

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**OCTOBER 21, 2013**  
Board Meeting  
The Courtyard by Marriott  
595 Hotel Circle South  
San Diego, CA 92108



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

2420 Del Paso Road, Suite 100  
Sacramento, CA 95834

# California State Board of Barbering and Cosmetology

## Board Meeting Agenda

Monday, October 21, 2013  
10:00 A.M.

Until completion of business

The Courtyard by Marriott  
595 Hotel Circle South  
San Diego, CA 92108

**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
  - July 15, 2013
6. Proposed Regulations – Discussion/Review and Approval of Proposed Changes:
  - Relating to Health and Safety 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
  - Relating to Minimum Equipment for Schools Title 16, Division 9, Article 6, Section 940 of the California Code of Regulations
  - Relating to the Apprenticeship Program Title 16, Division 9, Article 3 of the California Code of Regulations Sections: 914, 918, 921, 921.1 and 921.2
  - Relating to the Removal of Lash/Brow Tinting from the Cosmetology Curriculum Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.2, 950.9

# California State Board of Barbering and Cosmetology

7. Discussion and Recommendation of Cross Over and Transfer of Credit Relating to Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8, 950.9 and 950.10

8. Update and Discussion of Proposed Bills that Could Impact BBC:

- AB 1153 – Advanced Esthetician Curriculum Bill
- SB 308 – Sunset Review Bill

9. Committee Report:

Licensing and Examinations Committee (**Joseph Federico, Chair**)

1. Report on the July 16, 2013 Meeting
2. Discussion and Recommendations for Continuing Education Requirements for Licensees
3. Discussion and Recommendation on Establishing a Freelance Authorization
4. Discussion and Recommendation on Establishing a Booth Rental License

10. Update on the Status of the Boards 2013 – 2017 Strategic Plan

11. Discussion on Natural Hairstyling/Braiding

12. Discussion and Approval of the Legislative Report on the Study of Appropriate Licensing Sub-categories

13. Update on Apprenticeship Program Reforms

14. Agenda Items for Next Meeting

15. 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)]*

16. **CLOSED SESSION:**

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

**OPEN SESSION:**

17. 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*

**Quarterly Barbering and Cosmetology  
Licensing Statistics  
Fiscal Year 13/14**

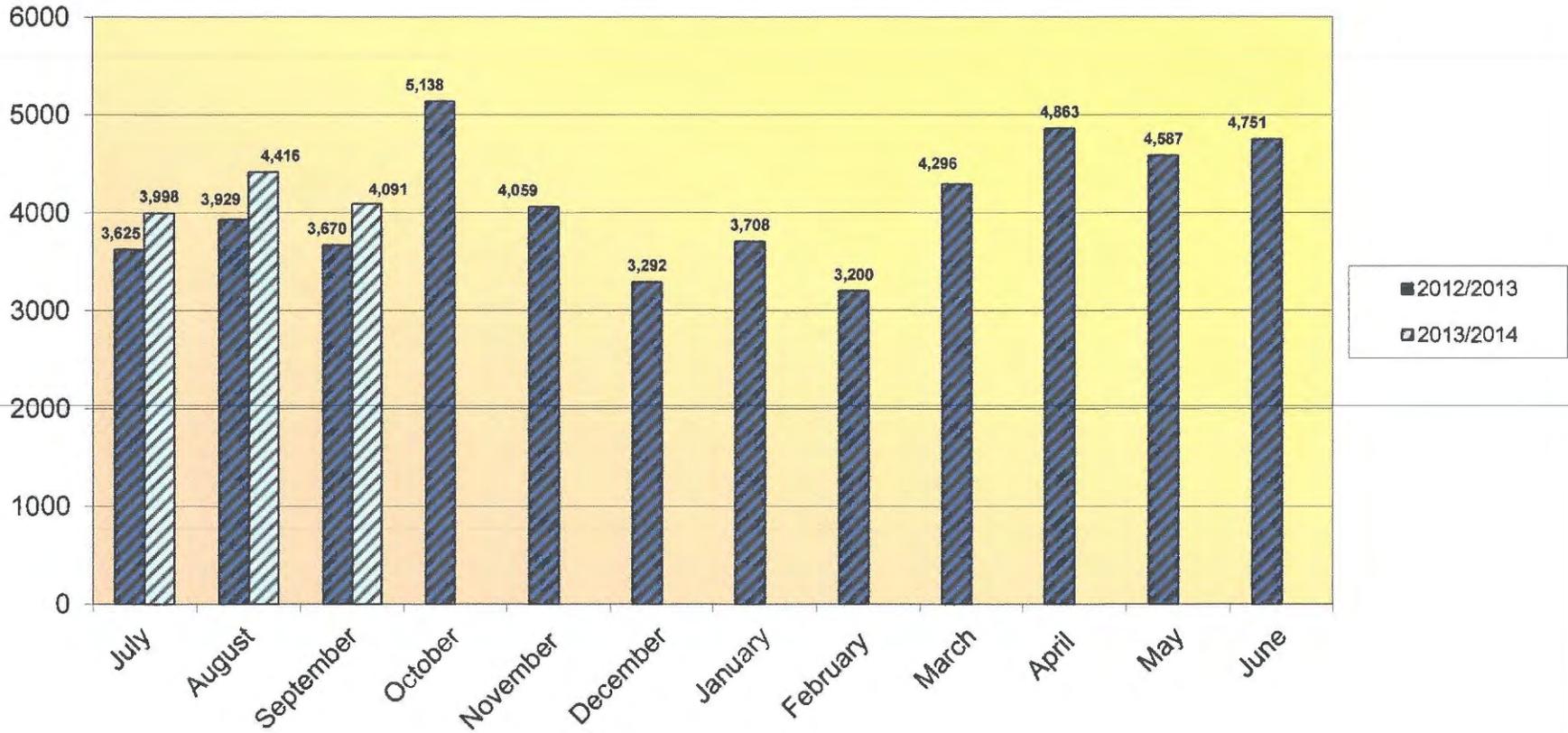
**Applications Received**

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June	YTD
Establishment	1,646				1,646
Barber	569				569
Barber Apprentice	51				51
Cosmetology	6,040				6,040
Cosmetology Apprentice	119				119
Electrology	16				16
Manicuring	2,450				2,450
Esthetician	1,614				1,614
<b>Total</b>	<b>12,505</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,505</b>

**Licenses Issued**

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June	YTD
Establishment	1,815				1,815
Mobile Unit	1				1
Barber	396				396
Barber Apprentice	63				63
Cosmetology	3,119				3,119
Cosmetology Apprentice	121				121
Electrology	9				9
Electrology Apprentice	0				0
Manicuring	1,412				1,412
Esthetician	1,299				1,299
<b>Total</b>	<b>8,235</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8,235</b>

### Number of Applications Received



## Examination Results

(July 1, 2013- September 30, 2013)

### Practical Examinations

Administered	Passed	Failed	Total	Pass Rate	*DNA
Barber	432	70	502	86%	107
Cosmetologist	3,609	457	4,066	89%	671
Esthetician	1,420	124	1,544	92%	133
Electrologist	7	0	7	100%	1
Manicurist	1,519	285	1,804	84%	159
<b>TOTAL</b>	<b>6,987</b>	<b>936</b>	<b>7,923</b>	<b>88%</b>	<b>1,071</b>

\* Did Not Attend

### Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	406	66	472	86%
Spanish	16	5	21	76%
Vietnamese	9	1	10	90%
Korean	1	0	1	100%
<b>TOTAL</b>	<b>432</b>	<b>72</b>	<b>503</b>	<b>86%</b>

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,806	1,981	4,787	59%
Spanish	109	255	364	30%
Vietnamese	231	139	370	62%
Korean	28	15	43	65%
<b>TOTAL</b>	<b>3,146</b>	<b>2,375</b>	<b>5,521</b>	<b>57%</b>

Manicurist	Passed	Failed	Total	Pass Rate
English	400	178	578	69%
Spanish	8	7	15	53%
Vietnamese	1,027	487	1,514	68%
Korean	15	6	21	71%
<b>TOTAL</b>	<b>1,435</b>	<b>678</b>	<b>2,107</b>	<b>68%</b>

Esthetician	Passed	Failed	Total	Pass Rate
English	963	209	1,172	82%
Spanish	1	2	3	33%
Vietnamese	362	73	435	83%
Korean	41	3	44	93%
<b>TOTAL</b>	<b>1,367</b>	<b>287</b>	<b>1,610</b>	<b>85%</b>

Electrologist	Passed	Failed	Total	Pass Rate
English	8	1	9	89%
Spanish	0	0	0	0%
Vietnamese	0	0	0	0%
Korean	0	0	0	0%
<b>TOTAL</b>	<b>8</b>	<b>1</b>	<b>9</b>	<b>89%</b>



Business, Consumer Services, and Housing Agency – Governor Edmund G. Brown Jr.  
 BOARD OF BARBERING AND COSMETOLOGY  
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 P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov



**QUARTERLY BARBERING AND COSMETOLOGY  
 DISCIPLINARY REVIEW COMMITTEE STATISTICS**

**Fiscal Year 13-14**

**Report Date: September 30, 2013**

	July - September	YTD
<b>NORTHERN</b>		
Heard	297	297
Received	199	199
Pending <sup>1</sup>	677	677 <sup>2</sup>
<b>SOUTHERN</b>		
Heard	762	762
Received	427	427
Pending <sup>1</sup>	1,387	1,387 <sup>2</sup>

<sup>1</sup> Pending refers to the number of appeals received but not yet heard by DRC.

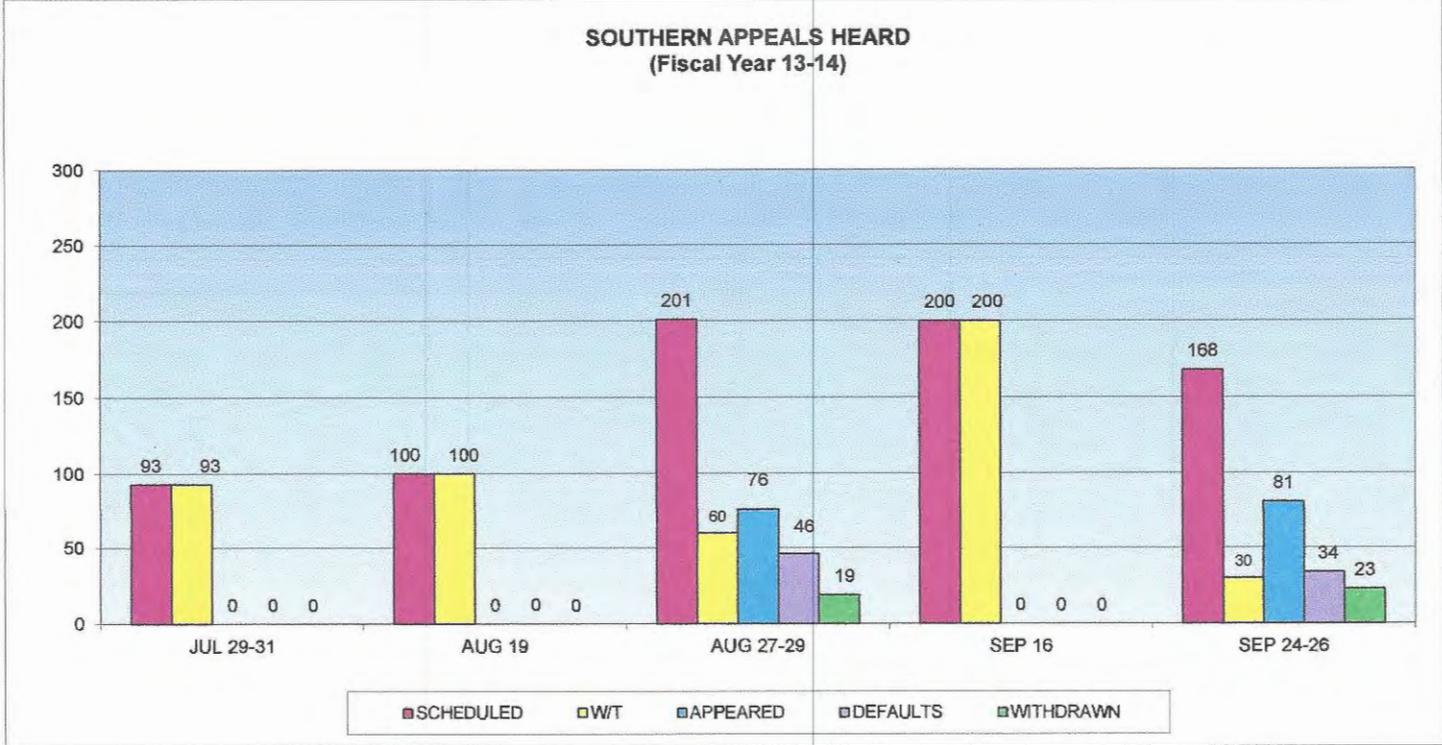
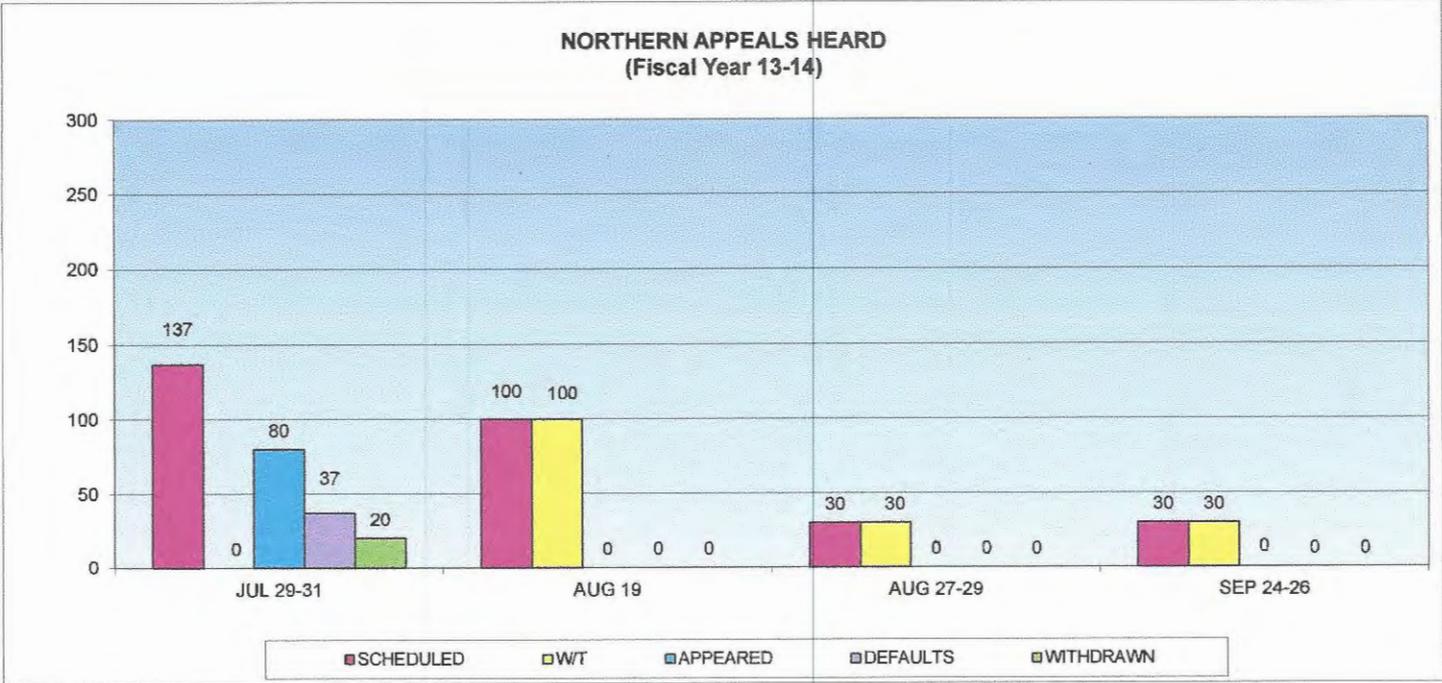
<sup>2</sup> Figure represents number of pending requests as of report date.

**2013 SCHEDULED HEARINGS**

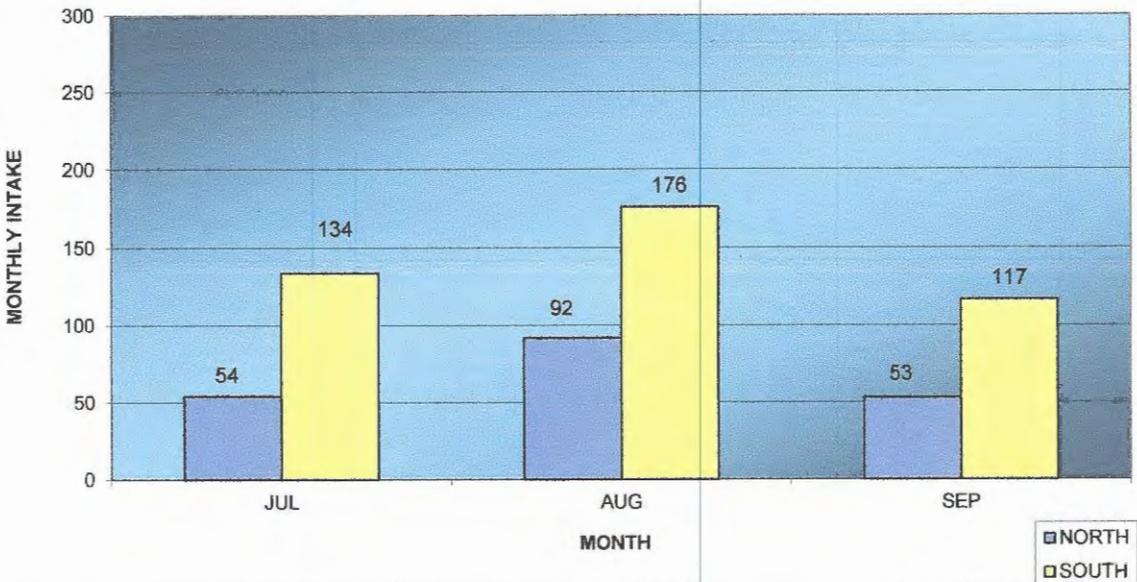
Southern	San Diego	October 22-24, 2013
Northern	Sacramento	November 18-20, 2013
Southern	Los Angeles	December 17-19, 2013

**2014 SCHEDULED HEARINGS**

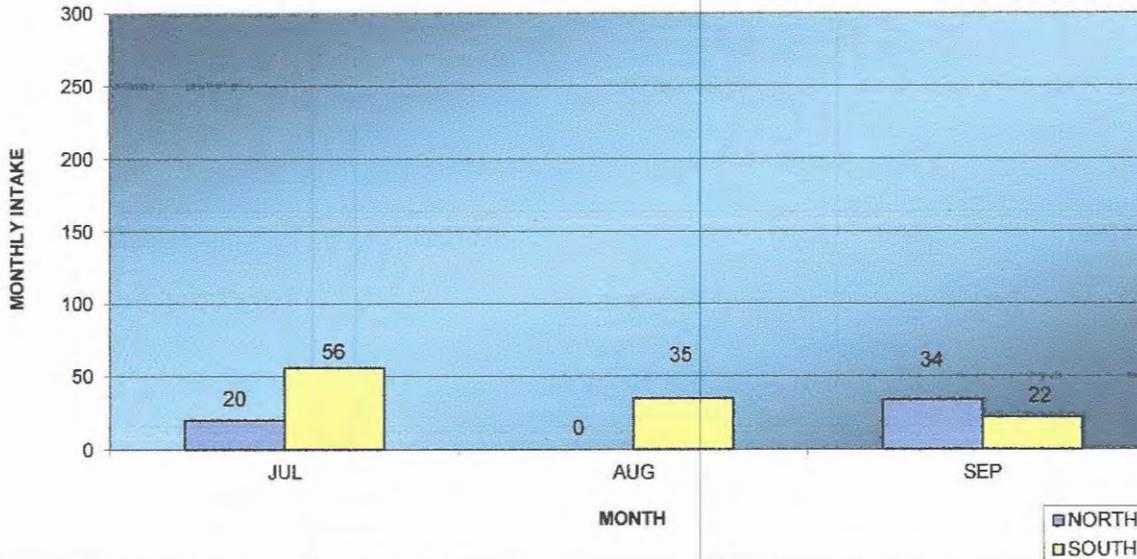
Southern	Long Beach	January 28-30, 2014
Southern	Norwalk	February 25-27, 2014
Northern	Sacramento	March 24-26, 2014



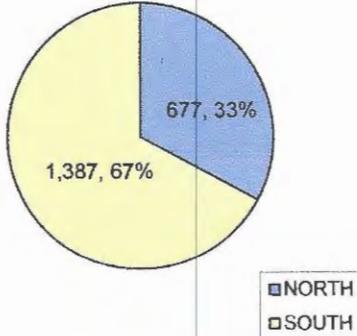
**DRC MONTHLY INCOMING APPEALS (Fiscal Year 13-14)**



**DRC MONTHLY INCOMING WT APPEALS (Fiscal Year 13-14)**



**DRC APPEALS WAITING TO BE HEARD/SCHEDULED (As of September 30, 2013)**



**QUARTERLY BARBERING AND COSMETOLOGY  
ENFORCEMENT STATISTICS Fiscal Year 12-13**

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun*	YTD*
<b>COMPLAINTS</b>					
Complaints Received	854				854
Referred to DOI	4				4
Complaints Closed	753				753
Total Complaints Pending	849				849
<b>APPLICATION INVESTIGATIONS</b>					
Received	421				421
Pending	9				9
Closed	450				450
<b>ATTORNEY GENERAL</b>					
Referred	25				25
Accusations Filed	11				11
Statement of Issues Filed	1				1
Total Pending	105				105
<b>DISCIPLINARY PROCESS</b>					
Proposed Decisions	3				3
Default Decision	10				10
Stipulation	7				7
<b>DISCIPLINARY OUTCOMES</b>					
Revocation	19				19
Revoke, Stay, Probation	0				0
Revoke, Stay, Suspend/Prob	8				8
Revocation, Stay w/ Suspend	0				0
Probation Only	0				0
Suspension Only	0				0
Suspension & Probation	0				0
Suspension, Stay, Probation	4				4
Surrender of License	0				0
Public Reprimands	0				0
License Denied	0				0
Other	0				0
Total	31				31
<b>PROBATION</b>					
Active	133				151

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

**QUARTERLY BARBERING AND COSMETOLOGY  
INSPECTION AND CITATIONS STATISTICS Fiscal Year 13-14**

	Jul-Sept*	Oct-Dec	Jan- Mar	Apr-Jun	YTD
<b>CITATIONS</b>					
Establishments	1,396				1,396
Barber	102				102
Barber Apprentice	7				7
Cosmetologist	469				469
Cosmetologist Apprentice	8				8
Electrologist	0				0
Electrologist Apprentice	0				0
Manicurist	357				357
Esthetician	27				27
Unlicensed Est.	49				49
Unlicensed Individual	90				90
<b>Total</b>	<b>2,505</b>				<b>2,505</b>
<b>INSPECTIONS</b>					
Establishments w/ violations	1,385				1,385
Establishments w/o violations	497				497
<b>Total</b>	<b>1,882</b>				<b>1,882</b>

\*Only includes data from July 2013 and August 2013.



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**Budget Updates**

**Constraints:**

On April 26, 2011, the Governor issued Executive Order B-06-11 prohibiting in state or out-of-state travel unless it is mission critical or there is no cost to the state. The Board prepared a reduction plan for FY 2013-14. The plan included reducing the amount of staff who travel to Southern California to conduct disciplinary review hearings from three (3) staff to two (2) staff. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

**1. Budget 2012/13 Fiscal Year (July 2013 - June 2014):**

**Attachment 1** displays projected expenditures for end of the year.

**Board of Barbering and Cosmetology**  
**Fiscal Year 2013/2014**  
**Projected Expenditures 08/31/13**

<b>Personnel Services</b>	<b>ALLOTMENT</b>	<b>BBC Projected Expenditures</b>	<b>Projected Year</b>
Permanent	3,928,270	3,686,350	241,920
Expert Examiners	452,554	412,700	39,854
Temporary	0	145,000	(145,000)
BL 12-03 Blanket	0	109,000	
Statutory-Exempt	103,608	102,012	1,596
Board Member Commission	0	15,000	(15,000)
Overtime	0	15,000	(15,000)
<b>Total Salary &amp; Wages</b>	<b>4,484,432</b>	<b>4,485,062</b>	<b>108,370</b>
<b>Net Salary &amp; Wages</b>	<b>4,484,432</b>	<b>4,485,062</b>	<b>(630)</b>
Staff Benefits	2,031,324	1,990,243	41,081
<b>Total of Personnel Services</b>	<b>6,515,756</b>	<b>6,475,305</b>	<b>40,451</b>
<b>Operating Expenses &amp; Equipment (OE&amp;E)</b>	<b>Allotment</b>	<b>BBC Projected Expenditures</b>	<b>Projected Year End Balance</b>
General Expense	191,403	133,200	58,203
Printing	168,413	255,200	(86,787)
Communication	94,605	33,800	60,805
Postage	283,384	275,000	8,384
Insurance	4,489	2,027	2,462
Travel In State	82,789	77,600	5,189
Travel, Out-of-State	0	0	0
Training	22,513	5,000	17,513
Facilities Operations	1,288,599	1,054,040	234,559
Consultant & Professional Svs. - Interdept.	125,781	2,000	123,781
Consultant & Professional Svs. - External	509,947	150,000	359,947
Depart. and Central Admin. Services	6,996,270	6,996,270	0
Consolidated Data Center	68,468	5,000	63,468
Examinations	1,394,177	2,600,000	(1,205,823)
Major Equipment	117,400	25,000	92,400
Minor Equipment	44,850	40,000	4,850
Data Processing	0	0	0
Other Items of Expense	7,288	7,288	0
Vehicle Operations	51,784	75,000	(23,216)
Enforcement	1,739,249	952,453	786,796
Special Items of Expenses	0	0	0
Required OE&E Savings		171,022	(171,022)
<b>Total Operating Expenses &amp; Equipment</b>	<b>13,191,409</b>	<b>12,859,900</b>	<b>331,509</b>
Total reimbursements	(57,000)		(57,000)
<b>Total</b>	<b>19,650,165</b>	<b>19,335,205</b>	<b>274,509</b>

# 0069 - Barbering and Cosmetology Analysis of Fund Condition

Prepared 9/16/13

(Dollars in Thousands)

**NOTE: \$21 Million General Fund Repayment Outstanding**

	ACTUAL 2012-13	Budget Act CY 2013-14	BY 2014-15
<b>BEGINNING BALANCE</b>			
Prior Year Adjustment	\$ 9,993	\$ 13,832	\$ 16,075
Adjusted Beginning Balance	\$ 531	\$ -	\$ -
	\$ 10,524	\$ 13,832	\$ 16,075
<b>REVENUES AND TRANSFERS</b>			
Revenues:			
125600 Other regulatory fees	\$ 5,394	\$ 5,966	\$ 5,966
125700 Other regulatory licenses and permits	\$ 4,941	\$ 4,186	\$ 4,186
125800 Renewal fees	\$ 10,946	\$ 11,809	\$ 11,809
125900 Delinquent fees	\$ 759	\$ 745	\$ 745
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 33	\$ 44	\$ 54
150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 10	\$ 21	\$ 21
161400 Miscellaneous revenues	\$ 17	\$ 18	\$ 18
Totals, Revenues	\$ 22,100	\$ 22,789	\$ 22,799
Transfers from Other Funds			
Proposed GF Loan Repayment			
Transfers to Other Funds			
GF Loan per item 1110-011-0069, Budget Act of 2011			
Totals, Revenues and Transfers	\$ 22,100	\$ 22,789	\$ 22,799
Totals, Resources	\$ 32,624	\$ 36,621	\$ 38,874
<b>EXPENDITURES</b>			
Disbursements:			
0840 State Controller (State Operations)	\$ 12	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 18,681	\$ 20,454	\$ 20,863
1111 Program Expenditures (State Operations)			
8880 Financial Information System for California (State Ops)	\$ 99	\$ 92	\$ -
9670 Equity Claims / Board of Control (State Operations)	\$ -	\$ -	\$ -
Total Disbursements	\$ 18,792	\$ 20,546	\$ 20,863
<b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 13,832	\$ 16,075	\$ 18,011
<b>Months in Reserve</b>	8.1	9.2	10.2

**NOTES:**

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.



### **FY 13-14 Outreach/Industry Events**

#### **Participated:**

- 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
- July 17, 2013: Nail Salon Town Hall Meeting (Orange)  
Attendees: Kristy Underwood and Tami Guess
- August 4, 2013: State of the Natural Union for Black Heritage (El Segundo)  
Panel Speaker: Dr. Kari Williams
- August 25 & 26, 2013: San Jose Face & Body Show (San Jose)  
Attendees: Debra Brown, Tami Guess and Marcene Melliza
- September 16, 2013: Sacramento City College (Sacramento)  
Speaker: Kristy Underwood
- September 22, 2013: Nail Pro Show (Sacramento)  
Attendees: Debra Brown, Patricia Garcia, Marcene Melliza and Tami Guess
- September 23, 2013: BBC's Outreach Event (Sacramento)  
Hosted: BBC Staff  
Attendees: Schools, Students and Licensee's
- September 29 & 30, 2013: Barristar School Forum (Burbank)  
Attendees: Debra Brown, Patricia Garcia, Marcene Melliza and Tami Guess
- October 17, 2013: Skyline College (San Bruno)  
Speaker: Kristy Underwood and Tami Guess

Scheduled:

- October 28, 2013: Barbering and Beauty Expo (Norwalk)
- January 25-27, 2014: International Salon and Spa Expo (Long Beach)



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**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY**

**MINUTES OF JULY 15, 2013**

**Department of Consumer Affairs  
1625 North Market Boulevard  
Hearing Room S-120, 1st Floor  
Sacramento, CA 95834**

Additional Meeting Location  
2305 South Beretenia Street  
Honolulu, HI 96826

**BOARD MEMBERS PRESENT**

Joseph Federico, President  
Andrew Drabkin  
Dr. Kari Williams  
Mary Lou Amaro  
Bobbie Anderson  
Christie Tran

**STAFF MEMBERS PRESENT**

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

**TELECONFERENCED IN:**

Rich Hedges

**ABSENT:**

Wen Ling Cheng, Vice President

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

Mr. Joseph Federico called the meeting to order at 11:00 a.m. The Board members introduced themselves.

**2. Agenda Item, #2, Public Comment on Items Not on the Agenda**

There were no public comments.

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

Mr. Joseph Federico did not have anything to report.

**4. Agenda Item 4, Executive Officer Report**

Ms. Kristy Underwood, Executive Officer, reported. The Board is promoting safe sandal season. Four local TV spots promoting safe sandal season and how to be safe when getting a pedicure have been aired and planning is underway to produce television spots in Bakersfield and in the in Los Angeles area, targeting the Boards' Spanish speaking population. The new Breeze database has not been implemented. On June 13th and June 18th, the Board conducted examinations in state correctional facilities down in Chowchilla. They administered nine exams and eight individuals passed and received licenses. The Board has recently produced a video with the help of DCA and Federico's Beauty Institue pertaining to what to expect when you are being inspected and the video is in the process of being posted on the website.

Statistics are included in the packets. A question was posed from Mr. Richard Hedges regarding outreach. Ms. Kristy Underwood stated the Executive Order on travel still stands and travel is limited, but she is hoping that in the future they will be able to do more outreach. Mr. Hedges suggested meeting with DCA to emphasize the success and importance of such outreach.

**5. Agenda Item 5, Approval of Board Meeting Minutes [April 8, 2013 and May 6, 2013]**

Upon motion by Mr. Richard Hedges and second by Mr. Joseph Federico to approve the Minutes from the April 8, 2013, and May 6, 2013, meetings, the Minutes were approved by a vote of 7-0.

**6. Agenda Item 6, Committee Reports**

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

Ms. Kristy Underwood, reported. The Legislative and Budget Committee met on June 3rd, 2013. The Committee looked at two bills that impact the Board. The first is AB1153 which the Board has previously taken a watch position on. This is the advanced skin care bill. There have not been any changes to the bill. The sponsor is working on additional language to address some of the Board's concerns relating to scope of practice. Language should be available to review at the next Board meeting.

The second bill is SB308 which is the Sunset Bill. The Board has previously taken a support position on. There are no recommendations to change that position.

The Legislation Committee has approved the regulation changes in the apprenticeship program. The Committee is also bringing forward to the Board a recommendation to update regulations for the apprentice program.

Proposed recommendations for regulation changes:

- Clarify that an individual who has completed qualification and can sit for the examination is not eligible for the apprenticeship program. The apprenticeship program is a pathway to licensure. If a person has been approved by schooling or has completed the apprenticeship program already, he/she cannot go back and participate in the apprenticeship program.
- Clarifying that an apprentice has to inform the Board of disenrollment from the program in order to be allowed back in the program.

- Committee agreed to require only two apprentices to be supervised by a single trainer.
- Update of curriculum.

**Public Comment**

Mr. Fred Jones, Professional Beauty Federation of California (PBFC), posed a question regarding the apprenticeship. If a student completes the apprenticeship program and applies to take the exam, what happens if they fail the exam? The student would want to retake the exam but also would want to continue working as an apprentice. These proposed regulations do not address that directly. Is there some cutoff where an apprentice, while they are in that limbo state, can only be working so long? The license is for two years. The apprentice has to complete the two years and then take the exam. Will the Board extend a license if there is a backlog in the exam? We don't want somebody to be out of work while they're waiting to take the exam. There is no provision addressing the issue if an apprentice fails the exam. Mr. Jones believes this will be an issue.

Mr. Gary Federico, Federico Beauty Institute, questioned whether apprenticeship is a paid position. Are there provisions that an instructor can verify that the apprentice is being paid? The Board does not have that authority. Mr. Richard Hedges commented that if there is any question about whether somebody is being paid or not, the individual can file a complaint with the Labor Commissioner's office. It is his understanding that apprentices are employed under the law in the State of California and must be paid at least minimum wage and are entitled all applicable rights.

Ms. Bobbie Anderson made a motion to approve regulation changes and Dr. Kari Williams seconded the motion. The motion passed by a 7-0 vote.

1. Discussion and Recommendations for Legislative Report on the Study of Appropriate Licensing Subcategories.

The Legislation Committee discussed this topic of licensing subcategories. The Committee believes the subcategories diminish the existing scopes of practices and agree that it is not what should be supported. However, this Committee is interested in supporting the idea of an industry certificate program. The item will have a final recommendation to the full Board in October and then to the Legislature by January of 2014.

**Public Comment**

Mr. Manhal Mansour, Pigment Cosmetics, stated that he was very excited about the conversation at the last Board meeting and in the legislative hearing, particularly the openness of the Board to consider industry-based certification with Board guidance. This is exactly the type of approach he believes would be most efficient and would take us where we need to go. There are three critical changes in the new language of the proposed makeup artist certification. The first one is that it removes the proposal of 480 hours and it replaces it with guidance as required by the Board, essentially saying that the Board will be the entity that will determine the appropriate amount of hours for that type of program. The second addition which is really critical is a clause that pertains to working in areas that are currently exempt. This bill would make it illegal for the employer to require certification for something that was already exempt. They added a portion that says students receiving training in this area would be given credit towards cosmetology or esthetician programs should they

decide to pursue their career. Perhaps this can be incorporated in the Sunset Bill SB308.

Mr. Armand Adkins, Blush School of Makeup, would strongly encourage some action on the certificate-based educational program.

Mr. Fred Jones, Professional Beauty Federation of California, stated the Federation is in strong support of the idea of having the industry begin to recognize advanced skills for licensees beyond what the State Board tests for. The Federation would like the industry to go beyond just simply protecting consumers and start really advancing the skills and providing the formal recognition that the Board can acknowledge that licensees have received these further skills and training.

2. Update and Discussion of the Status of the BBC Budget Change Proposal to Increase Inspector Positions

Staff is working on a budget change proposal to increase the number of inspector positions. Currently, the Board has 23 positions serving the State of California.

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

Mr. Richard Hedges, Chair, reported. A meeting was held on June 3, 2013. The Committee discussed recommendations on ways the Board can prevent unlicensed activity (mobile licensees). It was recommended that the Board start with an education program for consumers and licensees. The staff has already started this process. Postings have been made on the website and trade magazines are being contacted. This will be the first step in battling this problem.

The Committee also discussed lash and brow tinting. There are no federal approved products for tinting for lashes or brows. This is currently part of the cosmetology curriculum and the Committee is asking the full Board to support removing this from the regulation. The regulation change will be the first step in educating licensees and informing them that this process is not approved by the Food and Drug Administration (FDA). A motion will be needed for the change in regulation.

The Committee discussed the option of offering remedial education in lieu of a citation or fine. This item was brought to the Enforcement Committee by the staff because it was discussed in the past, but a final recommendation was never made. At this point, the Enforcement Committee does not believe the Board should move forward with remedial education in lieu of a fine. The fines have recently been updated and the Committee believes this is a valid consumer protection tool. The Board does not have staffing to take advantage of this option at this time.

Mr. Richard Hedges recommended a motion be made to the Chair for a regulation change regarding lash/brow tinting that would first stop the education of licensees and next would inform them that this process is not approved by the FDA. Motion should include removal of lash and brow tinting from the cosmetology curriculum.

Mr. Richard Hedges made a recommendation that a motion be proposed.

**Public Comment**

Mr. Gary Federico, Federico Beauty Institute, commented regarding lash and brown tinting. The FDA has not approved a product. Mr. Gary Federico is not aware of any

problems with particular products in the past. Mr. Gary Federico suggested the industry be more proactive and suggested approaching the manufacturers regarding their products before striking lash/brow tinting from the curriculum.

It is Mr. Richard Hedges' understanding that there are no manufacturers of dyes for lash and brow tinting in the United States and all products are imported and are not approved by the FDA. Staff did reach out to the manufacturers and they were not cooperative.

Mr. Fred Jones, PBFC, would like a clarification of the motion. Ms. Kristy Underwood clarified: the motion was to remove lash and brow tinting from the cosmetology curriculum. Mr. Fred Jones asked if there would be accompanying clarification that is not an allowed practice. Ms. Kristy Underwood stated there would be. Given the fact that there are approximately 43 states that allow this and given the fact that he thinks this may be a little bit of a shock to individual licensees to learn that they can't tint lashes, the Board may want to take a little bit more methodical approach. He suggested a trigger in the language that if a product is approved by the FDA then lash and brow tinting will again fall under the scope of a licensed practice.

Ms. Jamie Schrabek, Precision Nails, stated that her concern is that we can remove lash and brow tinting protocol out of the curriculum, but when the scope of practice is very broad and relates to any hair of any person and doesn't specify where that hair is on a person's body, unless we specify that a particular area of the body is off limits, then the scope of practice would allow that to take place.

Mr. Richard Hedges questioned staff regarding Mr. Fred Jones's comment about a trigger and if that is a consideration. Ms. Kristy Underwood stated that right now we have a section in the curriculum and we have received information and we have spoken to the FDA, we have spoken to the manufacturers, and the FDA has said there is no approved product. What the Board has in front of it today is that the FDA has given it written documentation that there is no approved product for the tinting and dyeing of lashes and brows. Mr. Richard Hedges suggested that other boards are looking to California for leadership on this and is concerned that members could be legally charged since they know it is not safe but are allowing it to be part of the curriculum. Ms. Kristy Underwood stated they have contacted other states.

Mr. Richard Hedges asked if they have some responsibility under civil law if they find something not to be safe or is not approved to remove that from our curriculum or face possible legal action if someone is harmed. Mr. Gary Duke stated he would have to do some research. He suspects not and believes the concept of sovereign immunity would apply.

Dr. Kari Williams asked if anyone had heard of anyone being harmed from eyebrow/eyelash tinting? Ms. Kristy Underwood stated, there is a record of blindness but no complaints have been received at our Board.

A roll call vote was held on the motion to remove lash and brow tinting from the cosmetology curriculum. The motion carried with a vote of 6-1. (Nay – Mr. Joseph Federico)

Mr. Richard Hedges reported that the Disciplinary Review Committee (DRC) staff has been working very hard to prepare cases but is moving very slowly to reduce the backlog.

**7. Agenda Item 7, Proposed Regulations - Review and Approval of Proposed Changes to Health and Safety Regulations and Revised Equipment for Schools**

Both regulation packages are going through the process. Public hearings are scheduled.

**8. Agenda Item 8, Proposed Board Meeting Dates for 2014**

Proposed Board meeting dates are listed in section 8 of the packets.

Mr. Joseph Federico made a motion to approve the meeting dates, seconded by Mr. Andrew Drabkin. Motion passed with a vote of 7-0.

**9. Agenda Item 9, Discussion and Review of Regulations Pertaining to Cross-Over Courses**

Ms. Kristy Underwood, stated the curriculum for the cross-over course was included in the meeting materials. If you are transferring from one program to another, such as a cosmetologist to an esthetician or a cosmetologist to a manicurist, this regulation addresses how much of your credit would be able to transfer. Cosmetology to barber or barber to cosmetology is not addressed. Mr. Joseph Federico suggested creating an additional item that would be for a barber to a cosmetologist and a cosmetologist to a barber. This would open up more options to students who are interested in crossing over. Mr. Richard Hedges is in support. Ms. Kristy Underwood suggested a motion that staff bring back language.

Mr. Joseph Federico made the motion to have the staff bring back some recommended language for this to the next Board meeting. Mr. Richard Hedges seconded. The motion passed with a vote of 7-0.

**10. Agenda Item 10, Agenda Items for Next Meeting**

Dr. Kari Williams would like to start a discussion on natural hair styling.

**11. Agenda Item 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 for a future meeting. [Government Code Sections 11125, 11125.7(a)]*

No public comment.

**12. Agenda Item 12, Adjournment**

With no further business, the meeting was adjourned.



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## MEMORANDUM

<b>DATE</b>	October 21, 2013
<b>TO</b>	Board Members Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood Board of Barbering and Cosmetology, Executive Officer
<b>SUBJECT</b>	<b>Regulations - Update</b>

**Equipment for Schools** — The final language and final statement of reasons are being submitted for review and approval by the Board. Staff will then complete the rulemaking file and submit it to the Legislative & Policy Review and Legal Affairs divisions of the Department of Consumer Affairs (DCA), the DCA director, the Department of Finance, and ultimately, the Office of Administrative Law (OAL).

**Apprenticeships** — Staff has prepared the documents necessary to publish the Board's regulations proposal in the OAL rulemaking register. These documents are currently being reviewed, after which a hearing date will be selected and the documents filed with OAL for publication.

**Health and Safety** — Several changes have been made to the proposed health and safety regulations to be reviewed by the Board.

**Lash/Brow Tinting** — Staff has prepared the "Specific Language" for review and approval by the Board. This is a formality before staff files the rulemaking proposal with the OAL.

**BOARD OF BARBERING AND COSMETOLOGY**  
***Division 9, Title 16, of the California Code of Regulations.***

**FINAL LANGUAGE**

<b>LEGEND</b>	
<b><u>Underlined</u></b>	<b>Indicates proposed amendments or additions to the existing regulation.</b>
<b><del>Strikeout</del></b>	<b>Indicates proposed deletions to the existing regulation.</b>

- **Amend Section 940, Title 16, California Code of Regulations, as follows:**

**§ 940. Equipment for Schools of Cosmetology.**

**(a)** The minimum equipment for a school of cosmetology shall be as follows:

~~(a) (1) Sufficient electrical~~ **Electrical** equipment and ~~dermal lights~~ for giving instruction in skin care and electrical facials. NOTE: Equipment shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face.

~~(b) (2) Mannequins, with full head of hair.....~~ 10

~~(c) (3) Time clocks or time scanner.....~~ 1

~~(d) (4) Shampoo bowls.....~~ 5

~~(When the average daily attendance exceeds 50 students, additional shampoo bowls shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50)~~

~~(e)(5) Dryers.....~~ 12 **6**

~~(When the average daily attendance exceeds 50 students, additional dryers shall be added at the ratio of one for each 10 students in average daily attendance in excess of 50)~~

~~(f) (6) Facial chairs or facial couches.....~~ 4 **2**

~~(When the average daily attendance excess 50 students, additional facial chairs or facial couches shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50)~~

~~(g) (7) Manicure stations..... 6~~

~~(When the average daily attendance exceeds 50 students, additional manicure tables shall be added at the ratio of one for each 10 students in average daily attendance in excess of 50)~~

~~(h) Electrical cap.....1~~

~~(When the average daily attendance exceeds 50 students, additional electrical caps shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50)~~

~~(i) (8) Thermal hair straighteners~~

~~(1) Electric comb.....1~~

~~(2) (A) Non-electric comb..... 3~~

~~(3) (B) Stove (for non-electric combs)..... 1~~

~~(4) (C) Electric curling iron..... 1~~

~~(5) (D) Non-electric curling iron (at least two sizes)..... 3~~

~~(6) (E) Stove (for non-electric curling irons)..... 1~~

~~(9) Hairstyling or barber chairs.....15~~

(b) The minimum equipment for a school of barbering shall be as follows

(1) Mannequins, with full head of hair.....7

(2) Time clock or time scanner.....1

(3) Shampoos bowls.....3

(4) Dryers.....4

(5) Hairstyling or barber chairs.....8

(6) Electric curling iron.....1

(7) Non-electric Comb.....1

(8) Non-electric curling irons (at least two sizes).....2

(9) Stove (for non-electric combs).....1

(10) Towel steamer.....1

(c) The minimum equipment for a school of electrolysis shall be as follows:

(1) Time clock or time scanner.....1

(2) Sinks for handwashing.....2

(3) Service tables.....3

(4) Electrolysis Epilators:

(A) High frequency thermolysis.....2

(B) Blend epilator.....2

(C) Multiple Needle.....1

(5) Magnifying lamp/loupes/binocular magnifier.....	3
(6) Stools with adjustable height.....	3
(7) Utility stands.....	3
(8) Sharps container.....	1 per table
(9) Dry heat sterilizer.....	1
(10) Autoclave sterilizer.....	1

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section Sections 7362.1(a), 7362.2 and 7362.3, Business and Professions Code.*

BOARD OF BARBERING AND COSMETOLOGY

**FINAL STATEMENT OF REASONS**

**Hearing Date:** August 1, 2013

**Subject Matter of Proposed Regulations:** Equipment for Schools

**Sections Affected:** Section 940, California Code of Regulations

**Updated Information**

- During the course of this rulemaking, the Board discovered two arithmetic errors in the fiscal impact estimates for cosmetology schools described in the Initial Statement of Reasons and the Economic and Fiscal Impact Statement (STD 399). The number of mannequin heads under the proposed regulations would be ten (10) rather than two (2), while the number of shampoo bowls would be five (5) rather than four (4). This means the estimated initial equipment cost for a cosmetology school would be approximately \$7,500 rather than \$7,000.
- During the course of this rulemaking, the Board identified a typographical error in the Initial Statement of Reasons in the Factual Basis/Rationale for the barber school requirements. The number of barber schools in California is "one-tenth" of the number of cosmetology schools.

**Local Mandate**

A mandate is not imposed on local agencies or school districts.

**Small Business Impact**

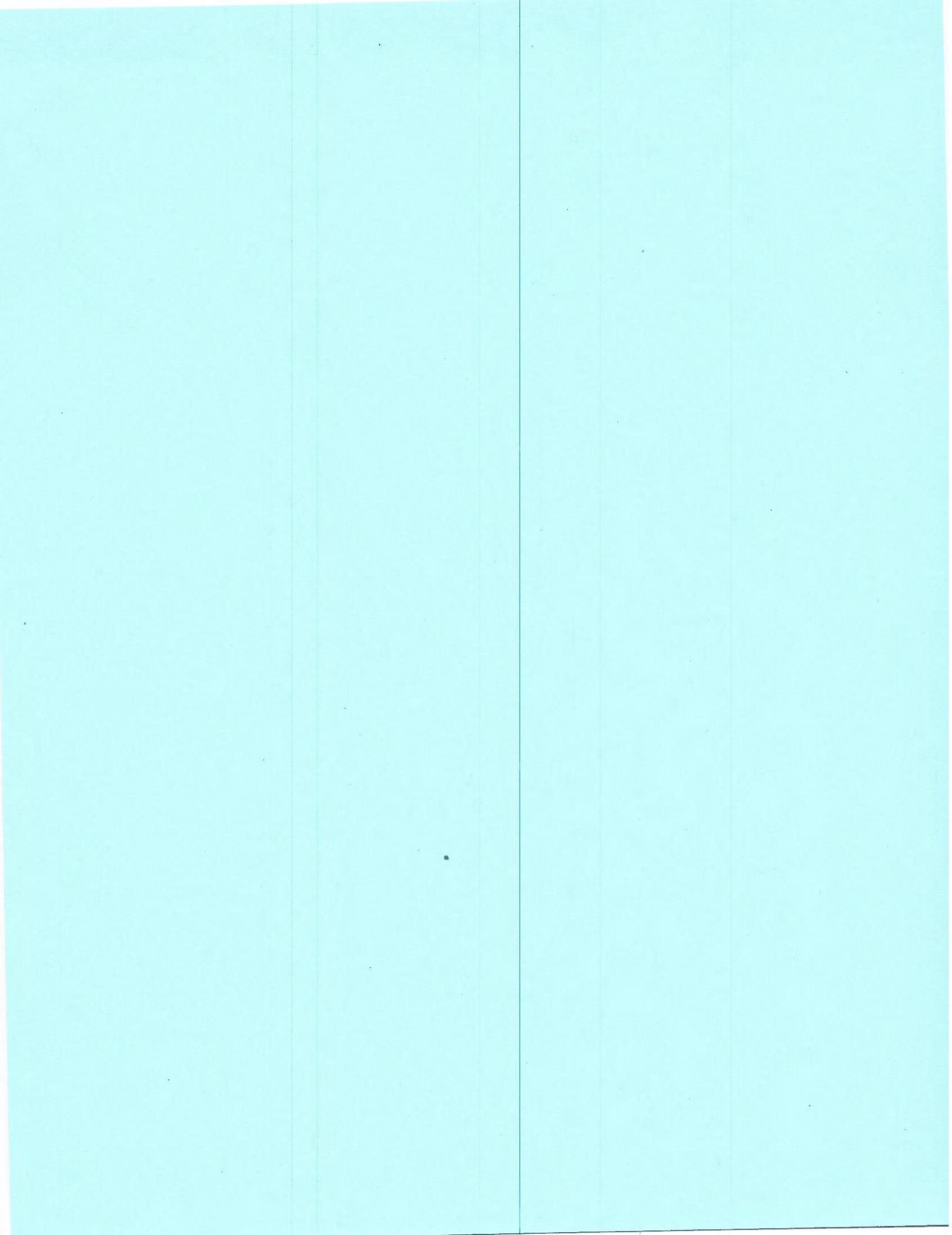
There is no significant impact to small business.

**Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board would be either as effective and less burdensome to affected private persons than the adopted regulation or more cost effective to affected private persons and equally effective in implementing the statutory policy on other provision of law.

**Summary of, and Responses to, Comments Received During the 45-day Comment Period**

No comments were received.



**BOARD OF BARBERING AND COSMETOLOGY**  
*Division 9 of Title 16 of the California Code of Regulations.*

**SPECIFIC LANGUAGE**

**LEGEND**

<b><u>Underlined</u></b>	<b>Indicates proposed amendments or additions to the existing regulation.</b>
<b>Strikeout</b>	<b>Indicates proposed deletions to the existing regulation.</b>

**(1) Adopt Section 977 to read as follows:**

**§ 977. Health and Safety Definitions.**

The following words and terms, when used in this article, shall have the following meanings:

Autoclave — A device used to sterilize tools, equipment and supplies by subjecting them to high pressure saturated steam.

Over-the-Counter — Cosmetology, barbering or electrology products that are made available for purchase by the general public without a physician's prescription.

Cosmetics — Substances used to enhance the appearance of the human body.

Contaminated — The presence of blood or other potentially infectious materials on an item's surface or visible debris such as dust, hair and skin.

Dermis — The layer of skin just below the epidermis; the living layer of the skin.

Disinfect or Disinfection — The use of chemicals to destroy harmful bacteria, viruses and pathogens on implements or tools to render them safe for use.

Disinfectable — Indicates that an item can be successfully disinfected without being damaged or destroyed.

Disinfectant — A product registered by the U.S. Environmental Protection Agency (EPA) that has demonstrated bactericidal, fungicidal and virucidal activity. The products used must include

a label from the manufacturer that indicates the EPA registration and must be in liquid form to disinfect non-electrical tools and spray or toilette form to disinfect electrical tools and shears.

Dry Heat Sterilizer — A device used to sterilize equipment and supplies by use of hot air that is nearly or completely free of water vapor.

Epidermis — The outermost layer of the skin; the non-living layer of the skin.

Electrical Tools — All tools used for barbering, cosmetology and electrology that require electricity to operate by means of an electrical cord, wireless charger, or battery. These include, but are not limited to clippers, blow dryers, curling irons and flat irons.

Hot Styling Tools — Tools that utilize heat to style hair.

Non-Electrical Tools — All tools used for barbering, cosmetology and electrology that do not use any form of electricity to operate. These include, but are not limited to shears, razors, cuticle nippers, cuticle pushers, nail clippers, metal files, metal smoothers, combs and hair clips.

Practice of Medicine — The demonstration or application of the learned profession mastered by graduate training in a medical school and devoted to preventing or alleviating or curing diseases and injuries.

Sanitary — A clean, healthy condition.

Soiled — Dirty.

Sterilize or Sterilization — The process which removes or kills all forms of microbial life, including transmissible agents (such as fungi, bacteria, viruses and spore forms) by use of an autoclave or dry heat sterilizer.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

**(2) Amend Section 978 to read as follows:**

**§ 978. Minimum Equipment and Supplies.**

(a) Establishments and schools shall have and maintain the following minimum equipment and supplies:

(1) If hair services are performed, At at least one covered waste receptacle container per establishment for the disposal of hair. Hair must be disposed of in a covered waste container.

(2) Closed receptacles containers to hold all soiled towels, gowns, smocks, linens and sheets in public areas.

(3) Closed, clean cabinets or containers to hold all clean towels, gowns, smocks, linens and sheets.

(4) Containers for disinfectant solution for ~~instruments~~ tools and equipment to be disinfected. Containers must be labeled "Disinfectant Solution".

(5) Each container specified in (4) shall contain sufficient disinfectant solution to allow for the total immersion of tools ~~and instruments~~.

(6) If electrolysis is performed, ~~an steam~~ autoclave or dry heat sterilizer that meets the requirements of Section 982.

(b) Establishments and schools shall have disinfectant solution, mixed according to manufacturer's directions, available for use at all times.

(c) A manufacturer-labeled container for the disinfectant used must be available at all times in the establishment or school. In the event that the last remaining disinfectant has been used, the empty manufacturer-labeled container must be present.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(3) Amend Section 979 to read as follows:**

**§ 979. Disinfecting Non-Electrical Instruments Tools and Equipment.**

(a) Before use upon a client ~~patron~~, all non-electrical ~~instruments~~ tools that can be disinfected, excluding shears, shall be disinfected in the following sequential manner:

(1) Remove all visible debris.

(2) Clean with soap or detergent and water.

(3) Allow tools to completely dry

(2) Then totally immerse in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.

(b) The disinfectant solutions specified in subdivision (a) shall:

(1) Remain covered at all times.

(2) Be changed according to the manufacturer's instructions. ~~at least once per week or whenever visibly cloudy or dirty.~~

(c) All ~~instruments~~ tools used on a ~~patron~~ client or soiled in any manner shall be placed in a ~~properly-labeled receptacle.~~ container labeled "Dirty", "Soiled", or "Contaminated".

(d) All disinfected ~~instruments~~ tools shall be stored in a clean, covered place which is labeled as such—“Clean” or “Disinfected”.

(e) Disinfected tools shall not be placed in a container, pouch or holder which cannot be disinfected.

(f) Shears shall be disinfected according to the following sequential procedures:

(1) Remove all visible debris.

(2) Clean with soap or detergent and water.

(3) Spray or wipe the shear with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer’s instructions.

(g) Disinfected shears shall not be placed in a container, pouch or holder which cannot be disinfected.

(e) (h) ~~If instruments~~ tools and ~~equipment~~ specified in this section are sterilized in accordance with the requirements outlined in Section 982, the requirements of this section will be deemed to have been met.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(4) Amend Section 980 to read as follows:**

**§ 980. Disinfecting Electrical Tools Instruments.**

(a) Clippers, ~~vibrators,~~ and other electrical ~~instruments~~ tools shall be disinfected prior to each use by in the following sequential manner:

(1) Remove all visible debris ~~foreign matter;~~ and

(2) Disinfecting with an EPA-registered disinfectant spray or wipe with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions.

(b) All disinfected electrical tools ~~instruments,~~ ~~excluding curling irons and hot combs,~~ shall be stored in a clean, ~~covered~~ place.

(c) All soiled electrical tools used on a client, or soiled in any manner, shall be placed in a container labeled “Soiled”, “Dirty” or “Contaminated” (excluding hot styling tools).

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(5) Amend Section 980.1 to read as follows:**

**§ 980.1. Procedures for Cleaning and Disinfecting Whirlpool Footspas, and Air-Jet Basins.**

(a) As used in this section, “whirlpool footspa” or “spa” is defined as any basin using circulating water.

(b) An air-jet basin is defined as any basin using an air jet stream system to move water.

(c) After use upon each client patron, each whirlpool footspa or air-jet basin shall be cleaned and disinfected in the following sequential manner:

(1) All water shall be drained from the basin.

(2) The inside walls of the basin shall be scrubbed and cleaned of all visible debris residue with a clean brush, ~~and~~ liquid soap (labeled as such on soap product) and water.

(3) The spa basin shall be rinsed with water.

(4) The spa basin shall be refilled with clean water.

(5) The water in the basin shall be circulated with the correct amount (read manufacturer label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that is labeled as a bactericide, fungicide and virucide, through the basin for at least 10 minutes.

(6) The spa basin must be drained, rinsed, and wiped dry with a new, clean paper towel.

(7) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(d) At the end of each day and after the last client, each whirlpool footspa or air-jet basin shall be cleaned and disinfected in the following sequential manner:

(1) The screen and any other removable parts shall be removed.

(2) Scrub all visible debris residue from the screen, inside walls of the basin, any other removable parts, and the area behind them with a clean brush, ~~and~~ liquid soap (labeled as such on soap product) and water.

(3) Reinsert the clean screen and any other removable parts.

(4) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow the spa manufacturer's instructions).

(5) Drain the detergent solution and rinse the basin.

(6) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide through the basin for at least 10 minutes.

(7) Drain, rinse, and wipe the basin dry with a new, clean paper towel and allow basin to dry completely.

(8) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.

(e) At least once each week, after completing the procedures provided in subsection (d) (1 through 6) each whirlpool footspa and air-jet basin shall not be drained and the following sequential procedures shall be followed:

(1) Do not drain the disinfectant solution. The unit shall be turned off and the disinfecting solution shall be left undisturbed in the unit for at least 6 to 10 hours.

(2) After the disinfectant solution has been sitting at least ~~between 6 to 10~~ hours, drain and rinse the basin with clean water.

(3) Refill the basin with clean water and flush the system.

(4) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.

(f) The pedicure equipment-cleaning log shall be made available upon request by either a client ~~patron~~ or a board representative.

(g) A whirlpool footspa "Not in Service" must have a notation on the pedicure equipment-cleaning log that the footspa is not in service. The footspa must have a "Not in Service" sign displayed upon the chair and be kept in a sanitary condition.

(h) ~~(g)~~A violation of this section may result in an administrative fine and/or disciplinary action. Each whirlpool footspa or air-jet basin not in compliance with this section may result in a separate violation.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(6) Amend Section 980.2 to read as follows:**

**§ 980.2. Procedures for Cleaning and Disinfecting Pipe-Less Footspas.**

(a) As used in this section, "~~Pipe-Less~~" "pipe-less" footspa is defined as any unit with footplates, impellers, impeller assemblies and propellers.

(b) After use upon each client ~~patron~~, each Pipe-less ~~pipe-less~~ footspa shall be cleaned and disinfected in the following sequential manner:

- (1) All water shall be drained from the spa basin.
- (2) Remove footplate, and any other removable components according to the manufacturer's instructions.
- (3) Scrub all visible debris ~~residue~~ from the impeller, footplate, inside walls of the basin, and/~~or~~ other components and the areas behind or under each with a clean brush, and liquid soap (labeled as such on soap product) and water. Rinse with clean water.
- (4) Reinsert the properly cleaned footplate, and/~~or~~ other components.
- (5) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.
- (6) Drain, rinse and wipe the basin dry with a new, clean paper towel.
- (7) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(c) At the end of every day and after performing the procedures provided in subsection (b) (1 through 7) and after the last client, each pipe-less footspa shall be cleaned and disinfected in the following sequential manner:

- (1) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow manufacturer's instructions).
- (2) Drain the detergent solution and rinse the basin.
- (3) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.
- (4) Drain, rinse and wipe the basin dry with a new, clean paper towel.
- (5) Allow the basin to dry completely.
- (6) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.

(d) At least once each week, after completing the procedures provided in subsection (c) (1 through 3), and the disinfectant solution in each pipe-less footspa shall not be drained and the following sequential procedures shall be followed:

(1) The unit shall be turned off and the disinfecting solution shall be left in the unit undisturbed for at least 6 to 10 hours.

(2) After the disinfectant solution has been sitting at least ~~between 6 to 10~~ hours, rinse and wipe the basin dry with a new, clean paper towel.

(3) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.

(e) The pedicure equipment-cleaning log shall be made available upon request by either a client ~~patron~~ or a board representative.

(f) A pipe-less footspa that is "Not in Service" must have a notation on the pedicure equipment-cleaning log that the footspa is not in service. The footspa must have an "Not in Service" sign displayed upon the chair and be kept in a sanitary condition.

~~(g)~~ (f) A violation of this section may result in an administrative fine and/or disciplinary action. Each pipe-less footspa not in compliance with this section may result in a separate violation.

*Note: Authority cited: Sections 7312 and 7406, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(7) Amend Section 980.3 to read as follows:**

**§ 980.3. Procedures for Cleaning and Disinfecting Non-Whirlpool Foot Basins or Tubs.**

(a) As used in this section, "~~Non-Whirlpool Foot Basin~~" or "~~Tubs~~" "non-whirlpool foot basins" or "tubs" are defined as any basin, tub, footbath, sink, ~~and bowl~~, - and all non-electrical equipment that holds water for a client's feet during a pedicure service.

(b) After use upon each client patron, each ~~Non-Whirlpool Basin or Tub~~ non-whirlpool foot basin or tub shall be cleaned and disinfected in the following sequential manner:

(1) All water shall be drained from the foot basin or tub.

(2) The inside surfaces of the foot basin or tub shall be scrubbed and cleaned of all visible debris residues with a clean brush and liquid soap (labeled as such on soap product) and water.

(3) The foot basin or tub shall be rinsed with clean water.

(4) Refill the foot basin or tub with clean water and the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide. Leave the disinfecting solution in the foot basin or tub for at least 10 minutes.

(5) Drain, rinse and wipe the basin dry with a new, clean paper towel.

(6) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(c) The pedicure equipment-cleaning log shall be made available upon request by either a client ~~patron~~ or a board representative.

(d) A violation of this section may result in an administrative fine and/or disciplinary action. Each non-whirlpool foot basin or tub not in compliance with this section may result in a separate violation.

(e) All disinfected basins or tubs shall be stored in a clean, covered place labeled "Clean" or "Disinfected".

*Note: Authority cited: Sections 7312 and 7406, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(8) Adopt Section 980.4 to read as follows:**

**§ 980.4 Disposable Foot Basin or Tub Liners.**

(a) Single use, disposable, recyclable, liners designed specifically and manufactured for use as a foot basin or tub liner shall be disposed of immediately after each use and may not be disinfected or reused.

(1) After disposal of the pedicure basin liner the basin or tub shall be scrubbed and cleaned of all visible debris with a clean brush and liquid soap (labeled as such on soap product) and water. The foot basin or tub shall be rinsed with clean water and wiped dry with a new, clean paper towel.

(2) Record the cleaning procedure in the pedicure equipment – cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.

(3) The pedicure equipment-cleaning log shall be made available upon request by either a client or a board representative.

(4) Establishments or schools that utilize the liners must maintain a supply of five (5) liners per foot tub basin for use at all times.

*Note: Authority cited: Sections 7312 and 7406, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

(9) Amend Section 981 to read as follows:

**§ 981. Tools-Instruments and Supplies.**

(a) All tools instruments and supplies which come into direct contact with a client patron and cannot be disinfected (for example, including, but not limited to, buffers, pumice stones, wax sticks, toe separators, gloves, cotton pads, sponges, emery boards, and neck strips) shall be disposed of in a waste container receptacle immediately after a single use.

(b) New supplies and single-use, disposable tools shall be stored in a clean, covered place labeled 'New'.

~~(b)~~ (c) No person working or training in an establishment or school shall be permitted to carry any tools instrument or supplies in or on a garment or uniform (including pouches and holsters) while practicing any of the acts as defined in Section 7316 of the Business and Professions Code.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

(10) Amend Section 982 to read as follows:

**§ 982. Sterilizing Electrolysis Instruments, Tools and Use of Electrology Needles/Wire Filaments.**

(a) Before use upon a client patron in schools and establishments, all tools that can be sterilized each electrolysis needle or tweezers shall be first cleaned with detergent and water (which may include the use of ultrasonic equipment) and then be sterilized in the following manner by one of the following methods:

(1) Clean with soap or detergent and water (which may include the use of ultrasonic equipment) and then sterilized by one of the following methods:

(A) Steam sterilizer Autoclave, registered and listed with the federal U.S. Food and Drug Administration (FDA), used according to manufacturer's instructions.

(B) Dry heat sterilizer, registered and listed with the U.S. federal Food and Drug Administration, used according to manufacturer's instructions.

(C) Chemical (color change) indicators must be used on each sterilized package to indicate the sterilization process was completed.

(2) All sterilized tools shall remain in the package they were sterilized in until ready for use. This package must be labeled 'Sterilized' or 'Sterilization'.

(3) All tools that have been used on a client or soiled in any manner shall be placed in a container labeled "Dirty," "Soiled" or "Contaminated."

~~(b)~~ (4) Sterilization equipment shall be checked weekly to ensure ~~that~~ it is reaching the temperature required by manufacturer's instructions.

(b) Electrology needles/wire filaments shall be single-use, pre-sterilized and disposable. Disposable needles/wire filaments must be placed in a puncture resistant sharps container immediately after use, when contaminated before use, when opened and found damaged, or when not used before the pre-printed expiration date.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(11) Amend Section 983 to read as follows:**

**§ 983. Personal Cleanliness.**

(a) ~~The person and~~ attire of a licensee or student serving a client ~~patron~~ shall at all times be clean.

(b) Every licensee or student performing services shall thoroughly wash his or her hands with soap and water or any equally effective alcohol-based cleansing agent immediately before serving each client ~~patron~~.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(12) Amend Section 984 to read as follows:**

**§ 984. Disease and Infestation.**

(a) No establishment or school shall knowingly permit a ~~person~~ licensee or student afflicted with an infection or parasitic infestation capable of being transmitted to a client ~~patron~~ to serve clients ~~patrons~~ or train in the establishment or school.

(b) No establishment or school shall knowingly require or permit a licensee or student to work upon a ~~person~~ client with an infection or parasitic infestation capable of being transmitted to the licensee or student.

(c) Infections or parasitic infestation capable of being transmitted between licensee or student and client ~~patron~~ include, but are not limited to, the following:

- Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever.

- Streptococcal pharyngitis ("Strep throat"), until 24 hours after treatment has been initiated, and 24 hours after resolution of fever.

- Purulent conjunctivitis (“pink eye”), until examined by a physician and approved for return to work.
- Pertussis (“whooping cough”), until five days of antibiotic therapy has been completed.
- Varicella (“chicken pox”), until the sixth day after onset of rash or sooner if all lesions have dried and crusted.
- Mumps, until nine days after onset of parotid gland swelling.
- Tuberculosis, until a physician or local health department authority states that the individual is noninfectious.
- Impetigo (bacterial skin infection), until 24 hours after treatment has begun.
- Pediculosis (head lice), until the morning after first treatment.
- Scabies (“crabs”), until after treatment has been completed.

(d) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.

(e) No person working or training in an establishment or school shall ~~massage any person~~ perform services upon a surface of the skin or scalp where such skin is inflamed, broken (e.g., abraded, cut) or where a skin infection or eruption is present.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(13) Amend Section 985 to read as follows:**

**§ 985. Neck Strips.**

A sanitary neck strip or towel shall be used to keep the protective covering, such as client capes, from coming in direct contact with a ~~client~~ client-patron's neck.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(14) Amend Section 986 to read as follows:**

**§ 986. Neck Dusters and Brushes.**

(a) Before use on a client, neck or nail ~~Neck-dusters and all other~~ or manicure brushes ~~that are~~ used in an establishment or school on a client ~~patron~~ shall be maintained in a clean and sanitary condition. cleaned in the following sequential manner:

- (1) Remove all visible debris.

- (2) Clean with soap or detergent and water.
- (3) Dry dusters or brushes.
- (4) Store all clean dusters or brushes in a clean, covered place which is labeled "Clean".
- (5) All dusters or brushes used on a client or soiled in any manner shall be placed in a container labeled "Dirty", "Soiled" or "Contaminated".

(b) Before use on a client, natural fiber, facial, acrylic, gel, nail-art, and makeup brushes used in an establishment or school, on a client, shall be cleaned in the following sequential manner:

- (1) Remove all visible debris
- (2) Clean by using a cleansing agent(s) such as: monomer, makeup brush liquid/spray cleaner, alcohol.
- (3) Dry brushes.
- (4) Store all clean brushes in a clean, covered place which is labeled "Clean".
- (5) All brushes used on a client or soiled in any manner shall be placed in a container labeled "Dirty", "Soiled" or "Contaminated".

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) (d), Business and Professions Code.*

**(15) Amend Section 987 to read as follows:**

**§ 987. Towels.**

(a) After a towel, ~~sheet, robe, linen or smock~~ has ~~once~~ been used once, it shall be deposited in a closed container ~~receptacle~~ and not used until properly laundered and sanitized.

(b) Towels, sheets, robes, linens and smocks shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at least 140 160°F for not less than ~~fifteen~~ (15) twenty-five (25) minutes during the washing or rinsing operation.

(c) All clean towels, sheets, robes, linens and smocks shall be stored in clean, closed cabinets or a clean, closed container.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(16) Amend Section 988 to read as follows:**

**§ 988. Liquids, Creams, Powders and Cosmetics.**

(a) All liquids, creams, waxes, shampoos, gels and other cosmetic preparations shall be kept in clean, and closed containers. Powders may be kept in clean shakers.

- (b) All bottles and containers shall be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances shall be additionally and distinctly marked as such. Poisonous substances that are maintained in the manufacturer-labeled container are not required to have additional labeling.
- (c) When only a portion of a cosmetic preparation is to be used on a client patron, it shall be removed from the bottle or container in such a way as not to contaminate the remaining portion.

(1) This provision does not apply to cosmetic preparations that have been demonstrated to be unlikely to transmit pathogens, (e.g. nail polish, artificial nail monomer liquids)

- (d) Pencil cosmetics shall be sharpened before each use.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(17) Amend Section 989 to read as follows:**

**§ 989. Prohibited Hazardous Substances/Use of Products.**

No establishment or school shall:

- a) ~~Have have~~ on the premises cosmetic products containing hazardous substances which ~~have been~~ banned by the U.S. Food and Drug Administration for use in cosmetic products, including liquid methyl methacrylate monomer and methylene chloride. ~~No product shall be used in a manner that is disapproved by the FDA.~~
- b) Have on the premises methyl methacrylate monomer and/or methylene chloride.
- c) Use a product in a manner that is disapproved by the FDA, Occupational Safety and Health Administration or EPA.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(18) Amend Section 990 to read as follows:**

**§ 990. Headrests, Shampoo Trays and Bowls, and Treatment Tables.**

- (a) The headrest of chairs shall be covered with a clean towel or paper sheet for each client patron.
- (b) Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo, kept in good repair and in a sanitary condition at all times.

(c) Treatment tables must be covered with either a clean sheet of examination treatment table paper, a clean towel or a clean sheet, after each use, for each patron. After a towel or sheet has been used once, it shall immediately be removed from the treatment table and be deposited in a closed container and not used again until it has been properly laundered and sanitized. Treatment table paper shall be immediately disposed of after a single use.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*

**(19) Amend Section 991 to read as follows:**

**§ 991. Invasive Procedures.**

(a) No licensee may use a product, device, machine or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis. perform any act which affects the structure or function of living tissue of the face or body. Any such act shall be considered an invasive procedure.

(b) Invasive procedures include, but are not limited to, the following:

- (1) Application of electricity which physically contracts the muscle.
- (2) Application of topical lotions, creams, serums or other substances which affect living tissue. require a medical license to purchase.
- (3) Penetration of the skin by metal needles, except electrolysis needles/wire filaments.
- (4) Abrasion and/or exfoliation of the skin below the ~~non-living,~~ epidermal layers.
- (5) Removal of skin by means of a razor-edged ~~instrument.~~ tool or similar device.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, 7320, 7320.1, Business and Professions Code.*

**(20) Amend Section 992 to read as follows:**

**§ 992. Skin Peeling. Exfoliation.**

(a) Only the ~~non-living, uppermost layers of the facial~~ upper layer of the skin, known as the epidermis, may, by any method or means, be removed, and then only for the purpose of ~~beautification. improving the appearance of the skin.~~

(b) Skin removal techniques and practices which results in destruction of living tissue beyond the epidermal layer of the skin is prohibited. ~~affect the living layers of the facial skin, known as the dermis, are prohibited and constitute the practice of medicine.~~

~~(c) Only commercially available over-the-counter products that are not sold for physician's use only, may be used for the purpose of skin exfoliation. for the removal of facial skin for the purpose of beautification may be used. Mixing or combining skin removal products is prohibited except as it is required by manufacturer instructions.~~

(d) All skin exfoliation products must be applied using the manufacturer's instructions for health and safety.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, and 7320, Business and Professions Code.*

**(21) Amend Section 993 to read as follows:**

**§ 993. Prohibited Instruments. Tools.**

(a) No establishment or school shall have on the premises or use any razor-edged ~~or other device or tool~~ for the purpose of which is designed to remove removing calluses or other similar procedures.

(b) No establishment or school shall have on the premises or use any needle-like tool ~~instrument~~ which is used for the purpose of extracting skin blemishes and other similar procedures.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7320, and 7320.1, Business and Professions Code.*

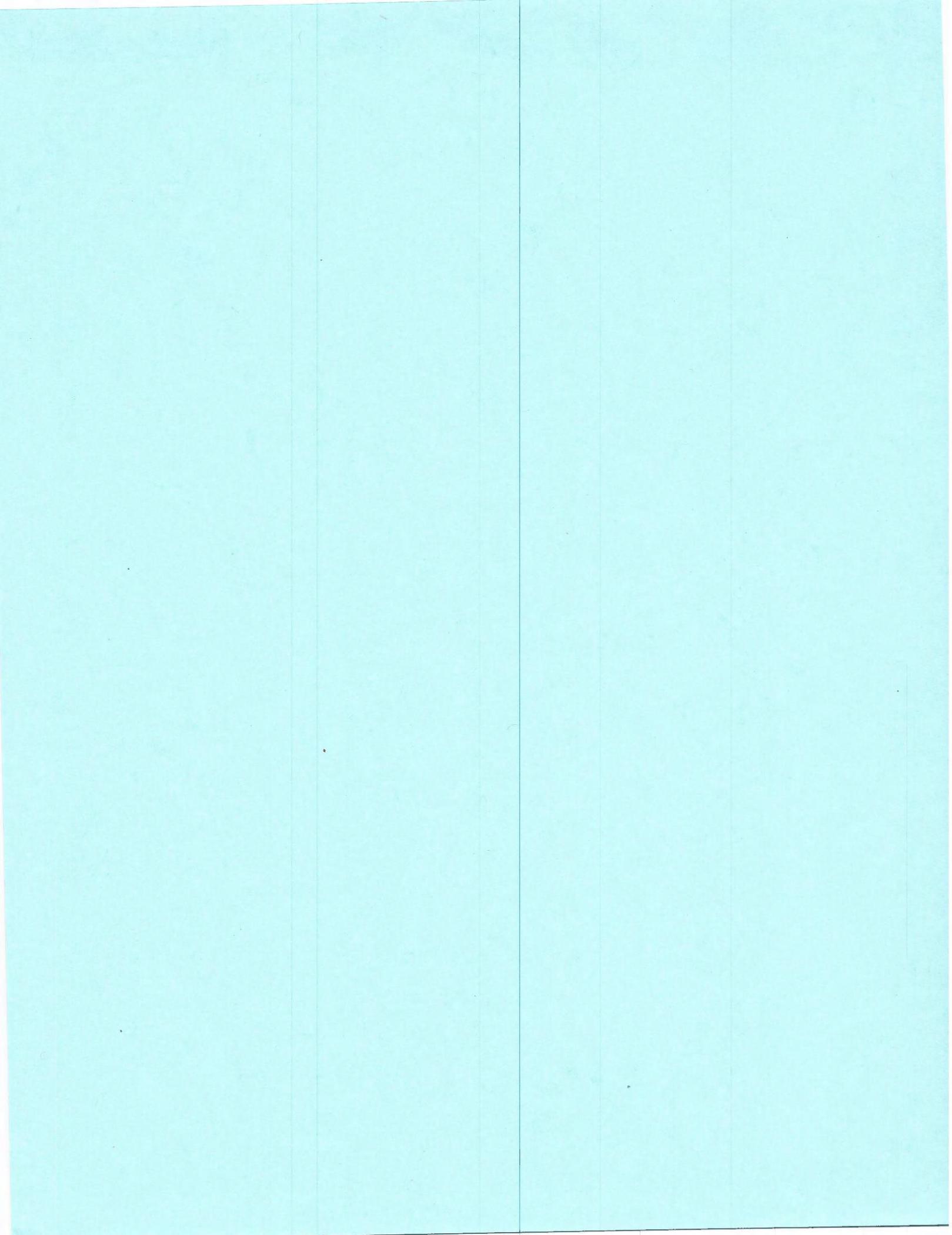
**(22) Amend Section 994 to read as follows:**

**§ 994. Cleanliness and Repair.**

(a) Establishments and schools shall keep the floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair.

(b) No establishment or school shall permit an accumulation of waste, hair clippings or refuse.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.*



**BOARD OF BARBERING AND COSMETOLOGY**  
***Division 9 of Title 16 of the California Code of Regulations.***

**SPECIFIC LANGUAGE**

<b>LEGEND</b>	
<b><u>Underlined</u></b>	<b>Indicates proposed amendments or additions to the existing regulation.</b>
<b><del>Strikeout</del></b>	<b>Indicates proposed deletions to the existing regulation.</b>

- **Amend Section 950.2, Title 16, California Code of Regulations, as follows:**

**§ 950.2. Curriculum for Cosmetology Course.**

(a) The curriculum for students enrolled in a cosmetology course shall consist of sixteen hundred (1600) 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 operation 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 and practical training shall include the following hours and/or operations:

**(1) 1100 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 (65 hours of Technical Instruction and 240 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 105 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 (60 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 hours of Technical Instruction and 80 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 40 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 of Technical Instruction and 30 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) 100 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 of Technical Instruction and 25 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 of 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.*

- **Amend Section 950.9, Title 16, California Code of Regulations, as follows:**

**§ 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 purposes 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:

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) Haircutting (Shall include hair analysis, basic guideline and sectioning, the use of the razor, scissors for wet and dry cutting.)	2	10
(12) Haircoloring 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.)		
(A) Haircoloring	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.)

(15) Eyebrow Arching and Hair Removal  
(Shall include the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.)

10

15

(16) Makeup

(Shall include skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.)

5

5

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.*



**Board of Barbering and Cosmetology-Department of Consumer Affairs**  
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## MEMORANDUM

<b>DATE</b>	October 5, 2013
<b>TO</b>	Members, Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood, Executive Officer
<b>SUBJECT</b>	<b>Transfer of Credit from Existing License or Transfer of Credit from Completed School Hours</b>

At the last Board meeting, staff was asked to bring a proposal to the Board that would make amendments to California Code of Regulation Section 950.10 which relates to credit for special licensing to include the option for individuals to receive credit for barber and cosmetology. This section allows (in part):

*A cosmetology student who changes course and transfers to an esthetician program can be granted 35% of the equivalent hours.*

*A cosmetology student who changes course and transfers to a manicuring program can be granted 20% of the equivalent hours.*

*An esthetician student OR esthetician licensee who decides to enroll in a cosmetology program can be granted 65% of the total equivalent hours.*

*A manicurist student or manicurist licensee who decides to enroll in a cosmetology program can be granted 70% of the total equivalent hours.*

Section 2 of this regulation also states:

*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 a balance for the minimum hours of technical instruction and the 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 the students balance of hours and operations in that subject shall be zero.*

Taking section 2 noted above and applying it to a licensed cosmetologist who would like to become a barber the cosmetologist would only need 200 hours in shaving to qualify to sit for the examination. A Barber who would like to become a cosmetologist would need 200 hours in esthetic and 10 hours in manicuring to qualify to sit for the examination.

Existing Curriculum

Topic	Cosmetology hours	Barber Hours
Hair Dressing	1100	1100
Shaving	0	200
Health and Safety	200	200
Esthetics	200	0
Manicuring	100	0

**Problem:**

The Board has an established curriculum for a cross-over course for a barber to a cosmetologist and for a cosmetologist to a barber. Both of these courses are a minimum of 400 hours. This means that a cosmetologist who would also like to be a barber is completing a total of 2000 hours (1600 for their cosmetology course + 400 for the cross over course (which should be 1600 cosmetology course + 200 in shaving)).

A barber who would also like to become a cosmetologist is completing 1900 hours (1500 for their barber course + 400 for the cross over course (which should be 1500 barbering course + 200 in esthetics + 100 in manicuring)).

According to the regulation noted above and the governing statute (Business and Professions Code Section 7367) which states:

*For students who change from one program of instruction to another, the board shall grant credit from training obtained in one course that is identical to training required in another course.*

**Recommendation:**

The Board should eliminate the curriculum for barber and cosmetology crossover courses and allow schools to grant credit for identical training regardless if the individual is a student or a licensee. Should the Board approve this recommendation; staff will proceed with a statutory change to 7367 to add "licensee" and changes to the regulations to remove the cross-over curriculum.

It should be noted that approval of this recommendation allows staff to begin the process and public hearings will be required for any regulation change.



## BOARD OF BARBERING & COSMETOLOGY

### BILL ANALYSIS

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

**Bill Number:** AB 1153

**Version:** Amended September 11, 2013

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#### Existing Law:

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

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

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

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

- Is not less than 17 years of age,
- Has completed the 10<sup>th</sup> grade in a public school of this state or its equivalent,
- Is not subject to denial pursuant to section 480,
- Has done any of the following:
  - (1) Completed a course in skin care from a school approved by the Board.

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

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

### **This Bill:**

This bill provides for the following:

- Modifies the practice of skin care and defines the term, “facial”.
- Establishes title protection for master esthetician.
- Clarifies that practice of medicine includes diagnosing injury, illness, or disease.
- 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 advanced 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.
- Defines the scope of practice for a Master Esthetician to include:
  1. Everything that basic estheticians can perform.
  2. Use of manual and mechanical exfoliation devices or a combination of such devices on the top layer of the skin of the face or body. (Microdermabrasion) These devices shall be used with the intent of improving the appearance of the skin.
    - a. Devices must be nonprescriptive, pursuant to FDA guidelines
    - b. Not designed to remove diseased or unwanted tissue or destroy live tissue.
  3. Allows for specified extraction techniques, such as:
    - a. needle-like metal extractor tools
    - b. disposable lancets
  4. Advanced facial massage techniques, such as manual lymphatic drainage.
  5. Allows for body treatments that use water, appliances, devices and cosmetic

preparations intended to improve the appearance of the skin.

- 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:

The beauty industry is constantly changing. This bill will allow segue for the Board to keep pace with the changes facing the esthetic community. Staff met with the bill's authors and coalition supporters and presented the following suggested amendments. The bill author's stated amendments would be considered and possibly included into the bill by January 2014.

### Outstanding Issues:

#### General Issues

The bill continuously uses the term "Advanced skin care", as opposed to "Master esthetics".

- **Staff recommends:** Removal of the term "Advanced", inclusion of the term "Master".

#### Scope of Practice

1. The bill does not address Business and Professions Codes section 7316(b) which addresses scope of practice of cosmetology. 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. Cosmetologists should only be allowed to perform the tasks allowed by a basic esthetician. Cosmetologists should not be allowed to perform master esthetic procedures without additional training and testing.
  - **Staff recommends:** Text should be included clarifying exactly what esthetic practices will be allowed in the cosmetology scope of practice, without additional training. These listed practices should mirror those allowed by a basic esthetician.
2. The bill does not currently provide a basic esthetician with the scope of practice to perform manual exfoliation procedures, such as microdermabrasion.
  - **Staff recommends:** Existing statute be clarified to include microdermabrasion for the basic esthetic and cosmetology scope of practice.
3. The bill does not address the fact that Business and Professions Codes section 7316 (b) (4) and section 7316 (c) (1) (B) are inconsistent in the issue of superfluous hair removal. As cited currently, cosmetologists are allowed to remove hair by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.

- **Staff recommends:** In addition to the already stated venues available to estheticians and cosmetologists to remove superfluous hair, change text to reflect that estheticians are allowed to remove hair by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays. Make the constraints on cosmetologists the same as a basic esthetician.

### Practice of Medicine

Section 7320 of the Business and Professions code has been amended to include restrictions on the diagnosing of injury, illness or disease.

- **Staff recommends:** The addition of the word “treating”. The new statute would read, “This chapter does not confer authority to practice medicine or surgery, including diagnosing or *treating* injury, illness or disease.”

### Qualifications for Examination

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

- Completion of a 1200 hour course in advanced esthetics. It is unclear if a licensee holding a 600 hour esthetic license would have to take a full 1200 additional hours to qualify to sit for the master esthetic examination.
  - **Staff recommends:** Text should be added clarifying that a licensee who currently holds a basic esthetic license are only required 600 hours of Master esthetic training to qualify to sit for the master esthetic examination.
- Earned a national or international diploma or certification in advanced or master esthetics that is recognized by the Board. It is unclear what national or international diplomas exist. The Board does not currently have this authority for any of its license types.
  - **Staff recommends:** Deletion of proposed qualification.
- 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. 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 working out of the scope of practice for a basic esthetician.
  - **Staff recommends:** Deletion of proposed qualification.

## **Examination**

Currently, there are two States that license and examine for an advanced esthetician license. Both States utilize the NIC (national) examination. The Candidate Information Bulletin for the national practical advanced esthetician examination indicates that the core domain services of the advanced esthetician are as follows:

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

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

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

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

The information contained in the national examination may present a situation where a licensee crosses into the medical profession and because it specifically tests on the use of lasers which is a medical procedure. The examination could not be adopted as it currently exists.

## **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. The initial estimated costs to revise the Master Esthetic exam from NIC are approximately \$41,000 (including language translation costs). The Board is potentially looking at a minimum cost of \$100,000.

## **Staff Recommendation:**

Staff recommends the Board take a support if amended position.

## Basic Esthetic Scope vs. Proposed Master Esthetic Scope

Current Basic Esthetic	Revised Basic Esthetic	Master Esthetic
Facials	Facials/ <b>manual scrubs including mechanical brush use</b>	Included
Applying Make up	Applying makeup	Included
Giving Skin Care	Giving Skin Care	Included
Removing superfluous hair from the body (depilatories, tweezers, waxing)	Removing superfluous hair from the body (depilatories, tweezers, <b>sugaring, chemicals, waxing, or mechanical means</b> )	Included
Applying eyelashes	Applying eyelashes	Included
Beautifying the face, neck, arms or upper part of the body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams	Beautifying the face, neck, arms or upper part of the body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams	Included
Massaging, cleaning, or stimulating the face, neck arms, or upper part of the body, by means of the hands, devices, apparatus, or appliances with the use of cosmetic preparations, antiseptics, tonics, lotions or creams	Massaging, cleaning, or stimulating the face, neck arms, or upper part of the body, by means of the hands, devices, apparatus, or appliances with the use of cosmetic preparations, antiseptics, tonics, lotions or creams	Advanced facial massage techniques <b>Lymphatic drainage</b>
Not defined in statute but allowed	Superficial exfoliation	Exfoliation procedures on the face and body: Light chemical exfoliation preparations intended to work on the epidermal layers of the skin
Not defined	Enzymes or herbal exfoliations	Included

Not defined in statute but allowed	Extractions with non-needlelike extraction tool	Extraction techniques using tools <b>Needlelike metal extractor tool</b> <b>Disposable lancet</b>
Not defined in statute but allowed	Not defined	Mechanical exfoliation such as microdermabrasion
Not defined	Not defined	Manual exfoliation tools on the top layer of the skin (stratum corneum)
Not defined	Not defined	Services using esthetic devices or the combination of devices on the face or body (intent – improving the appearance of the skin) <b>Non prescriptive – Pursuant to US FDA guidelines</b> <b>Not designed to ablate or destroy live tissue</b>
Not defined	Not defined	Body treatments that use water, appliances, devices and cosmetic preparations intended to improve the appearance of the skin.

**ab·late**  (ă-blāt')v. **ab·lat·ed**, **ab·lat·ing**, **ab·lates**v. *tr.*

1. *Medicine* To excise, amputate, or otherwise destroy the biological function of (a body tissue, for example).
2. To remove by erosion, melting, evaporation, or vaporization.

**a·brade**  (ə-brād')*tr.v.* **a·brad·ed**, **a·brad·ing**, **a·brades**

1. To wear down or rub away by friction; erode

AMENDED IN ASSEMBLY SEPTEMBER 11, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1153**

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

February 22, 2013

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An act to amend Sections 7316, 7320, 7324, ~~7364~~, 7396, and 7423 of, and to add Sections 7320.6 and, 7324.5, and 7364.5 to, the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1153, as amended, Eggman. Master esthetician: license.

Existing 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 *defines skin care* and 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 *modify the practice of skin care, including defining "facial" for these purposes. The bill would provide for the licensure and regulation of master estheticians, as defined.* 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 provide that an advanced skin care course ~~shall~~ *is required* to consist of not less than 1,200 hours of practical training and technical instruction in accordance with a curriculum established by board regulation. ~~This~~ *The* bill would also prohibit a person who is not licensed as a master esthetician from representing himself or herself as a master esthetician. *The bill would also clarify that the prohibition on those licensed to engage in barbering, cosmetology, skin care, nail care, and electrolysis to practice medicine or surgery extends to diagnosing injury, illness, or disease.* 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: yes.

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

- 1     SECTION 1. Section 7316 of the Business and Professions
- 2     Code is amended to read:
- 3     7316. (a) The practice of barbering is all or any combination
- 4     of the following practices:
- 5         (1) Shaving or trimming the beard or cutting the hair.
- 6         (2) Giving facial and scalp massages or treatments with oils,
- 7         creams, lotions, or other preparations either by hand or mechanical
- 8         appliances.
- 9         (3) Singeing, shampooing, arranging, dressing, curling, waving,
- 10         chemical waving, hair relaxing, ~~or~~ dyeing the hair, or applying
- 11         hair tonics.
- 12         (4) Applying cosmetic preparations, antiseptics, powders, oils,
- 13         clays, or lotions to *the* scalp, face, or neck.
- 14         (5) Hairstyling of all textures of hair by standard methods that
- 15         are current at the time of the hairstyling.
- 16     (b) The practice of cosmetology is all or any combination of
- 17     the following practices:

1 (1) Arranging, dressing, curling, waving, machineless permanent  
2 waving, permanent waving, cleansing, cutting, shampooing,  
3 relaxing, singeing, bleaching, tinting, coloring, straightening,  
4 dyeing, applying hair tonics to, beautifying, or otherwise treating  
5 by any means, the hair of any person.

6 (2) Massaging, cleaning, or stimulating the scalp, face, neck,  
7 arms, or upper part of the human body, by means of the hands,  
8 devices, apparatus, or appliances, with or without the use of  
9 cosmetic preparations, antiseptics, tonics, lotions, or creams.

10 (3) Beautifying the face, neck, arms, or upper part of the human  
11 body, by use of cosmetic preparations, antiseptics, tonics, lotions,  
12 or creams.

13 (4) Removing superfluous hair from the body of any person by  
14 the use of depilatories or by the use of tweezers, chemicals, or  
15 preparations or by the use of devices or appliances of any kind or  
16 description, except by the use of light waves, commonly known  
17 as rays.

18 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,  
19 or manicuring the nails of any person.

20 (6) Massaging, cleansing, treating, or beautifying the hands or  
21 feet of any person.

22 (c) Within the practice of cosmetology there exist the specialty  
23 branches of skin care and nail care.

24 (1) Skin care is any one or more of the following practices:

25 ~~(A) Giving facials, applying makeup, giving skin care, removing~~  
26 ~~superfluous hair from the body of any person by the use of~~  
27 ~~depilatories, tweezers or waxing, or applying eyelashes to any~~  
28 ~~person.~~

29 *(A) Giving facials, which is defined as superficial exfoliation*  
30 *procedures on the top layer of the skin (stratum corneum) using*  
31 *commercially available products, in accordance with the*  
32 *manufacturer's written instructions, including, but not limited to,*  
33 *all of the following:*

34 *(i) Manual scrubs, including mechanical brush use.*

35 *(ii) Superficial chemical exfoliation.*

36 *(iii) Enzymes or herbal exfoliators, or both.*

37 *(iv) Extraction with a nonneedle extraction tool.*

38 *(B) Removing superfluous hair from the body of any person by*  
39 *the use of depilatories, tweezers, sugaring, chemicals, waxing, or*  
40 *mechanical means.*

- 1 (C) Applying makeup or eyelashes to any person.  
2 ~~(B)~~
- 3 (D) Beautifying the face, neck, arms, or upper part of the human  
4 body, by use of cosmetic preparations, antiseptics, tonics, lotions,  
5 or creams.  
6 ~~(C)~~
- 7 (E) Massaging, cleaning, or stimulating the face, neck, arms,  
8 or upper part of the human body, by means of the hands, devices,  
9 apparatus, or appliances, with the use of cosmetic preparations,  
10 antiseptics, tonics, lotions, or creams.
- 11 (2) Nail care is the practice of cutting, trimming, polishing,  
12 coloring, tinting, cleansing, manicuring, or pedicuring the nails of  
13 any person or massaging, cleansing, or beautifying from the elbow  
14 to the fingertips or the knee to the toes of any person.
- 15 (d) The practice of barbering and the practice of cosmetology  
16 do not include any of the following:
- 17 (1) The mere sale, fitting, or styling of wigs or hairpieces.
- 18 (2) Natural hair braiding. Natural hair braiding is a service that  
19 results in tension on hair strands or roots by twisting, wrapping,  
20 weaving, extending, locking, or braiding by hand or mechanical  
21 device, provided that the service does not include haircutting or  
22 the application of dyes, reactive chemicals, or other preparations  
23 to alter the color of the hair or to straighten, curl, or alter the  
24 structure of the hair.
- 25 (3) Threading. Threading is a technique that results in removing  
26 hair by twisting thread around unwanted hair and pulling it from  
27 the skin and the incidental trimming of eyebrow hair.
- 28 (e) Notwithstanding paragraph (2) of subdivision (d), a person  
29 who engages in natural hairstyling, which is defined as the  
30 provision of natural hair braiding services together with any of the  
31 services or procedures defined within the regulated practices of  
32 barbering or cosmetology, is subject to regulation pursuant to this  
33 chapter and shall obtain and maintain a barbering or cosmetology  
34 license as applicable to the services respectively offered or  
35 performed.
- 36 (f) Electrolysis is the practice of removing hair from, or  
37 destroying hair on, the human body by the use of an electric needle  
38 only.
- 39 "Electrolysis" as used in this chapter includes electrolysis or  
40 thermolysis.

1     *SEC. 2. Section 7320 of the Business and Professions Code is*  
2 *amended to read:*

3     7320. This chapter ~~confers no~~ *does not confer* authority to  
4 practice medicine or surgery, *including diagnosing injury, illness,*  
5 *or disease.*

6     ~~SECTION 1.~~

7     *SEC. 3. Section 7320.6 is added to the Business and Professions*  
8 *Code, to read:*

9     7320.6. ~~Persons~~ *A person who* ~~are~~ *is not licensed as a master*  
10 ~~estheticians~~ *esthetician* in this state shall not represent ~~themselves~~  
11 *himself or herself* as a master esthetician.

12     ~~SEC. 2.~~

13     *SEC. 4. Section 7324 of the Business and Professions Code is*  
14 *amended to read:*

15     7324. The board shall admit to examination for a license as an  
16 esthetician to practice skin care any person who has made  
17 application to the board in proper form and paid the application  
18 and examination fee required by this chapter, and who is qualified  
19 as follows:

- 20     (a) Is not less than 17 years of age.
- 21     (b) Has completed the 10th grade or its equivalent.
- 22     (c) Is not subject to denial pursuant to Section 480.
- 23     (d) Has done any of the following:

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

26     (2) Practiced skin care, as defined in this chapter, outside of this  
27 state for a period of time equivalent to the study and training of a  
28 qualified person who has completed a course in skin care from a  
29 school the curriculum of which complied with requirements  
30 adopted by the board. Each three months of practice shall be  
31 deemed the equivalent of 100 hours of training for qualification  
32 under paragraph (1).

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

35     ~~SEC. 3.~~

36     *SEC. 5. Section 7324.5 is added to the Business and Professions*  
37 *Code, to read:*

38     7324.5. (a) The board shall admit to examination for a license  
39 as a master esthetician to practice advanced skin care any person  
40 who has made application to the board in proper form and paid

1 the application and examination fee required by this chapter, and  
2 who is qualified as follows:

3 (a)

4 (1) Is not less than 17 years of age.

5 (b)

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

7 (c)

8 (3) Is not subject to denial pursuant to Section 480.

9 (d)

10 (4) Has done at least one of the following:

11 (1)

12 (A) Completed a course in advanced skin care as described in  
13 subdivision (b) of Section 7364, Section 7364.5 from a school  
14 approved by the board.

15 (2)

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

18 (3)

19 (C) Holds a current esthetician's license pursuant to Section  
20 7324 and either:

21 (A)

22 (i) Provides satisfactory evidence that he or she has worked as  
23 an esthetician for a minimum of 2,000 client contact hours, at least  
24 500 hours of which consisted of supervised, advanced skin care  
25 treatments.

26 (B)

27 (ii) Has completed continuing education coursework in advanced  
28 skin care that complies with requirements established by the board  
29 and demonstrated that he or she has worked as a master esthetician  
30 for a period of time established by the board prior to the effective  
31 date of the act that added this section.

32 (b) *A licensed master esthetician may perform, in addition to*  
33 *the practice of skin care as defined in paragraph (1) of subdivision*  
34 *(c) of Section 7316, all of the following:*

35 (1) *Exfoliation procedures on the face and body using*  
36 *commercially available products in accordance with the*  
37 *manufacturer's written instructions, including, but not limited to,*  
38 *any of the following:*

39 (A) *Superficial and light chemical exfoliation preparations*  
40 *intended to work within the epidermal layers of the skin.*

1 (B) *The combination of cosmetic preparations intended for light*  
2 *and superficial exfoliation results.*

3 (C) *Mechanical exfoliation devices such as microdermabrasion.*

4 (D) *Manual exfoliation tools intended for safe use on the top*  
5 *layer of the skin (stratum corneum).*

6 (2) *Services using esthetic devices or the combination of devices*  
7 *on the face and body. These devices shall be operated in*  
8 *accordance with the manufacturer's written instructions. The*  
9 *devices shall be intended for improving the appearance of the skin*  
10 *and shall be within the following guidelines:*

11 (A) *Nonprescriptive, pursuant to United States Food and Drug*  
12 *Administration guidelines.*

13 (B) *Not designed to ablate or destroy live tissue.*

14 (3) *Extraction techniques using tools, including, but not limited*  
15 *to, both of the following:*

16 (A) *A needle-like metal extractor tool.*

17 (B) *A disposable lancet.*

18 (4) *Advanced facial massage techniques on the upper body,*  
19 *back, scalp, hands, and feet, including, but not limited to, manual*  
20 *lymphatic drainage.*

21 (5) *Body treatments that use water, appliances, devices, and*  
22 *cosmetic preparations intended to improve the appearance of the*  
23 *skin.*

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

26 7364. (a) ~~A skin care course established by a school shall~~  
27 ~~consist of not less than 600 hours of practical training and technical~~  
28 ~~instruction in accordance with a curriculum established by board~~  
29 ~~regulation.~~

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

35 SEC. 6. *Section 7364.5 is added to the Business and Professions*  
36 *Code, to read:*

37 7364.5. *An advanced skin care course established by a school*  
38 *shall consist of not less than 1,200 hours of practical training and*  
39 *technical instruction in accordance with a curriculum established*

1 *by board regulation. The advanced skin care course is not a*  
2 *requirement of obtaining an esthetician license.*

3 *SEC. 7. Section 7396 of the Business and Professions Code is*  
4 *amended to read:*

5 7396. The form and content of a license issued by the board  
6 shall be determined in accordance with Section 164.

7 The license shall prominently state that the holder is licensed as  
8 a barber, cosmetologist, esthetician, *master esthetician*, manicurist,  
9 electrologist, or apprentice, and shall contain a photograph of the  
10 licensee.

11 ~~SEC. 5.~~

12 *SEC. 8. Section 7423 of the Business and Professions Code is*  
13 *amended to read:*

14 7423. The amounts of the fees required by this chapter relating  
15 to licenses for individual practitioners are as follows:

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

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

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

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

26 (c) (1) *A master esthetician application and examination fee*  
27 *shall be the actual cost to the board for developing, purchasing,*  
28 *grading, and administering the examination.*

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

31 ~~(e)~~

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

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

37 ~~(d)~~

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

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

3 ~~(e)~~

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

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

9 ~~(f)~~

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

12 ~~(g)~~

13 (h) The license renewal fee for individual practitioner licenses  
14 that are subject to renewal shall be not more than fifty dollars  
15 (\$50).

16 ~~(h)~~

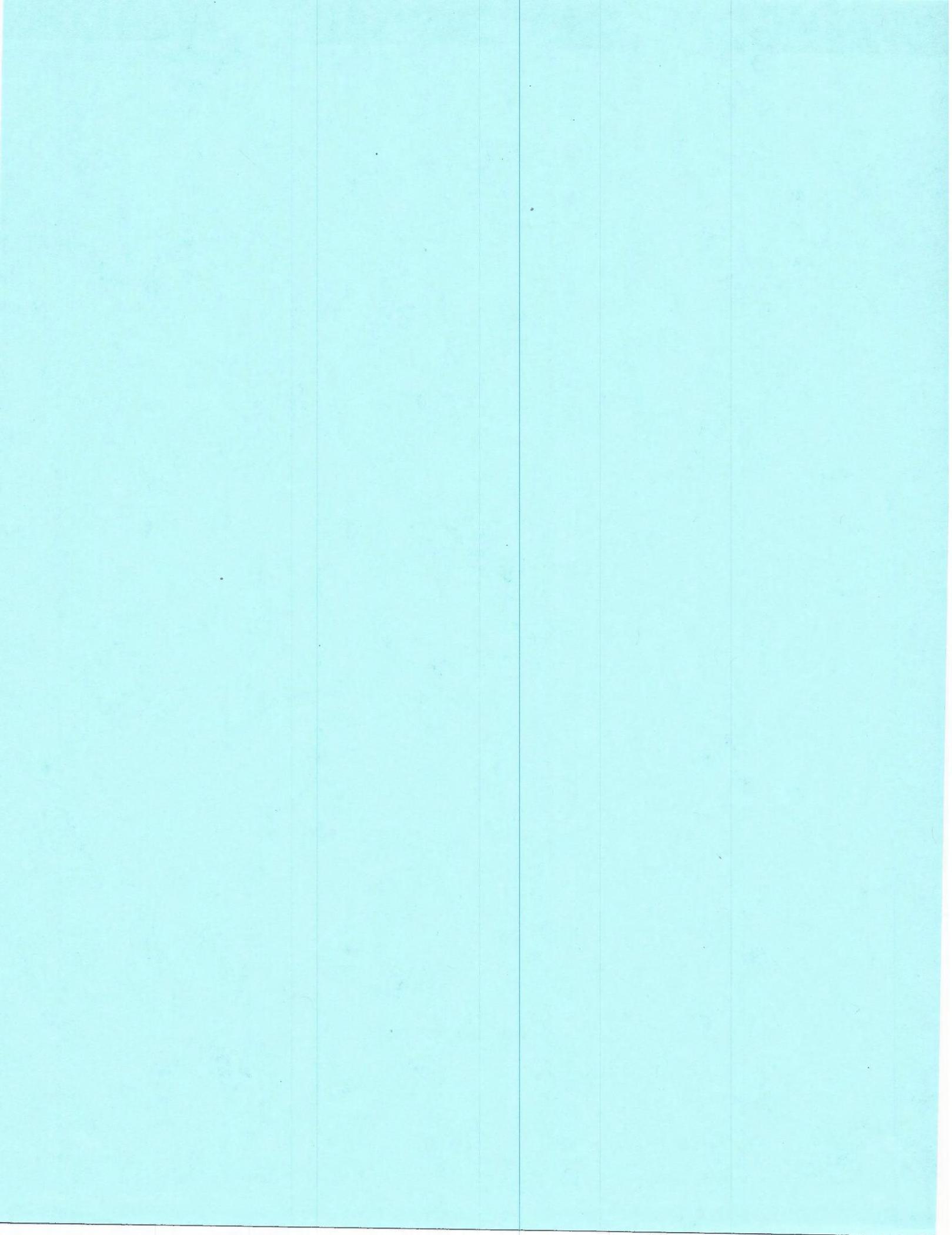
17 (i) Notwithstanding Section 163.5 the license renewal  
18 delinquency fee shall be 50 percent of the renewal fee in effect on  
19 the date of renewal.

20 ~~(i)~~

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

24 ~~SEC. 6.~~

25 *SEC. 9.* No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.



**Senate Bill No. 308**

**CHAPTER 333**

An act to amend Sections 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.

[Approved by Governor September 23, 2013. Filed with  
Secretary of State September 23, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SB 308, Lieu. 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 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 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.

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

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. 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. 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. 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. 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. 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. 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. 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. 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 approval of a school, in a proceeding that 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, when an owner or employee of the school has engaged in any of the acts specified in paragraphs (1) to (8), inclusive.

(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.

(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.

(3) Repeated failure to comply with the rules adopted by the board for the regulation of board-approved schools.

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

- (5) Habitual drunkenness, or habitual use of, or addiction to the use of, any controlled substance.
- (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.
- (7) Refusal to permit or interference with an inspection authorized under this chapter.
- (8) Any action or conduct that would have warranted the denial of a school approval.



## MEMORANDUM

<b>DATE</b>	August 15, 2013
<b>TO</b>	Board Members Board of Barbering and Cosmetology
<b>FROM</b>	Tami Guess, Board Policy Analyst Board of Barbering and Cosmetology
<b>SUBJECT</b>	<b>Freelance Authorization</b>

To prepare the Board Members to begin discussion on the possibility of offering a Freelance Authorization to our licensees, staff has conducted the following research of what one other State Boards have to offer. In addition, this memo includes proposed options and an example of a proposed Freelance Authorization Application that might be utilized by the California Board of Barbering and Cosmetology.

**Freelance Authorization:** A written authorization that allows a practitioner to practice outside or away from a licensed establishment.

### Oregon

The Board of Oregon offers a Freelance Authorization Application. This authorization allows practitioners to provide services outside of a licensed establishment. The authorization is issued to the actual practitioner and not to the establishment. They may perform their services at a client's home, office or other location that is convenient for the client. They are required to:

- Submit and pay for the Freelance Authorization Application.
- List current, valid Oregon Cosmetology practitioners' certifications.
- Submit examination fee of \$35.00 and pass the Oregon laws and rules written examination, every two years. (Completion of the examination is not required if the applicant passed the Oregon Laws & Rules Examination within two years before the date of the application for Freelance Authorization.)
- Provide a current copy of the Assumed Business Name (ABN).
- Submit a current registration as required by the Secretary of the State, Corporations Divisions.

- Answer specific questions related to background information (criminal and civil).
- Renewed yearly.

The cost of the application is \$125.00. (application fee and authorization fee) Enforcement of the authorization is handled on a complaint basis. Once a complaint is filed with the Oregon State Board, an Oregon Board inspector contacts the authorization holder and arranges for a visit to gather investigative information on the alleged complaint. The investigator asks the authorization holder a series of predetermined questions and compiles the information from the information gained from the authorization holder and complainant, for resolution and/or disciplinary action. Oregon currently has a licensee population of 52,897 personal licensees (3,836 barbers, 13,941 estheticians, 21,699 hair designers and 13,421 nail technicians)

### **Options:**

With the prevalence of unlicensed activity, and the current industry trend of providing services outside of a licensed establishment, for the convenience of the client, it is recommended that the Board consider a viable way to ensure consumer safety. One way this may be administered is by making available a Freelance Authorization. There are two feasible ways to implement this authority.

### **Establishment Freelance Authorization - Option 1**

This authorization would allow all current and active, licensed practitioners that were employed by a licensed establishment holding a valid Freelance Authorization to offer services outside the venue of a licensed establishment. Establishment owners who hold such an authorization would be required the following:

- Submit a completed application for Freelance Authorization and the appropriate fee.
- Indicate proof of a city business license, under the penalty of perjury.
- Provide a current copy of the Fictitious Business Name filing if applicant is operating under a fictitious business name prior to applying for a Freelance License. NOTE: Fictitious Business Name is not required if business includes the real and true name of each owner.
- The holder of the Freelance Authorization must maintain a current roster of all licensed professionals that work in the licensed establishment. This roster shall include the name, contact information, personal license number and location of services being performed, of all current employees utilizing the Freelance Authorization. This employee roster should be made available to a Board representative, upon request.
- Possess a current certificate of insurance showing not less than \$100,000 for public liability insurance for combined bodily injury and property damage.

### **Personal Freelance Authorization – Option 2**

This authorization would allow individuals to apply for and receive a Freelance Authorization without being linked to any one establishment. Both the States of Oregon and Washington have experienced success with this avenue. To ensure the health and safety of consumers, the State of Oregon requires holders of this authorization to take the Oregon State written exam, every two years. Individuals, who hold such an authorization in California, would be required the following:

- Submit a completed application for Freelance Authorization and the appropriate fee.
- Indicate proof of a city business license, under the penalty of perjury.
- Possess a current certificate of insurance showing not less than \$100,000 for public liability insurance for combined bodily injury and property damage.

In addition, an establishment holder or licensee utilizing a Freelance Authorization must:

- Provide each client with a Board Consumer Notice (Board's name, address and telephone number) for comment, on any of the services received or on any of the sanitary procedures followed while performing services.
- Display the licensee's personal license number and if applicable, the establishment license number on all advertising when soliciting freelance business.
- Comply with the Board's health and safety rules and regulations; and
- Be subject to random audits to verify compliance with health and safety rules and regulations and licensing requirements.
- Must be renewed every two (2) years.

In the event that the above requirements are not met, the Board has in its authority to revoke the authorization at any time.

*Cautionary Note:* If California were to decide to require applicants to perform a written exam every two years, as does the State of Oregon, the Board would have to consider the fiscal impact of the change. Our contract with PSI and the written exam would have to be reviewed and receive possible revisions.

### **Estimated Fiscal Impact**

**Option 1** - The Board currently has 42,000 licensed establishments. It is estimated that approximately 30 percent of these establishments will apply for the Freelance Authorization. Based on this projection, the calculated additional staff needed to process the increased application/renewal work load is 1.2 PY. The monetary impact to secure additional staff is estimated at: \$ 87,000 first year.

Due to the scheduled implementation of the Boards new Breeze Data System, the programming costs associated with the Freelance Authorization are unknown.

**Option 2** – The Board currently has 426,000 active personal licensees. It is estimated that approximately 20 percent of these licensees will apply for the Freelance Authorization. Based on this projection, the calculated additional staff needed to process the increased application workload is 8 PY. The monetary impact to secure additional staff is estimated at: \$ 592,000 first year. Due to the scheduled implementation of the Boards new Breeze Data System, the programming costs associated with the Freelance Authorization are unknown.



## APPLICATION FOR FREELANCE AUTHORIZATION - \$100

Breeze ID Number (For official use only)

**Incomplete applications will be returned**

### AUTHORIZATION REQUIREMENTS

**Check Box for type of authorization you are applying: Authorization Fee is Non-Refundable**

#### SECTION A: APPLICANT INFORMATION

Social Security Number

			-			-				
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Date of Birth

		-			-				
Month			Day			Year			

Establishment License Number

A 

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Personal License Number

Letter		Number					

Do you hold any additional licenses issued by the Board of Barbering and Cosmetology? Yes  No

If yes, provide license type(s) and number(s):

Last Name	First Name	Middle Name
Address	City	State Zip Code
Mailing Address (if different than above)	City	State Zip Code
Home Telephone Number ( ) ( )	Business Telephone Number ( ) ( )	

#### SECTION B: CHECKLIST

An applicant for a Freelance Authorization must:

- Submit a completed application for Freelance Authorization and the appropriate fee.
- Indicate proof of a city business license, under the penalty of perjury.
- Provide a current copy of the Fictitious Business Name filing if applicant is operating under an assumed business name prior to applying for a Freelance License. NOTE: Fictitious Business Name is not required if business includes the real and true name of each owner
- The holder of the Freelance License must maintain a current roster of all licensed professionals that work in the licensed establishment. This roster shall include the name, contact information and personal license number of all current employees utilizing the Freelance License. This employee roster should be made available to a Board inspector, upon request; *AND*

#### SECTION C: RESPONSIBILITIES

A holder of a Freelance Authorization must:

- (a) Provide each client with a Board Consumer Notice (Board's name, address and telephone number) for comment, on any of the services received or on any of the sanitary procedures followed while performing services;
- (b) Display the Licensee's Personal License number and Establishment License number on all advertising when soliciting freelance business;

- (c) Comply with the Board's health, safety and infection control rules and regulations; and
- (d) Be subject to random audits to verify compliance with health and safety regulations and licensing requirements.
- (e) Hold a current certificate of insurance showing not less than \$100,000 for public liability insurance.

**SECTION D: BACKGROUND INFORMATION**

1. Have you ever been convicted of, or pled no contest to, a violation of any law of the United States, in any state, local jurisdiction, or any foreign country?

Yes  No

**If yes,** please provide below an explanation that includes the type of violation, the date, circumstances and location, and the complete penalty received for each conviction. Your application may be delayed by 2 to 6 months if the information provided is not complete.

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- Include copies of court documents, arrest records, verification of restitution received by the court, and verification of successful completion of probation.
- A letter from you describing the underlying circumstances of arrest as well as any rehabilitation efforts or changes in life since that time to prevent future problems.
- Letters of reference from past and/or current employers.

You must include all misdemeanor and felony convictions, regardless of the age of the conviction, including those which have been set aside and/or dismissed under California Penal Code Section 1000 or 1203.4 (Traffic violations of \$500.00 or less need not be reported).

2. Have you ever had any professional or vocational license or registration denied, suspended, revoked, placed on probation or other disciplinary action taken by this or any other governmental authority in this state or any other state, or any foreign country? (If yes, attach an explanation that includes the license type, the action taken, by what state, and the date. Also include a copy of the applicable, copies of court documents, arrest records verification of restitution received by the court, and verification of successful completion of probation.)

Yes  No

**SECTION E : INSURANCE**

Do you have a current certificate of insurance showing not less than \$100,000 for public liability insurance for combined bodily injury and property damage?

Yes  No

Do you agree to provide us with documentation to support these statements if we request it?

Yes  No

**SECTION F : APPLICANT CERTIFICATION**

*I certify that I have read and understand the laws and regulations pertaining to the profession in California. I certify under penalty of perjury under the laws of the State of California that all statements furnished in connection with this application are true and accurate.*

Signature of Applicant	Date
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**INFORMATION COLLECTION, ACCESS AND DISCLOSURE**

**\*This statement is for your information.**

The Information Practices Act, Sec. 1798.17 Civil Code, requires the following information to be provided when collecting information from individuals.

**AGENCY NAME:**

Board of Barbering and Cosmetology

**TITLE OF OFFICIAL RESPONSIBLE FOR INFORMATION MAINTENANCE:**

Executive Officer

**ADDRESS:**

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

**INTERNET ADDRESS:**

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

**TELEPHONE AND FAX NUMBERS:**

(916) 574-7570 phone (916) 575-7281

**AUTHORITY WHICH AUTHORIZES THE MAINTENANCE OF THE INFORMATION:**

Sections 7300 to 7457, inclusive, comprising Chapter 10 Division 3, of the California Business and Professions Code.

**CONSEQUENCES OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED INFORMATION:**

It is mandatory that you provide all information requested. Omission of any item of requested information will result in the application being rejected as incomplete.

**PRINCIPAL PURPOSE(S) FOR WHICH THE INFORMATION IS TO BE USED:**

The information requested will be used to determine qualifications for licensure or certification to determine compliance with the group and corporate practice provisions of the law and to establish positive identification.

**ANY KNOWN OR FORESEEABLE DISCLOSURES WHICH MAY BE MADE OF THE INFORMATION:**

Your completed application becomes the property of the board and will be used by authorized personnel to determine your eligibility for a license or certification. Information on your application may be transferred to other governmental or law enforcement agencies. Pursuant to the California Public Records Act (Gov. Code Section 6250 et seq.) and the Information Practices Act (Civ. Code Section 1798.61), the names and addresses of persons possessing a license or registration may be disclosed by the department unless otherwise specifically exempt from disclosure under the law. **Consequently, the personal name and address information entered on the attached form(s) may become public information subject to disclosure.**

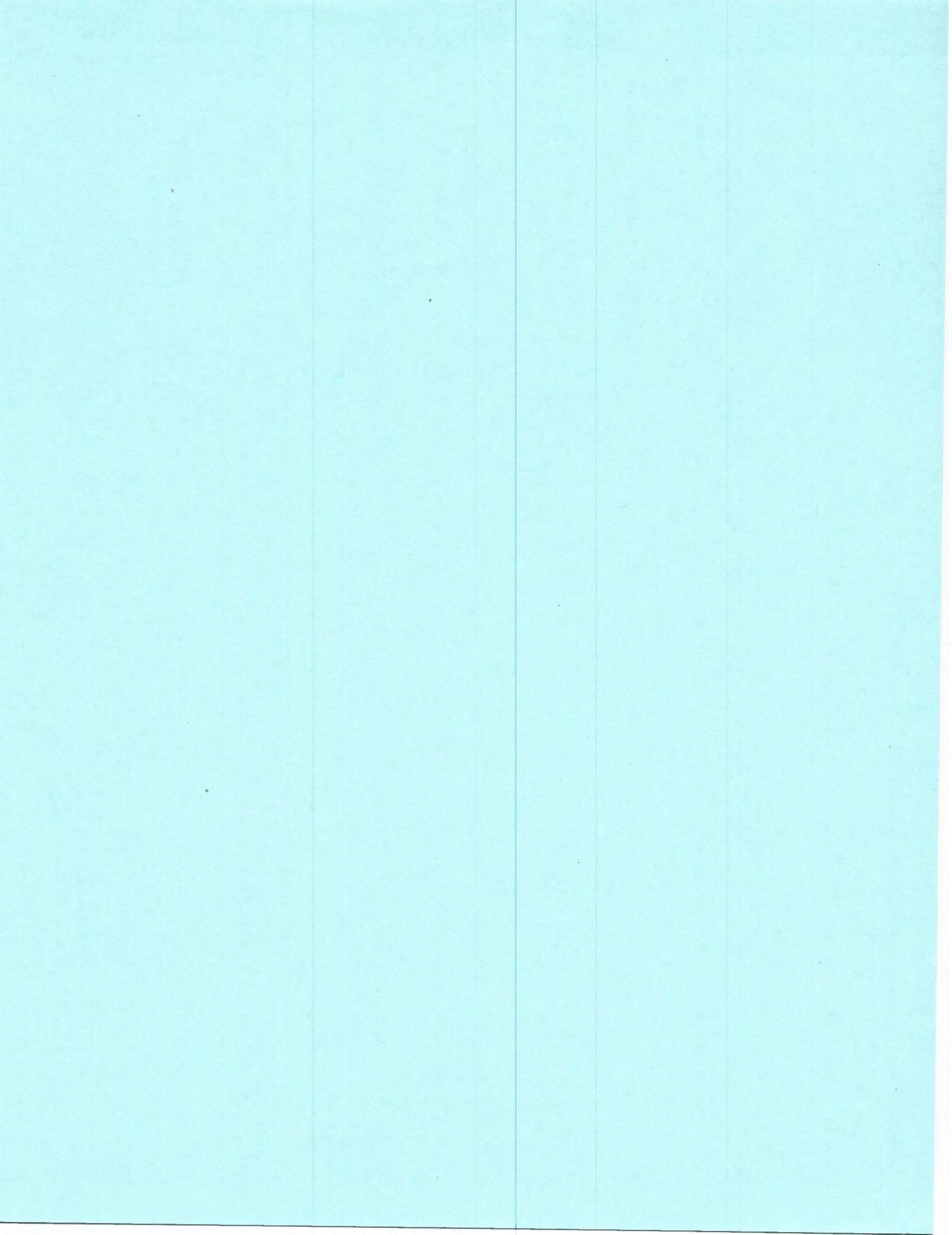
**SOCIAL SECURITY NUMBER (SSN) DISCLOSURE**

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

**1AB 1424**

Effective July 1, 2012, the State Board of Equalization and the Franchise Tax Board may share taxpayer information with the board. You are obligated to pay your state tax obligation and your license may be suspended if the state tax obligation is not paid.

9/3/2013 - Draft





BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY •  
GOVERNOR EDMUND G. BROWN JR.

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## MEMORANDUM

<b>DATE</b>	October 3, 2013
<b>TO</b>	Members, Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood, Executive Officer
<b>SUBJECT</b>	<b>Booth Rental</b>

Attached to this memorandum is proposed statutory language to establish a booth rental license. This language will:

- Define a booth renter as any portion of a licensed establishment that is rented to an individual licensee.
- Requires an application for an initial booth renter license to be submitted with a fee to the Board and specifies the requirements to be:
  - Maintain an active individual license (cosmetologist, barber, electrologist, esthetician or manicurist)
  - Not have any outstanding fines against their individual license.
  - Not have committed acts or crimes that would result in denial.
- The booth renter license will be specific to the specified licensed establishment.

In addition, the proposed language allows the Board to establish regulations that will set the standards regarding health and safety of common areas, shared equipment and shared responsibilities including citations and fines issued to booth renters and establishment owners.

### Action

Should the Board choose to pursue a booth rental license a motion is needed to approve the proposed statutory change. The Board will then seek to obtain an author to carry the language in a bill.

7346. (a) For purposes of this chapter, "establishment" means any premises, building or part of a building where any activity licensed under this chapter is practiced.

(b) "Establishment" also includes any premises, building, or part of a building in which natural hair styling is practiced for compensation.

7346.1 (a) For purposes of this chapter, "booth renter" means any portion of a licensed establishment that is rented out to an individual licensee for the purpose of performing services regulated by the Act.

7347. Any person, firm, or corporation desiring to operate an establishment shall make an application to the bureau for a license accompanied by the fee prescribed by this chapter. The application shall be required whether the person, firm, or corporation is operating a new establishment or obtaining ownership of an existing establishment. If the applicant is obtaining ownership of an existing establishment, the bureau may establish the fee in an amount less than the fee prescribed by this chapter. The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the establishment only at the location for which the license is issued. Operation of the establishment at any other location shall be unlawful unless a license for the new location has been obtained upon compliance with this section, applicable to the issuance of a license in the first instance.

7347.1 Any person desiring to operate a booth rental shall make application to the board for a license accompanied by the fee prescribed by this chapter. A person applying for a booth rental license shall have an active individual license and shall not have any outstanding fines. The applicant, shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the booth rental in the specified licensed establishment. Operation of the booth rental at any other location shall be unlawful unless a booth rental license for the new location has been obtained upon compliance with this section, applicable to the issuance of a license in the first instance.

7347.2 The board shall establish by regulation standards regarding the operation of a booth rental including but not limited to common areas, shared equipment, and shared responsibilities between a booth renter and establishment owner.

7424. The amounts of the fees payable under this chapter relating to licenses to operate an establishment are as follows:

(a) The application and initial license fee shall be not more than eighty dollars (\$80).

(b) The renewal fee shall be not more than forty dollars (\$40).

(c) The delinquency fee is 50 percent of the renewal fee in effect on the date of renewal.

(d) Any application and initial license fee for the change of ownership of an existing establishment may be established by the board in an amount less than

the fee prescribed for a new establishment, but sufficient to cover the costs of processing the application and issuing the license.

7324.1

The amounts of the fees payable under this chapter relating to licenses to operate a booth renter are as follows:

(a) The application and initial license fee shall be not more than eighty dollars (\$80).

(b) The renewal fee shall be not more than forty dollars (\$40).

(c) The delinquency fee is 50 percent of the renewal fee in effect on the date of renewal.



**BarberCosmo**  
Board of Barbering & Cosmetology



# STRATEGIC PLAN UPDATE

## GOAL 1: ENFORCEMENT

### INCREASE THE BOARD'S ENFORCEMENT ACTIVITY TO ENSURE SAFETY OF CONSUMERS

**1.1** Define and streamline the written appeals process through the development of procedures and regulations.

- *Staff has revised the letter that is distributed to appellants; procedures have been developed and implemented for written appeals. Staff is working with Board members to reduce the backlog of written appeals.*

**1.2** Develop a stronger disciplinary action policy on third-time offenders.

- *This objective has a completion target of 2014.*

**1.3** Mitigate unlicensed activity by establishing and developing partnerships with the District Attorney offices throughout California.

- *This objective has a completion target of 2014.*

**1.4** Develop new methods for increased collections of fines from unlicensed owners.

- *This objective has a completion target of 2014.*

## GOAL 2: INSPECTIONS

### ENHANCE THE BOARD'S INSPECTION UNIT TO IMPROVE EFFECTIVENESS AND ENSURE CONSUMER SAFETY

**2.1** Develop a new, consumer-focused media campaign with a slogan of, "If You See Something, Say Something."

- *Completed March 2013*

**2.2** Conduct a workforce analysis on Board staffing needs within the BBC Inspections Unit and submit a budget change proposal, if necessary.

- *Completed and a BCP submitted and is in the review process (October 2013)*

**2.3** Conduct training with Board inspectors to increase consistency in inspection procedures, as well as, the criteria they use to issue violations.

- *First training to be held in October 2013.*

**2.4** Assess the needs of field inspectors to ensure that they are equipped with the tools necessary to complete their work safely and efficiently.

- *Completed and ongoing.*

## GOAL 3: LICENSING AND EXAMS

### IMPROVE THE BOARD'S LICENSING AND EXAMINATION EFFICIENCY

**3.1** Require certification of establishment owners.

- *This objective has a completion target of 2015.*

**3.2** Explore the feasibility of establishing continuing education requirements for license renewal.

- *In July 2013 the Board choose not to pursue continuing education at this time.*

**3.3** Explore the cost-effectiveness of adding additional exam sites throughout California to decrease exam wait times.

- *This objective has a completion target of 2015.*

**3.4** Conduct a workforce analysis on board staffing needs within licensing and exam units and submit a budget change proposal, if necessary.

- *This objective has a completion target of 2016.*

## GOAL 4: OUTREACH AND EDUCATION

### FULLY EDUCATE CONSUMERS AND INDUSTRY ON HEALTH AND SAFETY OF BARBERING AND COSMETOLOGY SERVICES

**4.1** Create information guides for inspectors to leave with consumers when performing establishment inspections.

- *Completed and planned for implementation in November 2013.*

**4.2** Enhance website to ensure accessibility, compliance with state standards, and ease of use for consumers and licensees.

- *Completed May 2013*

**4.3** Use available social media (Facebook, YouTube, and Twitter), the Board website, and other technology tools to increase awareness of relevant industry and Board information.

- *Completed May 2013 and ongoing.*

**4.4** Increase outreach to schools, consumer groups and industry organizations to better inform students, consumers and licensees about the Board.

- *Completed summer 2013 and ongoing.*

## GOAL 5: PROGRAM ADMINISTRATION

### ESTABLISH AN EXCELLENT ORGANIZATION THROUGH PROPER BOARD GOVERNANCE AND EFFECTIVE LEADERSHIP

**5.1** Create a Board specific orientation packet for Board members in an electronic format.

- *Completed April 2013*

**5.2** Conduct a workforce skills assessment on staff and provide additional training to increase efficiency, communication and leadership throughout all levels of the Board administration.

- *Ongoing*

**5.3** Evaluate inspector pay and, if necessary, increase inspector pay scales to more accurately reflect duties performed.

- *Pending bargaining.*

**5.4** Implement a document imaging system to reduce existing hard copy storage.

- *This objective has a completion target of 2017.*

## GOAL 6: REGULATION AND LEGISLATION

ENHANCE REGULATION AND LEGISLATION TO MEET THE CHALLENGES OF THE EVOLVING INDUSTRY, WHILE PROTECTING CONSUMERS

**6.1** Increase the use of technical advisory committees to offer counsel and provide input on regulatory changes.

- *Completed and ongoing.*

**6.2** Schedule Legislation Committee Meetings bi-annually, focused on the creation and development of partnerships with California legislators.

- *This objective has a completion target of 2014.*

**6.3** Update the Board's Health and Safety regulations to ensure parity with best practices in other State and Federal agencies.

- *In process October 2013.*

**6.4** Create new processes to monitor trends in consumer complaints to determine if legislative or regulatory action needs to be taken.

- *This objective on hold until the implementation of Breeze.*

**6.5** Obtain sole oversight of the regulation of schools specializing in barbering and cosmetology.

- *Will pursue during the next sunset review.*

## The History of Braiding

Throughout history hairstyling has often been used to reflect a person's legal, social and/or political status. Such has been the case with hair braiding\*.

One of the earliest recorded images of the tradition of hair braiding can be traced to Egypt. Saqqara is the burial site of Egypt's pre-dynastic kings and queens. Unearthed at that site was a small portion of a tomb. This artifact is dated to the late Fourth Dynasty at about 2630-2540 B.C. The artifact shows a governmental official holding a staff and scepter in hand, wearing braids.<sup>1</sup> The cultural practice of braiding was maintain wherever Africans traveled as can be seen with the stone of a sculpted head of an African man found in pre-Columbian Mexico dated in about 800-400 B.C. <sup>2</sup>

The art of hair braiding found its way into United States by way of the African slave trade. During the 15<sup>th</sup> Century Africans were uprooted from their homes and plunged into a bath of social change. Forced into slavery and view by the majority as chattel, hairstyling went through a metamorphosis. During this period, due to physical bondage, humiliation and a lack of traditional hair tools, Africans produced hairstyles distinctly different from the pre-slave time period. During this period slaves often covered or wrapped their hair with cloths. In a testament to African resilience, however, a basic plaiting style was commonly employed in an effort to maintain a sense of pride and African tradition.<sup>3</sup>

Soon after the abolition of slavery Africans faced the new dilemma of acceptance in a racially charged culture. Coerced into believing that European culture was superior to African culture, many sought to emulate the European standard of beauty which promoted the idea that straight hair was indeed beautiful hair. In 1905 Madame C.J. Walker introduced the hot iron for straightening the hair of Negro women. Culturally black hair care change was on the horizon. The press and curl remained the industry standard for acceptable hairstyling for African women down and throughout the 1960's. The impracticality of maintaining the press and curl gave birth to a new process of hair straightening – the perm (chemical relaxer). This chemical process employed harsh lye to straighten hair. The results of using lye based chemicals? Often times it was a burned scalp and /or permanent hair loss. With freedom in hand and a desire to regain black culture the world was introduced to the Afro. In the 1970's the afro became a sign of African beauty, pride of race and oftentimes political rebellion. Toward the end of the 1970's, the "Age of Aquarius" was introduced and society both black and white, were urged to "let it be". This free style attitude gave birth to the Blow out Afro style. The

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\*The term "hair braiding" in this document encompasses a variety of natural hairstyling techniques, including braiding, corn rowing, twisting, and locking hair, as well as weaving extensions into a person's hair.

Blow out Afro style became a fashion hit with less of a political statement.

In the late 1970's an inventor named Jherri Redding sent shock waves through the beauty community by introducing the California curl. So started the cold-wave relaxer craze. The cold wave acid perm maintained the texture of black hair but contoured black hair into soft, tamed curls. Maintenance required daily application of activators and extensive weekly moisturizing treatments.

Industry leaders and fashion icons alike have termed the 1990's "The Natural 90's". In her publication *Natural Hair Care and Braiding*, Diane Carol Bailey states, "If there is a direct link to natural hair care, the economy, political climate and cultural awareness, then the stock market crash of 1987, the rise in unemployment, global awareness, the expanded information highway, and the end of apartheid has greatly influenced how people of color choose to wear their hair." During the 1990's the beauty industry has seen a return to a variety of natural hairstyling techniques, including hair braiding.

The Board of Barbering and Cosmetology has been an integral part of the evolution of hair care and the changes produced. In 1930, the California Cosmetology law placed regulation of all hairstyling under the State Board of Cosmetology. On May 16, 1982, the Attorney General issued an opinion finding African hair braiding is covered by cosmetology licensing requirements. On January 28, 1997, the Institute of Justice filed a lawsuit in a federal district court in San Diego challenging California's cosmetology licensing statute and regulations on behalf of practitioners of African hair braiding and other forms of natural hairstyling. The name of the case was Joanne Cornwell and the American Hairbraiders and Natural Hair Care Association v. Ron Joseph, Acting Director of DCA; Pamela Reed, Program Administrator, Barbering and Cosmetology Program, DCA; Susan Harrigan, Assistant Program Administrator, Barbering and Cosmetology Program, DCA; and Daniel E. Lungren, Attorney General of the State of California. The case number was 97CV0138 B. The plaintiff's challenged the constitutionality of the Barbering and Cosmetology Act as it relates to hair braiding as an act of cosmetology. The suit was not for monetary damages. Deputy Attorney General Thomas Lazar and Richard Garske handled the case for the Board of Barbering and Cosmetology. On August 18, 1999 the court ruled in favor of the plaintiff. Noted below is an excerpt from this judgment:

"As set forth, the basis of this Order is the finding that the State's mandated curriculum, on its face and upon review of its actual implementation and associated texts and exam, does not teach braiding while at the same time it requires hair braiders to learn too many irrelevant, and even potentially harmful, tasks. The vice is not the statute, but the implementing regulations. If an individual does more than braid – if he or she routinely shampoos or cuts or dyes hair, or uses chemicals at all – they are not a hair braider. If they do such activities, they are subject to the Act and regulations."

In an effort to further fine tune the Board's correlation to the profession of hair braiding a legal opinion was requested on November 9, 2011 from the Gary Duke, Legal Council

representing the Department of Consumer Affairs Board of Barbering and Cosmetology. The legal opinion clarified the Board's inspectors are not to cite hair braiders who are not licensed with the Board for using a brush or comb.

In March of 2012, Kristy Underwood, Executive Officer of the Board of Barbering and Cosmetology, requested an informal survey done to determine which Cosmetology Boards in the United States maintain a Hair Braiding License. Fifteen states currently have some form of license, certificate or registry for their Hair braiders.

The history of hair braiding is wrought both with both beauty and turmoil. In its saga cultures clash and compliment each other by design. The act of hair braiding is both a cultural statement and art form. It can be said that hair braiding is a testament to the beauty of diversity.

## References

1. Diane Carol Bailey, Natural Hair Care and Braiding, page 2
2. Ivan Van Serima, They Came Before Columbus, (plate 4a), 1976
3. Diane Carol Bailey, Natural Hair Care and Braiding, page 6

## Does Your Board Offer A Braiding License?

State	Has License	Does Not Have License	Comments
Alabama		X	
Alaska		X	
Arizona		X	
Arkansas		X	
California		X	
Colorado	X		Hairstylist license - license in existence last 12 years.
Connecticut		X	
Delaware		X	
District of Columbia		X	
Florida	X		They have a <b>hair braider registration</b> .
Georgia		X	
Hawaii		X	
Idaho		X	
Illinois	X		
Indiana		X	
Iowa		X	
Kansas		X	
Kentucky		X	
Louisiana	X		Offers an <b>Alternative Hair Design Permit</b> (500 hours)
Maine		X	
Maryland		X	
Massachusetts		X	
Michigan		X	They have a <b>Natural Hair Culturist License</b> (braiding only). However, braiders are not required to be licensed the mentioned NHCL is optional.
Minnesota	X		Offers a <b>Hair Braiding Certificate</b> (30 hours)
Mississippi		X	Department of Health issues a certificate
Missouri		X	
Montana		X	

## Does Your Board Offer A Braiding License? - Page 2

State	Has License	Does Not Have License	Comments
Nebraska		X	
Nevada	X		
New Hampshire		X	
New Jersey		X	
New Mexico		X	
New York	X		
North Carolina	X		
North Dakota		X	
Ohio	X		Requires 450 hours
Oklahoma	X		
Oregon		X	
Pennsylvania	X		
Rhode Island		X	
South Carolina	X		
South Dakota		X	
Tennessee	X		<b>Natural Hair Stylist License</b>
Texas	X		35 hours of training
Utah		X	
Vermont		X	
Virginia	X		
Washington		X	
West Virginia		X	
Wisconsin		X	
Wyoming		X	

\*Compiled March 2012



A Report to The Senate Business,  
Professions and Economic  
Development Committee

California State  
Board of Barbering and Cosmetology

**Report on Appropriate Licensing  
Sub-categories**



**Purpose:**

In 2013, the Board underwent its scheduled sunset review and appeared before the Senate and Assembly Business and Professions Committees. One of the issues raised from the committee was regarding appropriate licensing categories. In the final recommendations of the Board's sunset review, staff's recommendation for item number eight (8) stated:

*Staff Recommendation: The Board should review the issue of recognizing specialized service providers like eyelash extension applicators, 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.*

**Recommendation:**

The Board's is recommending statutory language that will establish a Board recognized industry certification program.

On June 3, 2013, the Board held a public meeting with its Legislative and Budget Committee and invited individuals who have expressed interest in obtaining a license in a specialized area. During this meeting the option of having specialized licenses was discussed. It was determined that issuing a license to a specialized service (that exists within the current scope of practice) is diminishing the existing scope of practice.

The Board discussed the topic on July 14, 2013 and again on October 21, 2013 where it approved a final motion to proceed with a statutory change to allow for a Board recognized certification program. The Board recognizes the need for certification for specialized services and/or advanced services, and is recommending the proposed language that is included at the end of this report.

**Background:**Priority of the Board

The Board's priority and number one goal is consumer protection. As such, the Board tests for minimal competency. The Board does not test for advanced skill, however, many licensees take their own initiative to further their skills and take advanced training after licensure.

## Scope of Practice

The Board has recently been approached by individuals wishing to be licensed only to perform one skill of the scope of practice. For example, the scope of practice of an esthetician states:

*Skin care is any one or more of the following practices:*

*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.*

*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 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.*

There have been requests made to the Board to have a waxing only certificate, makeup artist, or lash extension applicators, all topics are specifically covered in an esthetician scope of practice. The Board has concerns with issuing licenses/certificates to a single service within the existing scope because it could lead to a high amount of certificates for specialized areas. For example, a facial only certificate, hair color only certificate, or shaving certificate.

The Board is confident that the existing scope of practice is sufficient and necessary to carry out the Board's priority (consumer protection). Individuals may choose to perform only one skill within the scope of practice, however, the knowledge that is learned through the curriculum and the examinations should remain intact.

## Licensee and Approved School Input

At the Board's sunset hearing on March 18, 2013 several individuals came forward asking that a makeup artist certification be implemented. The Board has several concerns with this concept, most importantly (as stated above) the application of make-up is currently specified in the scope of practice of a cosmetologist and an esthetician. The Board believes it is in the best interest of consumer protection that individuals obtain, at a minimum, an esthetician license by completing a 600 hour course. Should that individual then wish to pursue an advanced career in make-up, the certification program being proposed in this report will allow for recognized advanced training.

The Board reached out to multiple schools and did not find any schools currently approved by the Board that are in support of specialized licensing categories.

### Professional Beauty Federation of California (PBFC)

The Professional Beauty Federation of California (PBFC) has made a statement that it agrees with the Board that creating specialized license types diminishes the scope of practice of existing licensure. The PBFC supports an industry wide certification process that is recognized by the Board, but implemented by the industry.

### National Interstate Council on Cosmetologists (NIC)

The NIC is the organization that provides the national examinations utilized by California. Research indicates that only two states (Virginia and Wyoming) administer tests to issue waxing certificates. In addition, only two states provide examinations for a form of makeup (Louisiana issues a makeup permit and Oklahoma issues a cosmetician license for hairdressing and makeup only).

### **Proposed Statutory Language:**

7312. The board shall do all of the following:

(a) Make rules and regulations in aid or furtherance of this chapter in accordance with the Administrative Procedure Act.

(b) Conduct and administer examinations of applicants for licensure.

(c) Issue licenses to those applicants that may be entitled thereto and to encourage such licensees to continue to develop their skills and the appropriate application and use of evolving industry techniques, products and equipment by recognizing industry certifications that meet appropriate standards approved by the board.

(d) Discipline persons who have been determined to be in violation of this chapter or the regulations adopted pursuant to this chapter.

(e) Adopt rules governing sanitary conditions and precautions to be employed as are reasonably necessary to protect the public health and safety in establishments, schools approved by the board, and in the practice of any profession provided for in this chapter. The rules shall be adopted in accordance with the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Title 2 of the Government Code, and shall be submitted to the State Department of Health Services and approved by that department prior to filing with the Secretary of State. A written copy of all those rules shall be furnished to each licensee.



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## MEMORANDUM

<b>DATE</b>	October 7, 2013
<b>TO</b>	Members, Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood, Executive Officer
<b>SUBJECT</b>	<b>Update on Apprenticeship Program</b>

Staff has been making multiple improvements on the processing and enforcement of the apprenticeship programs. A summary of those changes are as follows:

### Regulation Changes In Process:

- An individual who has qualified for the examination cannot participate in the apprenticeship program.
- An apprentice who discontinues their apprenticeship must notify the Board in order to be allowed back into the program.
- A trainer can only be supervising two apprentices at a given time.

In addition to the above regulation changes, we now require proof of a social security number to validate the identification of an applicant.

The Board continues to work with other agencies to improve the apprenticeship program.

*Closed Session*