive a credit of 70 percent of the total clock hours required for the manicurist course.

(2) Credit and balance for the minimum hours of technical instruction and minimum practical operations required. A student transferring from one course of study to another, or a holder of a special license who enrolls in a general course of study, shall receive a credit and balance for the minimum hours of technical instruction and minimum practical operations required by subtracting the number of hours and operations earned by the student or licensee while enrolled in the prior course from the minimum hours of technical instruction and minimum practical operations required for the new course in each applicable subject. If the student has earned more hours or operations in the prior course than are required in a specific subject of the new course, then that student's balance of hours and operations required in that subject shall be zero.

(b) Credit for a special course shall not be given to a student in the cosmetologist course until completion of the number of hours of instruction and training in a school of cosmetology which, when added to the number of hours for which the student is entitled to credit for the special course, will equal the minimum number of hours required for completion of the cosmetologist course.

(c) Effective until January 1, 2009, training received as an apprentice may be credited toward a course of training in a school. The maximum amount of hours that can be transferred from an apprenticeship program to a course of training in school shall not exceed 800 hours as reasonably determined by the school to which the apprentice is transferring and shall not exceed 50% credit for each hour earned as an apprentice. After January 1, 2009, training received as an apprentice shall not be credited toward a course of training in a school.

(d) Training received in a school shall not be credited toward training in an apprenticeship program.

Closed Session