

CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY



JULY 28, 2014
Board Meeting
Department of Consumer Affairs
1747 North Market Blvd.
HQ 2 Hearing Room 186, 1st Floor
Sacramento, CA 95834



Richard Hedges, Public Member,
President

Dr. Kari Williams, Industry Member,
Vice President

Mary Lou Amaro, Industry Member

Bobbie Anderson, Public Member

Wen Ling Cheng, Public Member

Andrew Drabkin, Public Member

Joseph Federico, Industry Member

Christie Truc Tran, Industry Member

Kristy Underwood
Executive Officer

Edmund G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

Telephone: (916) 575-7100

Website: www.barbercosmo.ca.gov

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

Board Meeting Agenda

Monday, July 28, 2014
10:00 A.M.

Until completion of business

Department of Consumer Affairs
1747 North Market Blvd.
HQ 2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

An additional meeting location, via teleconference, has been established at:

1038 West 80th Street
Los Angeles, CA 90044

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call (**Richard Hedges**)
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 (**Richard Hedges**)
4. Executive Officer Report (**Kristy Underwood**)
 - Update on the Board's Budget
 - Update on Breeze
 - Board's Statistics
5. Review of the Open Meetings Act/Board Member Ethics (**Gary Duke**)
6. Approval of Board Meeting Minutes
 - April 21, 2014
7. Proposed Regulations – Discussion/Review and Approval of Proposed Changes:

Updates: 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. Updating health and safety regulations to reflect terms more commonly used in the barbering and cosmetology industry and to make the terms clearer or more detailed.

California State Board of Barbering and Cosmetology

- 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
 - Relating to the Cross Over and Transfer of Credit of Barbering and Cosmetology Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8, 950.9 and 950.1
 - Relating to Text book Approval Title 16, Division 9, Article 12 of the California Code of Regulations Section: 961
8. Update and Discussion of Proposed Bills that Could Impact BBC:
- AB 1153 – Advanced Esthetician Bill
 - SB 1159 – Federal Tax Identification Number
9. Discussion and Review of Recommendations of the Natural Hair Care Task Force
(Dr. Kari Williams)
10. Presentation from Allies Innovation Initiative Representative
11. Sunset Review
- First Draft of Background Paper for Review
12. Discussion to Allow Early Written Testing for Future Professionals
13. Proposed Board Meeting Dates for 2015
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



Business, Consumer Services, and Housing Agency – Governor Edmund G. Brown Jr.
 BOARD OF BARBERING AND COSMETOLOGY
 P.O. Box 944226, Sacramento, CA 94244-2260
 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: June 30, 2014**

	April - June	YTD ¹
NORTHERN		
Heard	159	915
Received	304	880
Pending ¹	669	669 ²
SOUTHERN		
Heard	622	2,088
Received	392	1,462
Pending ¹	1,048	1,048 ²

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

² Figure represents number of pending requests as of report date.

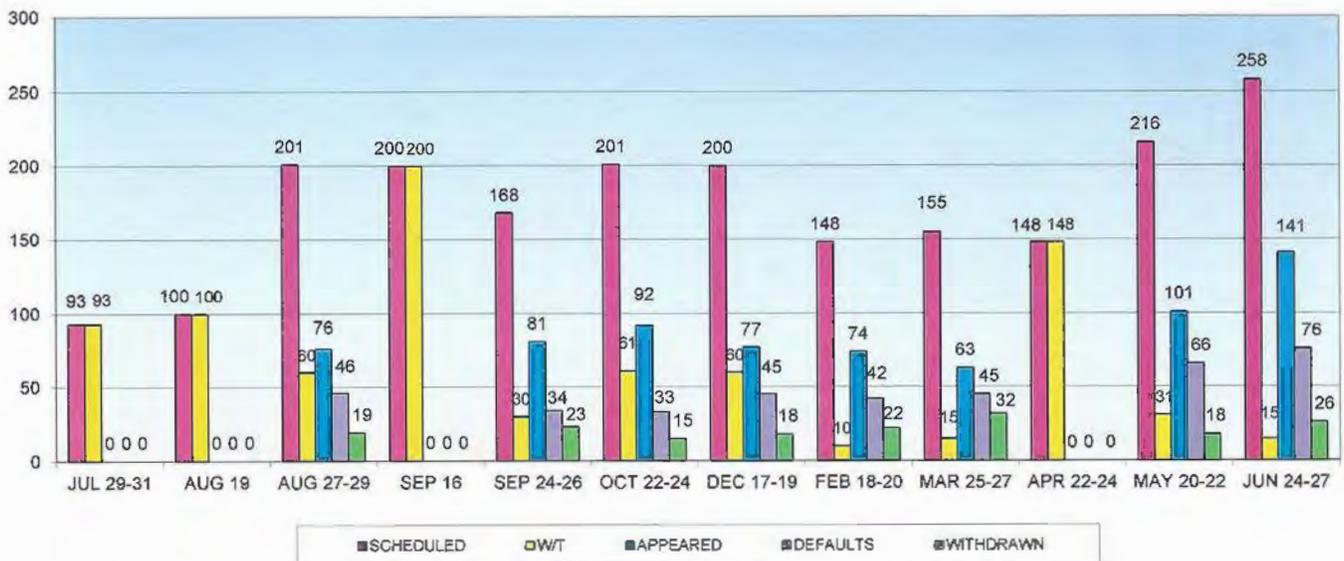
2014 SCHEDULED HEARINGS

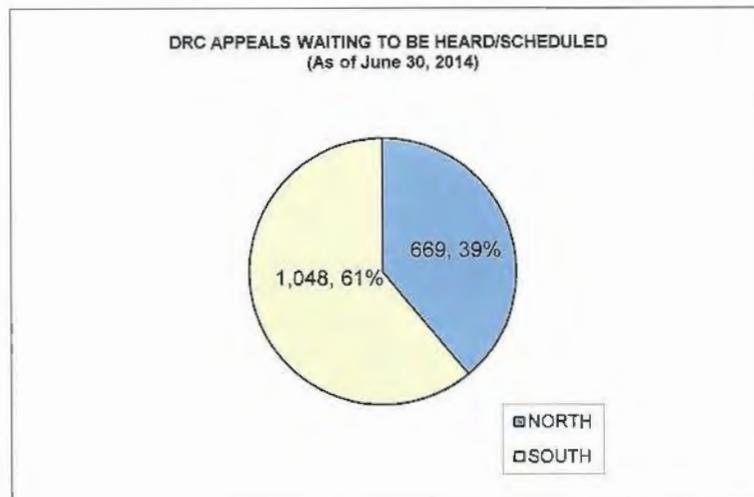
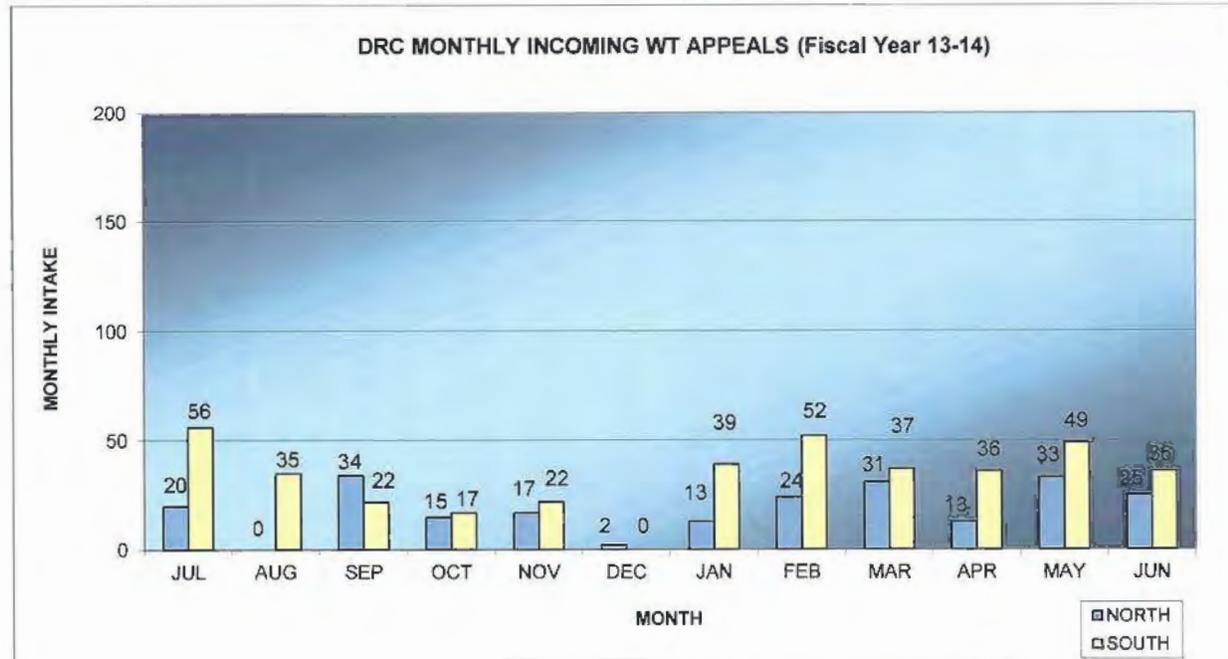
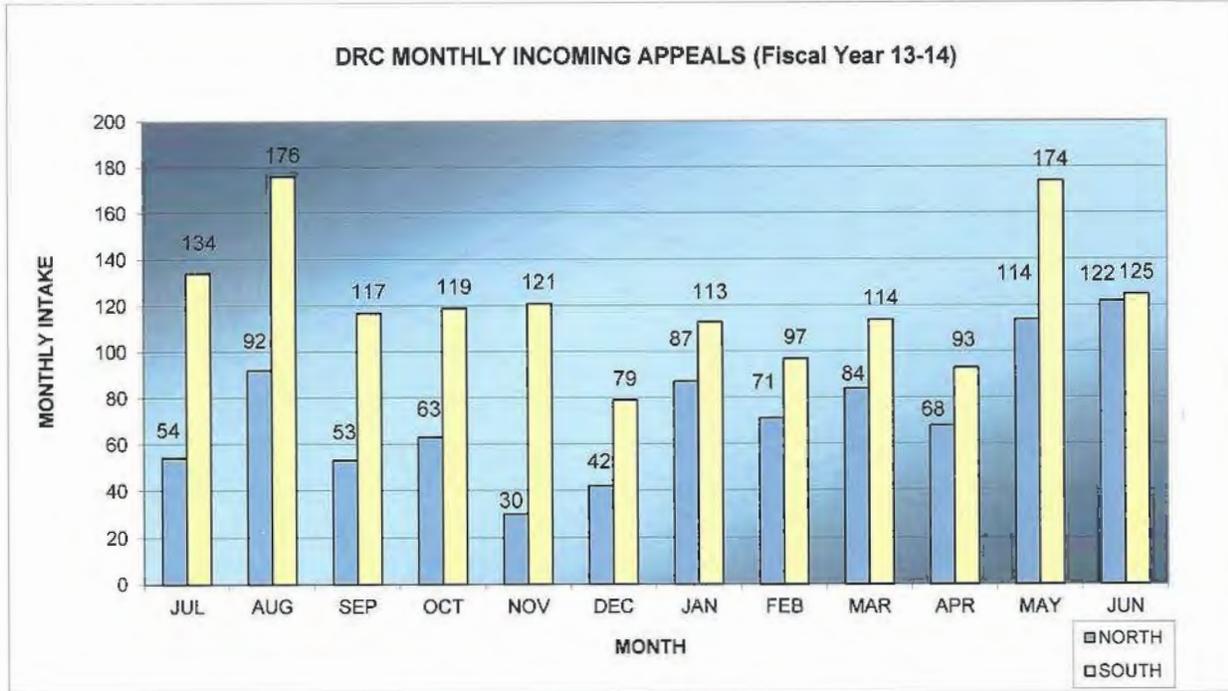
Area	Location	Date
Northern	Sacramento	July 21-24, 2014
Southern	Norwalk	August 26-29, 2014
Southern	Los Angeles	September 23-26, 2014
Southern	Ontario	October 21-23, 2014
Northern	Sacramento	November 17-19, 2014
Southern	Los Angeles	December 16-18, 2014

**NORTHERN APPEALS HEARD
(Fiscal Year 13-14)**



**SOUTHERN APPEALS HEARD
(Fiscal Year 13-14)**







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 2013/14 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 5/31/14

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	3,973,538	3,696,246	277,292
Expert Examiners	452,554	452,554	0
Temporary	134,000	261,648	(127,648)
BL 12-03 Blanket	0	170,121	170,121
Statutory-Exempt	103,608	106,716	(3,108)
Board Member Commission	0	16,000	(16,000)
Overtime	0	43,661	(43,661)
Total Salary & Wages	4,663,700	4,746,946	256,996
Net Salary & Wages	4,663,700	4,746,946	(83,246)
Staff Benefits	2,091,695	2,044,562	47,133
Total of Personnel Services	6,755,395	6,791,508	(36,113)
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	191,403	159,000	32,403
Printing	168,413	201,011	(32,598)
Communication	40,605	39,000	1,605
Postage	283,384	211,000	72,384
Insurance	4,489	3,268	1,221
Travel In State	82,789	147,000	(64,211)
Travel, Out-of-State	0	0	0
Training	10,513	25	10,488
Facilities Operations	1,288,599	1,105,582	183,017
Consultant & Professional Svs. - Interdept.	125,781	1,500	124,281
Consultant & Professional Svs. - External	407,843	322,995	84,848
Depart. and Central Admin. Services	7,776,843	7,775,649	1,194
Consolidated Data Center	68,468	16,000	52,468
DP Maintenance	38,376	70,000	(31,624)
Central Admin Pro Rata	765,459	765,459	0
Examinations	1,394,177	2,397,171	(1,002,994)
Major Equipment	117,400	0	117,400
Minor Equipment	44,850	44,850	0
Other Items of Expense	7,288	1,000	6,288
Vehicle Operations	37,784	61,400	(23,616)
Enforcement	1,742,414	1,015,318	727,096
Special Items of Expenses	0	0	0
Required OE&E Savings		0	0
Total Operating Expenses & Equipment	14,596,878	14,337,228	259,650
Total Personal Services Expenses	21,352,273	21,165,726	(36,113)
Total reimbursements	(57,000)		
Total	21,295,273	21,165,726	223,537

0069 - Barbering and Cosmetology Analysis of Fund Condition

(Dollars in Thousands)

NOTE: \$21 Million General Fund Repayment Outstanding

	ACTUAL 2012-13	CY 2013-14	Governor's Budget BY 2014-15
BEGINNING BALANCE	\$ 9,993	\$ 13,833	\$ 15,303
Prior Year Adjustment	\$ 531	\$ -	\$ -
Adjusted Beginning Balance	\$ 10,524	\$ 13,833	\$ 15,303
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 5,394	\$ 6,455	\$ 6,649
125700 Other regulatory licenses and permits	\$ 4,941	\$ 4,291	\$ 4,402
125800 Renewal fees	\$ 10,947	\$ 11,244	\$ 11,580
125900 Delinquent fees	\$ 759	\$ 781	\$ 800
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 33	\$ 48	\$ 57
150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 9	\$ 21	\$ 21
161400 Miscellaneous revenues	\$ 17	\$ 18	\$ 18
Totals, Revenues	\$ 22,100	\$ 22,858	\$ 23,527
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	\$ 22,858	\$ 23,527
Totals, Resources	\$ 32,624	\$ 36,691	\$ 38,830
EXPENDITURES			
Disbursements:			
0840 State Controller (State Operations)	\$ 12	\$ 1	\$ -
1110 Program Expenditures (State Operations)	\$ 18,680	\$ 21,295	\$ 20,968
1111 Program Expenditures (State Operations)			
8880 Financial Information System for California (State Ops)	\$ 99	\$ 92	\$ 17
9670 Equity Claims / Board of Control (State Operations)	\$ -	\$ -	\$ -
Total Disbursements	\$ 18,791	\$ 21,388	\$ 20,985
FUND BALANCE			
Reserve for economic uncertainties	\$ 13,833	\$ 15,303	\$ 17,845
Months in Reserve	7.8	8.8	10.0

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 14, 2013: Great Clips (Sacramento)
Speaker: Debra Brown and Tami Guess
- October 17, 2013: Skyline College (San Bruno)
Speaker: Kristy Underwood and Tami Guess

- October 28, 2013: Barbering and Beauty Expo (Norwalk)
Attendees: Debra Brown and Tami Guess
- December 13, 2013: Parlier High School (Parlier)
Speaker: MaryLou Amaro
- January 22, 2014: Universal College of Beauty (Los Angeles)
Speaker: Dr. Kari Williams
- January 25-27, 2014: International Salon and Spa Expo (Long Beach)
Attendees: Debra Brown, Patricia Garcia, Marcene Melliza and Tami Guess
- February 26, 2014: Universal College of Beauty (Los Angeles)
Attendees: Dr. Kari Williams
- May 7, 2014: Safe Sandal Season (Skype Interview with Janet Zappala of KMIR TV NBC)
Speaker: Kristy Underwood
- June 2, 2014: BBC's Vietnamese Town Hall Meeting (Sacramento)
Speakers: Kristy Underwood and Christie Tran
Attendees: Board Staff
- June 11, 2014: Fox 40 News – Topic Safe Sandal Season (Sacramento)
Speakers: Kristy Underwood
- June 18, 2014: Good Day Sacramento Channel 31
Topic: Safe Sandal Season (Sacramento)
Speakers: Kristy Underwood

Scheduled:

TBA

No Attachment



**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY**
MINUTES OF APRIL 21, 2014 BOARD MEETING

**Department of Consumer Affairs
1747 North Market Boulevard
HQ 2 Hearing Room 186, 1st Floor
Sacramento, CA 95834**

BOARD MEMBERS PRESENT

Richard Hedges, President
Dr. Kari Williams, Vice President
Mary Lou Amaro
Bobbie Anderson
Wen Ling Cheng
Andrew Drabkin
Joseph Federico
Christie Truc Tran

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Gary Duke, Legal Counsel
Tami Guess, Board Policy Analyst
Marcene Melliza, Outreach Coordinator

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

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

2. Agenda Item #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)]

Public Comment

Ms. Lynelle Lynch, President and Owner of Bellus Academy, would like the Board to consider the topic of early testing. Currently, there are nine states that allow students to take their tests prior to graduation. The students then are able to come back, finish their testing, and take their practical at the end of the course. This has dramatically increased the success rate of the students. If the students don't pass the first time, they are able to come back to their school and gain sufficient support to successfully pass their exam.

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

The Board is preparing for the next sunset review hearing. The Disciplinary Review Committee (DRC) is reducing the backlog of cases. The DRC is noticing that as it moves faster, more people

are either withdrawing their claim or not showing up for the hearings. In June, the DRC will start conducting hearings at least four days a month.

4. Agenda Item #4, Executive Officer Report

Staff has been working on improving language access. They are updating the website and have translated everything to Vietnamese and are almost finished with Spanish. There will be a link on the website that will have every publication that the Board has available that has been translated into Vietnamese. There will be a link for Spanish and Korean as well. The inspection report form handout has been translated into Vietnamese and will be used by inspectors.

Staff is currently preparing the next sunset report. The final report will be available for approval at the October Board meeting. The first draft of the report will be presented in July. The report is due to the Legislature in November.

Staff still continues to resolve issues with the new Breeze system. Staff is not experiencing any backlog or delay and in some cases, are ahead in processing applications. They are slowly rolling out different phases. Applicants may now apply online for re-exams. There are scheduled releases to make improvements in the system and as staff goes through the releases, more information becomes available online. Statistic reporting continues to be an issue for staff. Staff is providing manual statistics for DRC.

Staff has included the Board's budget. Outreach events are included in the packet. Due to the approach of the end of the fiscal year, outreach has temporarily stopped.

Mr. Hedges commented regarding the quarterly barbering and cosmetology reports. DRC also reviews written appeal cases and there are several hundred cases that are not reflected that are default cases.

There will be a townhall meeting for Vietnamese-American licensees. The meeting will cover how to keep your salon clean and the top ten violations. Local inspectors will be available. The meeting will be held on June 2nd at 9:00 a.m. Fliers will be distributed to salons in the Sacramento area.

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

A motion was made by Dr. Williams and seconded by Mr. Drabkin to approve the Minutes from the January 13, 2014, Board meeting. The motion was approved with an 8-0 vote.

6. Agenda Item #6, Appointment of Committee Members

The Licensing and Examination Committee and the Education and Outreach Committee are overstuffed. Mr. Drabkin will leave the Licensing and Examination Committee and will move to the Enforcement and Inspections Committee. Mr. Federico will remove himself from the Education and Outreach Committee.

7. Agenda Item #7, Proposed Regulations -- Discussion/Review and Approval of Proposed Changes

The equipment for schools regulations final rule-making file has been approved by the agency and is with the Office of Administrative Law (OAL). OAL has 30 business days to review.

Public hearings have been held on the lash and brow tinting change, apprenticeship changes, crossover courses, and health and safety regulations. The packages are being prepared and will go back to the Board for final approval.

Every regulation package is a little bit different, but the law does require that the regulation package has to be completed and finalized within one year of the date that it was actually noticed. After the

hearing is held, if there is no adverse comment, it is a relatively simple task to submit the package to the Office of Administrative Law.

A suggested change to Regulation Section 961 is presented for Board discussion. Currently, the Board must approve textbooks. Currently, the Board employs the National Interstate Council of State Boards of Cosmetology (NIC) to develop the Board's licensing examinations. NIC provides a list of their approved textbooks. Up for discussion is whether the Board should continue to approve textbooks to be used in schools when the Board no longer creates its own examination. Staff has presented proposed regulatory language, which would start the regulation process. A motion was made by Mr. Federico and seconded by Dr. Williams to approve the revision to Regulation 961 of the California Code of Regulations. The motion was approved with an 8-0 vote.

8. Agenda Item #8, Update and Discussion of Proposed Bills That Could Impact BBC

AB 1153 is the legislation for the Master Esthetician. This bill continues to move through the process. Sponsors of the bill are going through the sunrise process and staff has been assisting them with information. A sunrise report will be available in May and will be submitted to the Senate Business and Professions Committee.

Public Comment

Ms. Lisa Rios had a question regarding the Master Esthetician course: Is CIDESCO recognized by the Board. Ms. Underwood responded that it is recognized and the Board has a process in place for how the Board currently recognizes CIDESCO today and would be recognized as far as the Master Esthetician. Ms. Rios asked about the term "medical lymphatic." Ms. Underwood stated "medical lymphatic" has been up for discussion in the bill and she believes that when it comes to amendments, the Board will not be discussing anything with the words "medical" or "lymphatic." Ms. Rios asked whether as estheticians they were allowed to do lymphatic. Ms. Underwood suggested that Ms. Rios would need to talk to one of the Board's experts on that topic.

Mr. Anthony Wren-Rodriguez, Emerald City Hair Studio, questioned whether the scope of practice under the esthetician license will change with the implementation of a Master Esthetician program. Ms. Underwood stated it would remain the same. The scope will be clarified. Amendments to be bill will be coming late in May.

Ms. Jamie Schrabek, Precision Nails, commented that she is following the bill online and she noted that it was amended recently. There was an addition to the Business and Professions Code which would state that a person who is not licensed as an esthetician in the state shall not represent himself or herself as an esthetician. She believes this should be true of all licensing categories. There is no discussion about consequences for someone representing himself/herself as an esthetician when not licensed as such. Ms. Underwood commented that there is title protection for cosmetologists and barbers in statute. There is no title protection for manicurists, estheticians, or electrologists. Ms. Underwood stated title protection could be brought up in the sunset review. Mr. Duke commented there are provisions in the Unfair Business Practices Act which also provide for at least legal means for any kinds of misrepresentations.

Ms. Jayne Nelson, International Dermal Institute, inquired about the currently licensed estheticians and the requirement for NIC testing. Will there be a written examination and documents to prepare for the exam, for those that are currently licensed? Ms. Underwood stated this issue is still up for discussion. There is a national exam for an advanced esthetician. The bill still has to be approved and set in law. The NIC website provides preparation materials.

Ms. Diane Buccola, DB Esthetics and SpaBiz Board, asked whether there were any other advanced licenses that will be approved by the Board. Ms. Underwood stated she did not

know. There will be a provision in the bill for grandfathering in. There have been discussions and consideration for how the Board would get licensed estheticians upgraded. There is a test, but the Board definitely wants a grandfathering option.

Ms. Kym Jackson, Skyline College, asked if there has been any conversation amongst the Board members on how this might affect the cosmetologists in terms of becoming a Master Esthetician. Ms. Underwood stated the Board is aware that a cosmetologist currently can do everything that an esthetician can do. The Board has been working with the sponsors to maintain that and offer the grandfathering option as well because there are cosmetologists who are doing skin care.

9. Agenda Item #9, Discussion and Review of Recommendations of the Natural Hair Care Task Force

Dr. Williams reported. The Natural Hair Care Task Force met on April 14th, 2014. The Task Force is comprised of a number of leaders within the industry. The Task Force will be moving forward with presenting recommendations to the Board at the next Board meeting.

10. Agenda Item #10, Approval of Edits to the Board Member Guidelines and Procedures Manual

Mr. Gary Duke withdrew his recommendation that appears on the memorandum dated February 12th with regards to Board member participation. The proposed language that is there is an accurate reflection of Government Code Sections 1062 and 1770. However, those particular sections, as actually applied, are very factually specific and really have to be considered on a case-by-case basis. He does not believe it is necessary language for the Board procedure manual. The only suggested change is the appropriate appointing authority, edit the Governor off and put Governor, Senate Rules Committee, or Speaker of the Assembly. Mr. Federico made a motion approving just this change. Dr. Williams seconded. The motion was approved by an 8-0 vote.

11. Agenda Item #11, Agenda Items for Next Meeting

Mr. Hedges would like a representative of the Allies Innovation Initiative to conduct a presentation to the Board. Ms. Lynelle Lynch would like the Board to discuss early testing. Vice President of Education from Marinello School of Beauty, Ms. Karyn Latis, seconds Ms. Lynch's request for early testing on the agenda. Ms. Mildred Biglen from the Nor-Cal Barber/Cosmetology Apprenticeship Program wondered if there would be any more on the proposal for adding the manicuring and esthetician to the apprenticeship program. Ms. Underwood informed the Board that adding the manicuring and esthetician to the apprenticeship program would require the manicuring course be 3,200 hours because an apprenticeship course must be 3,200 hours.

12. Agenda Item #12, 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)]

Public Comment

Ms. Jaiya Alamia, student, Skyline College, is curious about the crossover course status. Ms. Underwood stated a licensed cosmetologist who wants to become barber or vice versa would have to take a 400-hour course. The curriculum for both licenses is a matter of 100 to 200 hours. So crossover makes it more flexible so that if a licensee does not have to duplicate what you have already taken.

13. Agenda Item #13, Closed Session

14. Agenda Item #14, Adjournment

With no further business, the meeting was adjourned.



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

Board of Barbering and Cosmetology-Department of Consumer Affairs
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MEMORANDUM

DATE	July 28, 2014
TO	Members, Board of Barbering and Cosmetology
FROM	Kristy Underwood, Executive Officer
SUBJECT	Regulations Update

Health & Safety: Staff has made additional revisions to the specific language approved by the Board at its last meeting and, if the Board approves of the modified text, will launch the required 15-day public comment period. The proposed change to Section 982 to allow the disinfection of electrology needles/wire filaments was made as a result of several comments received during the 45-day public comment period. The other changes were requested by the Department of Public Health as part of its approval of the regulations under Section 7312(e) of the Business & Professions Code.

Apprenticeship Program: Staff has drafted the Final Statement of Reasons (FSR) and is submitting it and the Final Language for review and approval by the Board. The FSR includes proposed responses to the public comments received during the public comment period leading up to the April 9, 2014 hearing. This is the final step before preparation of the Final Rulemaking File.

Lash/Brow Tinting: Staff has completed the Final Rulemaking File and has submitted it to the Department of Consumer Affairs to begin the internal review process. It will then go to the Business, Consumer Services and Housing Agency for further review before being submitted to the Office of Administrative Law (OAL).

Crossover Courses: Staff has drafted the Final Statement of Reasons (FSR) and is submitting it and the Final Language for review and approval by the Board. The FSR includes a proposed response to the comment received during the 45-day public comment period. This is the final step before preparation of the Final Rulemaking File.

Text and Reference Books for Students: The Notice of Proposed Rulemaking was published in the OAL's register on June 13, 2014, and mailed to the interested parties on June 20, 2014. The hearing is set for August 11, 2014.

Minimum Equipment for Schools: This rulemaking has been approved by OAL. The new regulations became effective on July 1, 2014.

BOARD OF BARBERING AND COSMETOLOGY

Title 16, Division 9 of the California Code of Regulations.

Modified Text

LEGEND

<u>Underline</u>	Indicates proposed amendments or additions to the existing regulation.
Strikeout	Indicates proposed deletions to the existing regulation.
<u>Double Underline</u>	Indicates an addition to the originally proposed text of regulations.
Double Strikeout	Indicates a deletion to the originally proposed text of regulations.

(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.

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~~ wipe 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.

Foot Basin — On a footspa chair, the open vessel that is filled with water and in which the client's feet are placed during a pedicure.

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.

Poisonous — A substance that can cause sickness or death by entering or touching the body.

Sanitary — A clean, healthy condition.

Soiled — dirty; not clean.

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.

Tub — A standalone, open vessel that is filled with water and in which the client's feet are placed during a pedicure.

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 any enclosed area frequented by the public in public areas.

(3) Closed, clean cabinets, drawers, or containers to hold all clean non-electrical tools, 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, ~~a steam~~ an 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 Tools Instruments 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) ~~Clean with soap or detergent and water.~~ Remove all visible debris.

(2) Clean with soap or detergent and water.

(3) Completely dry tools with a new, clean paper towel

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

(5) Licensees or students shall wear protective gloves or use tongs when removing tools from the disinfectant.

(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 when it is cloudy or contains debris~~dirty.

(c) All tools instruments ~~that have been~~ 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 tools instruments 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 tools instruments 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 tools instruments shall be disinfected prior to each use by in the following sequential manner:

(1) First removing 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 ~~between~~ at least 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 between at least 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 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.

(g) 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. Instruments Tools 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 receptacle container immediately after use on a single use client.

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

(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, excluding single-use, pre-sterilized, disposable needles/wire filaments, 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 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 federal U.S. Food and Drug Administration (FDA), 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 undamaged and 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 Single-use, pre-sterilized, disposable needles/wire filaments must be placed in a puncture resistant sharps container immediately after use, when contaminated before use, or when opened and found damaged, or when not used before the pre-printed expiration date. The sharps container must be changed when not more than three-quarters filled and disposed of as biohazardous waste.

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 hand-cleaning product immediately before serving each 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 licensee or student ~~person~~ 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 client ~~person~~ 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 or other licensed clinician 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, or broken (e.g., abraded, cut) or where a skin infection or eruption is present: nor shall a person working

or training in an establishment or school perform services if the skin of his or her hands is inflamed, or broken, or where a skin infection or eruption is present, without wearing gloves.

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's ~~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 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)(4), 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° degrees F for not less than ~~fifteen (15)~~ twenty-five (25) minutes during the washing or rinsing operation. Alternately, it is acceptable if the commercial laundry opts to use chemicals and cold water to reduce organisms on laundry, provided the laundry follows manufacturers' instructions for washing machines, dryers, detergents, rinse aids, and other additives. The laundry detergents used are not required to have stated antimicrobial claims.
- (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 or student 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 visibly 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 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 result in destruction of living tissue beyond the epidermal layer of the skin is prohibited, ~~affect the living layers of 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 consumer 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.

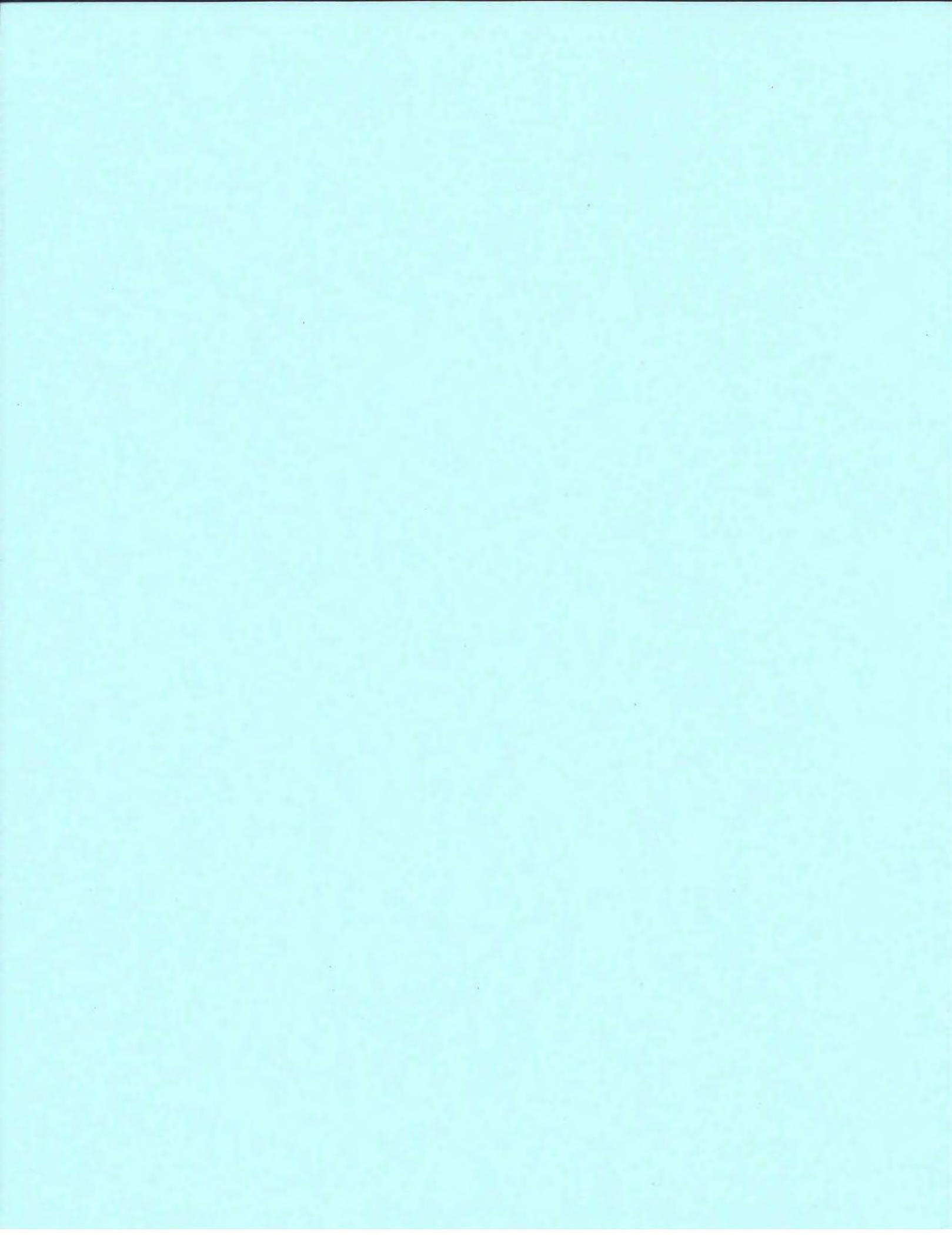
(22) Amend Section 994 to read as follows:

§ 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

FINAL STATEMENT OF REASONS

Hearing Date: April 9, 2013

Subject Matter of Proposed Regulations: Apprenticeships

Sections Affected: Sections 914.1, 914.2, 918, 921, 921.1 and 921.2, California Code of Regulations (CCR)

Updated Information

During the course of this rulemaking, the Department of Consumer Affairs' Division of Legislative and Policy Review asked the Board to explain why apprentice barbers under the amendments proposed for Section 921 would be required to have 2,800 hours of hairdressing, whereas under the current curriculum, only 2,600 is required. The explanation is that it's simply how the math plays out. The health and safety component, which at 20 hours is practically non-existent under the current curriculum, has been bumped up to 200 hours (Note: the 20 hours of health and safety training was inadvertently left off the chart in the Initial Statement of Reasons summarizing the existing apprentice curriculum). This matches the health and safety hours now required of students at barber, cosmetology and electrology schools, which satisfies the requirements of 7334(f) of the Business and Professions Code (B&P). Students at barber schools are required to take 200 hours in the shaving category, therefore apprentice barbers under the Board's regulatory proposal will also take 200 hours in shaving to satisfy 7334(f) B&P.

At the same time, the Board has long defined all apprenticeships as being 3,200 hours for the two-year program (Section 916, CCR). Consequently:

	3,200
-	200 (H&S)
-	200 (Shaving)
	<hr/>
	2,800

The Board might have increased the health and safety or shaving component requirements to satisfy the 3,200 hours. But 200 hours of health and safety training is already a significant bump in the requirement, and since the brunt of what a barber does is hairdressing rather than shaving (it's important to remember that apprentices train in the real world where barbershop shaves are relatively rare, rather than in an artificial classroom environment), placing the additional 200 hours in the hairdressing category makes the most sense.

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 more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be 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

Comment No. 1

Jonn Potter, Barber and Establishment Owner

Mr. Potter doesn't appear to direct his comments to a particular regulatory section of the Board's proposed changes to the apprenticeship program, or offer specific changes he would like the Board to make to this rulemaking proposal. This makes it difficult for the Board to respond in specifics. However, his general complaint is that student and apprentice barbers are poorly trained and don't get enough practice doing haircuts because they spend too much time on services that barbers only rarely perform.

Board response:

The Board rejects this comment. Over the last several years, the Board has revised the school curriculums for all its licensing categories, in an effort to give schools more discretion with regard to what students are taught and how much time is devoted to each procedure. The Board, in amending the apprenticeship curriculums, is now doing the same thing within the apprenticeship program. The Board believes that the 2,800 hours dedicated to hair dressing under the Board's proposal for Section 921 CCR is ample time for an apprentice to learn the minimum skills to be a barber. Assuming an hour for each practical operation, it would take an apprentice nearly 1,140 hours to complete the hair dressing minimums (which include a minimum of 750 practical hair cutting or styling operations). That leaves 1,660 hours that could be devoted to hair cutting or styling if the barber-trainer believes his apprentice needs more practice.

Comment No. 2

Mildred Biglen, Sponsor, Nor-Cal Barber Cosmetology Apprenticeship Program

Ms. Biglen indicates she is pleased with the Board's revisions to the apprenticeship program and states that it is important that the Board make sure all apprentice programs follow the appropriate curriculum. She also urges the Board to set guidelines for fees charged for esthetics and manicuring programs.

Board response:

The Board accepts Ms Biglen's comment regarding the revisions. Fees, however, are not part of this particular rulemaking and therefore, the Board rejects her comment regarding the setting of fees for esthetics and manicuring programs. Moreover, there currently is no apprenticeship program for esthetics and manicuring.

Good morning . . . my name is Jonn Potter.

I have been a California Licensed Barber for 39 years. I opened a new barbershop in Chico, CA in September of 2008, in the middle of a recession. I was new to the area, didn't know anyone in town, and had no clientele.

During the first 4 months of my business, I gave 350 haircuts working by myself. Within 16 months of opening the business I had 4 barbers working full-time and none of these barbers came to me with any clientele of their own. Since I opened the shop, each year has surpassed every previous year, and last year we gave almost 12,000 haircuts.

My barbershop is located next to Chico State University and we cater to a diverse clientele. Most of our customers are working men, educators, community professionals, and university students who come from all over the state, from all over the country and from all over the world.

We have an international clientele and our shop is a multi-cultural destination for quality men's haircuts and shaves. Our customers often tell us that the haircuts they experience at my barbershop are the best haircuts they've ever had.

The reason for our success is QUALITY HAIRCUTS! We are not a beauty shop, or a cheap in & out barbershop or some "super haircut salon" pretending to be a barbershop.

There are countless beauty shops and hair salons and approximately 12 barbershops in the Chico area. Four of those barbershops, including mine, are located in the immediate college area. With a basic price of \$16 for a haircut, we are the most expensive "barbershop" in Chico, yet we are the busiest barbershop and the most successful.

In order to develop a clientele, some of my competitors serve their customers beer and charge from \$7 to \$10 for a 10 to 15 minute chopped up haircut. But, we stand firm on our quality haircutting standards.

Over 99% of our clientele are men and almost every day we hear a new "hair salon horror story." During the last 6 years I have witnessed numerous hair salons and barber shops in the Chico area go out of business, blaming it on "the recession."

The fact is: the recession has an effect on everyone. The actual reason they went out of business is because they don't give good haircuts.

Before coming to our barbershop, most of our clientele have gone to either the "super haircut salons", or mom's beauty shop or they would grab the clippers and buzz their own heads at home.

But none of these were a preferable option for our customers. Once these clients were referred to my barbershop, they became regular customers and started referring their friends to us.

I would like to continue the quality standards that we've established in my barbershop, but this is becoming increasingly difficult due of the lack of competent licensees available to work.

There is an extreme shortage of skilled barbers and cosmetologists and I have a difficult time fulfilling the demand for quality men's haircuts.

As a barbershop owner, my job is to hire barbers. It is the barber schools job to train barbers. Barber and cosmetology students are coming out of their respective schools not prepared to function adequately in the work place and I find this frustrating and inexcusable.

Of course, I will always help novice barbers or cosmetologists improve their men's haircutting skills but they must have the basic skills required of a school graduate and the desire to improve on those skills.

A student cannot learn proper clipper haircutting techniques on a mannequin. Mannequins are useful for simulating chemical services and learning the basic handling, movement and use of scissors and comb but mannequins are useless for clipper training. Barber students need to learn proper clipper haircutting techniques on real people.

Every head of hair is different . . . different lengths, different styles, different textures and different colors. Men have fine hair, thin hair, thick hair, straight hair, wavy hair, curly hair, flat hair, black hair and Asian hair. You work with cowlicks, scars, baldness, multiple whorls and irregular hairlines.

Clipper cutting a man's hair can present many obstacles and challenges that you can't learn to work with effectively by giving only 80 haircuts. This is why it takes a minimum of 750 haircuts to learn the basics of cutting men's hair.

The previous standards for haircut training in barber schools were established by the California State Barber Board and those standards were in effect for decades.

Those barber professionals knew what training was necessary to become proficient at using clippers and cutting men's hair. They'd been doing it for years.

There is an apparent assumption on the part of the State Board that barber haircutting techniques are the same as cosmetology techniques. However, nothing could be further from the truth.

In recent years the combined Board of Barbering and Cosmetology decided to change barber standards to meet cosmetology standards. The board has been highly influenced by beauty industry professionals who have minimal knowledge, understanding or concern for the barber industry.

Even the mission statement of the State Board shows a lack of interest or concern for the barber industry: *To ensure the health and safety of California consumers by promoting ethical standards and by enforcing the laws of the beauty industry.*

Barbers are not in the beauty industry. Barbers are in the barber industry. However, the State of California has given the authority to a small group of people, who don't work in or understand the barber industry, to make changes in the barber laws, rules and regulations.

As barbers we need to be recognized as the licensed professionals that we are. Mis-representation and false advertising of beauty shops, and hair salons that display barber poles and claim to do barbering are in violation of State Board regulations. Yet the State Board is not enforcing these regulations.

Cosmetologists who cut men's hair give licensed barbers a bad name and a distorted image of the profession of barbering since they are not adequately trained in the proper use of clippers, men's haircutting or barbering techniques.

Rather than changing the barber apprentice standards to match the new barber school standards, the board should be re-instating the previous barber school standards for both barber students and apprentices.

Those standards can then be restructured using the recommendations of a committee of barber professionals. The current proposal makes absolutely no sense and is detrimental to barbers, the barber industry and customers of barbering.

If the old rules aren't re-instated, barber haircut training will be no better than cosmetology haircut training.

Men go to barbershops for a haircuts and shaves. I've been a California licensed barber for 39 years. I've been a customer of barbering for 69 years. I've never worked in, or patronized a barbershop that offers hair color or perms.

Barbers spend most of their day giving men's haircuts and an occasional shave. Some ethnic barbershops may offer hair processing but other than that, barbershops rarely, if ever, do any chemical services.

But, according to the Notice of Proposed Rulemaking, "*The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by . . . improving the education and skills of barbers.*" This is a perfect example of mis-guided decision making.

If a man wants his hair colored or permed I would suggest that he go to a full service salon where the personnel have the time, the equipment, the supplies, the training, the expertise and the desire to perform those services.

Also, if adopted, this rule change will severely affect reciprocity and endorsement possibilities for licensees wishing to either come into California or relocate to another state.

Does anyone really believe that dropping the barber haircut training standards down to only 10% and increasing the hair color training by 10 times and the perm training by 21 times is going to "improve the education and skills of barbers?"

Again, barber haircutting is unlike cosmetology haircutting. It takes months of training and hundreds of practical operations to become proficient at using clippers effectively. This is why men who want a quality haircut will seek out the expertise of an experienced, competent barber.

Anyone can run a clipper up a guy's head, cut some hair off the top, trim it up around the ears and line it up at the neck. You can do that in your garage at home.

But, to be able to use clippers effectively on all types of hair takes a great amount of training and practice that you won't receive in beauty school or in a short crossover course in barber school.

I have recently registered and filed the necessary forms with the California Secretary of State's office to create the California Barbers Association (CBA).

The C.B.A. will be a barber advocacy and support group with a membership of licensed barbers from across the state to promote the professionalism of licensed barbers and act as a liaison between the State Board and licensed barbers of California.

I have been in contact with State Senator Jim Neilson and State Assemblyman Dan Logue. I have advised them of these issues and our concerns, and I will be keeping them informed of our progress.

I'm asking you, the members of the State Board, to take an educated, common sense approach and make the right decision by abandoning these new training requirements and reinstating the professional standards of training that were originally adopted by the professionals of the California State Barber Board.

Thank you.

Flanagan, Kevin@DCA

From: mbiglen@comcast.net
Sent: Tuesday, March 25, 2014 12:34 PM
To: Flanagan, Kevin@DCA
Subject: Adopt Section 914.1 and 814.2/ Nor-Cal Barber Cosmetology Apprenticeship

Good Morning: A reply to Section 914.1 and 61.21:. This Proposal will be a big step forward for the Apprenticeship Programs including Esthetics and Manicuring when entering our Industry. I feel this is an alternative to improve the work skills of the Professions. I feel that it is important that that the Board will make sure that all Apprentice Programs are in Compliance with Regulations and Correct curriculums set forth by the State Board of Cosmetology. Guidelines should be set on Fees charged for Esthetics and Manicuring implemented into the Apprenticeship Programs . Keep in mind that some programs may not be familiar with Esthetics and Manicuring as they have been familiar only with Barber and Cosmetology.

Mildred Biglen/Sponsor
Nor-Cal Barber Cosmetology Apprenticeship Program

of Cosmetology.

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

FINAL LANGUAGE

LEGEND

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

914.1 Filing of Apprenticeship Application; Eligibility

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

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

914.2 Filing of Apprenticeship Application; Re-enrollments

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

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

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

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

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

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

§ 921. Curriculum for Barber Apprentice Course.

~~(a) The curriculum for an apprentice enrolled in a barber apprentice course shall consist of at least thirty-two hundred (3200) clock hours of technical instruction and practical operations covering all practices constituting the art of barbering 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.~~

~~(c) The course of instruction in the practical phases of barbering required for an apprentice enrolled in a 3200 hour course shall cover not less than 2600 hours including training in basic haircutting and in hairstyling of all textures of hair. The practical training shall include performance of the following minimum practical operations:~~

Subject	Minimum Practical Operations
(1) Haircuts and Hairstyles	1500
(2) Shaves	40
(3) Rest Facials	48
(4) Shampoos	160
(5) Scalp Manipulations	80
(6) Hair Waving and Curling	120
(7) Hair Coloring and Tinting	20
(8) Hair Processing and Relaxing	20
(9) Application of chemicals on the hair; hairpieces; measuring, fitting and servicing of hairpieces and rolling cream massages.	10

~~All students shall receive sufficient instruction and training in the subjects listed in this section to prepare them to apply for and take the state barber licensing examination and to provide barber services in an establishment.~~

~~(d) Technical Instruction 100 hours~~

~~The course of instruction in the theory of barbering required for an apprentice enrolled in a 3,200-hour course shall cover not less than 80 hours of instruction in the subjects listed in Section 7316(a) of the code, including razor cutting, hair processing, blow waving and sales techniques. The theory instruction shall include training in sales techniques which may be completed in theory training or practical training at the discretion of the apprentice trainer.~~

~~(e) Health and Safety/Hazardous Substances 20 Hours~~

~~The course of instruction shall also include 20 hours of technical instruction in the area of hazardous substances (shall be the course developed by the Board of Barbering and Cosmetology as provided by Section 7389).~~

~~(f) Individual Instruction 120 Hours~~

~~The course of instruction required for an apprentice enrolled in a 3,200-hour course shall cover not less than 120 hours allotted to the practical and/or the theoretical phases of the course in such manner as the apprentice trainer considers necessary in the individual case.~~

~~(g) Additional Instruction 1102 Hours~~

~~(h) 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.~~

~~(i) A student shall be properly instructed to cut the hair of and render barber services to all patrons.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Laws and Regulations (20 hours of Technical Instruction)

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

Health and Safety Considerations (45 hours of Technical Instruction)

Health and Safety/hazardous substances including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, bacteriology and preventing communicable diseases including HIV/AIDS and Hepatitis B.

Disinfection and Sanitation (20 hours of Technical Instruction)

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

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

Anatomy and Physiology (15 hours of Technical Instruction)

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

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

Note: Authority cited: Sections 7312 and 7334(f), Business and Professions Code. Reference: Sections 7316(a), 7321.5(d)(4) (2), 7362(b), 7362.5(a) and 7389, Business and Professions Code; and Section 3078, Labor Code.

§ 921.1. Curriculum for Cosmetology Apprenticeship Course.

~~(a) The curriculum for an apprentice enrolled in a cosmetology apprenticeship course shall consist of thirty-two hundred (3200) clock hours of technical instruction and practical operations 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 apprentice of a complete service on another person or on a mannequin. Such technical instruction and practical operations shall include:~~

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations	20	
(2) Cosmetology Chemistry (Shall include the chemical composition and purpose of cosmetic, nail, hair and skin care preparations, elementary chemical makeup, chemical skin peels, physical and chemical changes of matter.)	20	
(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 thirty required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection shall be emphasized throughout the entire training period and shall be performed before use of all instruments and equipment)	20	30
(6) Bacteriology, anatomy and physiology.	15	
(7) Wet Hair Styling (Shall include hair analysis, shampooing, fingerwaving, pin curling and comb-outs.)	25	300
(8) Thermal Hair Styling (Shall include hair analysis, straightening, waving, curling with hot combs and hot curling irons, and blower styling.)		
(A) Thermal styling	20	150
(B) Press and curl	50	
(9) Permanent Waving (Shall include hair analysis, chemical and heat permanent waving.)	20	160
(10) Chemical Straightening (Shall include hair analysis and the use of sodium hydroxide and other base solutions.)	20	50
(11) Haircutting (Shall include hair analysis and the use of the razor, scissors, electric clippers, and thinning shears, for wet and dry cutting.)	20	300
(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	40	150
(B) Bleaching	20	50
(13) Scalp and Hair Treatments (Shall include hair and scalp analysis, scientific brushing, electric and manual scalp manipulation, and other hair treatments.)	5	15
(14) Facials		

(A) Manual (shall include cleansing, scientific manipulations, packs, and masks.)	5	15
(B) Electrical (Shall include the use of electrical modalities, including 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)	10	25
(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 shall be performed in accordance with Section 992 regarding skin peeling.)	40	25
(15) Eyebrow Arching and Hair Removal (Shall include the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.)	40	30
(16) Makeup (Shall include skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.)	15	25
(17) Manicuring and Pedicuring		
(A) Water and oil manicure, including nail analysis, and hand and arm massage.	5	20
(B) Complete pedicure, including nail analysis, and foot and ankle massage.	5	14
(C) Artificial nails		
1. Acrylic: Liquid and powder brush-ons	10	50 Nails
2. Artificial nail tips	10	50 Nails
3. Nail wraps and repairs	5	20 Nails

~~(c) Additional Instruction 819 hours~~

~~(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.~~

(a) The curriculum for an apprentice enrolled in a cosmetology apprenticeship course shall consist of thirty-two hundred (3,200) hours of technical instruction and practical training covering

all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

Laws and Regulations (20 Hours of Technical Instruction):

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

Health and Safety Considerations (45 Hours of Technical Instruction):

The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Cosmetology chemistry including the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Elementary chemical makeup, chemical skin

peels and chemical and physical changes of matter. Hazardous substances including training in chemicals and health in establishments, protection from hazardous chemicals and preventing chemical injuries, ergonomics, theory of electricity in cosmetology, bacteriology, communicable diseases, including HIV/AIDS, Hepatitis B, and staph and Material Safety Data Sheets.

Disinfection and Sanitation (20 Hours of Technical Instruction):

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

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

Anatomy and Physiology (15 Hours of Technical Instruction):

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

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

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

Manual, Electrical and Chemical Facials 25 Hours of Technical Instruction and 65 Practical Operations):

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

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

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

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

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

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

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

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

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

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

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

Note: Authority cited: Sections 7312 and 7334(f), Business and Professions Code. Reference: Sections 7316(b), 7321(d)(4)-(5), 7362(b), 7362.5(b) and 7389, Business and Professions Code; and Section 3078, Labor Code.

§ 921.2. Curriculum for Electrolysis Apprenticeship Course.

~~(a) The curriculum for an apprentice enrolled in an electrolysis apprenticeship course shall consist of thirty-two hundred (3200) clock hours of technical instruction and practical operations covering all practices of an electrologist 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. Such technical instruction and practical operations 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) 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.)	10	
(3) Sanitation, disinfection and sterilization (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 shall be emphasized throughout the entire training period and shall be performed before use of all instruments and equipment.)

(4) Bacteriology, anatomy and physiology.

(5) Electricity (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.)

(6) Electrolysis (Shall include the use and study of galvanic current.)

(7) Thermolysis (Shall include the use and study of high frequency current automatic and manual.)

(8) A combination of high frequency and galvanic currents

25	10
25	
15	
25	90
25	120
25	120

(c) Additional Instruction 2,340 Hours

(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.

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

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

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

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

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

The subject of Electrolysis shall include the study of epilation using single and multiple-needle insertion techniques, the use of galvanic current, skin reactions and anaphoresis and

cataphoresis, and evaluating a client's health history for compatibility with electrolysis treatments.

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

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

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

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

Electricity (15 hours of Technical Instruction)

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

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

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

Laws and Regulations (20 Hours of Technical Instruction)

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

Health and Safety Considerations (45 Hours of Technical Instruction)

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

Sterilization (25 Hours of Technical Instruction)

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

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

Anatomy and Physiology (25 Hours of Technical Instruction)

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

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

Note: Authority cited: Sections 7312 and 7334(f), Business and Professions Code. Reference: Sections 7316(d)(f), 7330(d)(4)(3), 7362(b), 7366 and 7389, Business and Professions Code; and Section 3078, Labor Code.



BOARD OF BARBERING AND COSMETOLOGY

FINAL STATEMENT OF REASONS

Hearing Date: April 10, 2014

Subject Matter of Proposed Regulations: Crossover Courses

Sections Affected: Sections 950.8 and 950.9, California Code of Regulations

Updated Information

The Initial Statement of Reasons is included in the file. There is no updated information.

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 more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be 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 and at the Hearing

Jonn Potter, Barber and Establishment Owner:

Mr. Potter says the Board assumes a cosmetologist has all the training in hairdressing necessary to be a barber and that under the Board's proposal, a "barber crossover candidate is actually permitted to have far less training than any apprentice barber or a barber school student. No minimum number of practical operations for any barber services are required for the crossover course."

Board Response:

The Board rejects this comment. While there may be differences between hair services for men and women, it is already long established under California law

that cosmetologists may cut and style men's hair and perform all the hairdressing services that barbers perform, with the exception of shaving, without a barber's license. Students who complete a regular cosmetology curriculum must complete the same minimum number of technical hours and practical operations in hairstyling and hair cutting as barber students. Many cosmetologists, in fact, make their living cutting men's hair. This regulation would allow a cosmetologist to work as a barber with the appropriate training in shaving, which is the only barber service a cosmetologist cannot perform.

950.8. Curriculum for Barber Crossover Course for Cosmetologists

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

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

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

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

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code.

Reference: Sections 7316(a), 7321.5(d)(5) and 7362, Business and Professions Code.

Objection: There are no accountable standards of training for cosmetologists to train as barbers in a crossover course. There is an assumption on the part of the State Board that, other than shaving, the candidate is already proficient at "barbering" and that the crossover course is just a formality.

The barber crossover candidate is actually permitted to have far less training than any apprentice barber or a barber school student. No minimum number of practical operations for any barber services are required for the crossover course.

Look at all the numbers carefully. They do not add up. They're not even close. A barber crossover candidate is going to have the least amount of training of any licensed barber.

Barber haircutting and cosmetology haircutting are not the same. Not even close!

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

FINAL LANGUAGE

LEGEND

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

(1) Repeal Section 950.8 to read as follows:

~~950.8. Curriculum for Barber Crossover Course for Cosmetologists.~~

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

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

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

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

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7316(a), 7321.5(d)(5) and 7362, Business and Professions Code.

(2) Repeal Section 950.9 to read 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.	40	
(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.)	10	15
(15) Eyebrow Arching and Hair Removal (Shall include the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.)	5	5
(16) Makeup (Shall include skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.)	5	10
(17) Manicuring and Pedicuring		
(A) Water and oil manicure, including nail analysis, and hand and arm massage.	5	15
(B) Complete pedicure, including nail analysis, and foot and ankle massage.	4	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 & COSMETOLOGY

BILL ANALYSIS

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

Bill Number: AB 1153 **Version:** Amended June 30, 2014

Existing Law:

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

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

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

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

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

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

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

This Bill:

This bill was amended to have the requirement for licensure of a master esthetician removed. The author's office will be working with the staff of the Senate Business and Professions Committee to discuss the option of a certificate for master esthetician as opposed to a license.

Fiscal Impact:

Unknown until language is further defined.

Staff Recommendation:

Until the language in the bill is amended, staff recommends the Board take a WATCH position. Board staff will continue to work with all parties involved in the development of the language. .

AMENDED IN SENATE JUNE 30, 2014
AMENDED IN SENATE JUNE 16, 2014
AMENDED IN ASSEMBLY JANUARY 6, 2014
AMENDED IN ASSEMBLY SEPTEMBER 11, 2013
AMENDED IN ASSEMBLY APRIL 16, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1153

Introduced by Assembly Member Eggman
(Coauthor: Senator Wyland)

February 22, 2013

An act to amend Sections 7312, 7316, 7320, ~~7324, 7396, and 7423~~
~~and 7324~~of, and to add Sections ~~7320.6, 7320.7, 7324.5, and 7364.5~~
Section 7320.6 to, the Business and Professions Code, relating to
barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1153, as amended, Eggman. ~~Master esthetician: license.~~
Barbering and cosmetology.

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, *as specified*. A violation of the act is a crime, unless otherwise provided.

This bill would modify the practice of cosmetology by including the practice of giving facials, the use of esthetic devices, as defined, and performing superficial exfoliation, and would modify the practice of skin care, by including the use of esthetic devices, as defined, and performing superficial exfoliation 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, pursuant to board regulations, 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 master esthetics course approved by the board. The bill would provide that a master esthetics course 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, but an applicant enrolling in a master esthetician course who has completed the 600-hour esthetician course from a board-approved school would only be required to obtain the additional 600 hours of practical and technical training not received in the initial 600-hour esthetician course. The bill would also prohibit a person who is not licensed as an esthetician or as a master esthetician from representing himself or herself as an esthetician or as a master esthetician, respectively. 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 would include, but not be limited to, the use of radiographs, the furnishing of drugs or invasive devices, supervising medical personnel, or 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 7312 of the Business and Professions
2 Code is amended to read:

3 7312. The board shall do all of the following:

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

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

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

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

17 (e) Adopt rules governing sanitary conditions and precautions
18 to be employed as are reasonably necessary to protect the public
19 health and safety in establishments, schools approved by the board,
20 and in the practice of any profession provided for in this chapter.
21 The rules shall be adopted in accordance with the Administrative
22 Procedure Act, Chapter 3.5 (commencing with Section 11340) of
23 Part 1 of Division 3 of Title 2 of the Government Code, and shall
24 be submitted to the State Department of Health Services and
25 approved by that department prior to filing with the Secretary of
26 State. A written copy of all those rules shall be furnished to each
27 licensee.

28 SEC. 2. Section 7316 of the Business and Professions Code is
29 amended to read:

30 7316. (a) The practice of barbering is all or any combination
31 of the following practices:

32 (1) Shaving or trimming the beard or cutting the hair.

33 (2) Giving facial and scalp massages or treatments with oils,
34 creams, lotions, or other preparations either by hand or mechanical
35 appliances.

36 (3) Singeing, shampooing, arranging, dressing, curling, waving,
37 chemical waving, hair relaxing, dyeing the hair, or applying hair
38 tonics.

- 1 (4) Applying cosmetic preparations, antiseptics, powders, oils,
2 clays, or lotions to the scalp, face, or neck.
- 3 (5) Hairstyling of all textures of hair by standard methods that
4 are current at the time of the hairstyling.
- 5 (b) The practice of cosmetology is all or any combination of
6 the following practices:
- 7 (1) Arranging, dressing, curling, waving, machineless permanent
8 waving, permanent waving, cleansing, cutting, shampooing,
9 relaxing, singeing, bleaching, tinting, coloring, straightening,
10 dyeing, applying hair tonics to, beautifying, or otherwise treating
11 by any means, the hair of any person.
- 12 (2) Giving facials or the practice of massaging, stimulating,
13 exfoliating, cleansing, or beautifying the face, scalp, neck, or upper
14 part of the human body by use of hands, esthetic devices, cosmetic
15 preparations, antiseptics, lotions, tonics, or creams.
- 16 (A) Esthetic devices include, but are not limited to, steamers,
17 mechanical brushes, high frequency, galvanic current, vacuum and
18 spray, light emitting diode (LED), and skin analysis equipment.
- 19 (B) Esthetic devices shall be operated in accordance with the
20 manufacturer's written instructions. The devices shall be intended
21 for improving the appearance of the skin and shall be operated
22 within the following guidelines:
- 23 (i) Noninvasive, pursuant to United States Food and Drug
24 Administration guidelines.
- 25 (ii) Not designed to ablate or destroy live tissue.
- 26 (3) Performing superficial exfoliation procedures on the top
27 layer of the skin (stratum corneum) using commercially available
28 products, in accordance with the manufacturer's written
29 instructions, including, but not limited to, all of the following:
- 30 (A) Manual scrubs, including mechanical brush use, which
31 includes application of a cosmetic product with mild abrasive
32 ingredients that remove dead skin cells.
- 33 (B) Superficial chemical exfoliation of the stratum corneum.
- 34 (C) Enzyme or herbal exfoliation of the stratum corneum.
- 35 (D) Extraction with a nonneedle extraction tool. Extraction
36 includes the manual removal of comedones (blackheads) and other
37 surface impurities with the use of fingers or sterile swabs.
- 38 (E) Mechanical exfoliation devices such as microdermabrasion.

- 1 (4) Removing superfluous hair from the body of any person by
2 the use of tweezers, sugaring, nonprescription chemicals, waxing,
3 or mechanical means.
- 4 (5) Applying makeup or eyelashes to any person.
- 5 (6) Cutting, trimming, polishing, tinting, coloring, cleansing,
6 or manicuring the nails of any person.
- 7 (7) Massaging, cleansing, treating, or beautifying the hands or
8 feet of any person.
- 9 (c) Within the practice of cosmetology there exist the specialty
10 branches of skin care and nail care.
- 11 (1) Skin care is any one or more of the following practices:
- 12 (A) Giving facials or the practice of massaging, stimulating,
13 exfoliating, cleansing, or beautifying the face, scalp, neck, or upper
14 part of the human body by use of hands, esthetic devices, cosmetic
15 preparations, antiseptics, lotions, tonics, or creams that does not
16 result in ablating or destroying live tissue.
- 17 (i) Esthetic devices include, but are not limited to, steamers,
18 mechanical brushes, high frequency, galvanic current, vacuum and
19 spray, light emitting diode (LED), and skin analysis equipment.
- 20 (ii) Esthetic devices shall be operated in accordance with the
21 manufacturer's written instructions. The devices shall be intended
22 for improving the appearance of the skin and shall be operated
23 within the following guidelines:
- 24 (I) Noninvasive, pursuant to United States Food and Drug
25 Administration guidelines.
- 26 (II) Not designed to ablate or destroy live tissue.
- 27 (B) Performing superficial exfoliation procedures on the top
28 layer of the skin (stratum corneum) using commercially available
29 products, in accordance with the manufacturer's written
30 instructions, including, but not limited to, all of the following:
- 31 (i) Manual scrubs, including mechanical brush use, which
32 includes application of a cosmetic product with mild abrasive
33 ingredients that remove dead skin cells.
- 34 (ii) Superficial chemical exfoliation of the stratum corneum.
- 35 (iii) Enzymes or herbal exfoliation of the stratum corneum.
- 36 (iv) Extraction with a nonneedle extraction tool. Extraction
37 includes the manual removal of comedones (blackheads) and other
38 surface impurities with the use of fingers or sterile swabs.
- 39 (v) Mechanical exfoliation devices such as microdermabrasion.

1 (C) Removing superfluous hair from the body of any person by
2 the use of tweezers, sugaring, chemicals, waxing, or mechanical
3 means.

4 (D) Applying makeup or eyelashes to any person.

5 (2) Nail care is the practice of cutting, trimming, polishing,
6 coloring, tinting, cleansing, manicuring, or pedicuring the nails of
7 any person or massaging, cleansing, or beautifying from the elbow
8 to the fingertips or the knee to the toes of any person.

9 (d) The practice of barbering and the practice of cosmetology
10 do not include any of the following:

11 (1) The mere sale, fitting, or styling of wigs or hairpieces.

12 (2) Natural hair braiding. Natural hair braiding is a service that
13 results in tension on hair strands or roots by twisting, wrapping,
14 weaving, extending, locking, or braiding by hand or mechanical
15 device, provided that the service does not include haircutting or
16 the application of dyes, reactive chemicals, or other preparations
17 to alter the color of the hair or to straighten, curl, or alter the
18 structure of the hair.

19 (3) Threading. Threading is a technique that results in removing
20 hair by twisting thread around unwanted hair and pulling it from
21 the skin and the incidental trimming of eyebrow hair.

22 (e) Notwithstanding paragraph (2) of subdivision (d), a person
23 who engages in natural hairstyling, which is defined as the
24 provision of natural hair braiding services together with any of the
25 services or procedures defined within the regulated practices of
26 barbering or cosmetology, is subject to regulation pursuant to this
27 chapter and shall obtain and maintain a barbering or cosmetology
28 license as applicable to the services respectively offered or
29 performed.

30 (f) Electrolysis is the practice of removing hair from, or
31 destroying hair on, the human body by the use of an electric needle
32 only.

33 "Electrolysis" as used in this chapter includes electrolysis or
34 thermolysis.

35 (g) Nothing in this section shall be interpreted to allow a licensee
36 to use lasers.

37 SEC. 3. Section 7320 of the Business and Professions Code is
38 amended to read:

39 7320. This chapter does not confer authority to practice
40 medicine or surgery, including, but not limited to, the use of

1 radiographs, the furnishing of drugs or invasive devices,
2 supervising medical personnel, or diagnosing injury, illness, or
3 disease.

4 SEC. 4. Section 7320.6 is added to the Business and Professions
5 Code, to read:

6 7320.6. A person who is not licensed as an esthetician in this
7 state shall not represent himself or herself as an esthetician.

8 ~~SEC. 5. Section 7320.7 is added to the Business and Professions~~
9 ~~Code, to read:~~

10 ~~7320.7. A person who is not licensed as a master esthetician~~
11 ~~in this state shall not represent himself or herself as a master~~
12 ~~esthetician.~~

13 ~~SEC. 6.~~

14 SEC. 5. Section 7324 of the Business and Professions Code is
15 amended to read:

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

- 21 (a) Is not less than 17 years of age.
- 22 (b) Has completed the 10th grade or its equivalent.
- 23 (c) Is not subject to denial pursuant to Section 480.
- 24 (d) Has done any of the following:
 - 25 (1) Completed a course in skin care, as described in Section
 - 26 7364, from a school approved by the board.
 - 27 (2) Practiced skin care, as defined in this chapter, outside of this
 - 28 state for a period of time equivalent to the study and training of a
 - 29 qualified person who has completed a course in skin care from a
 - 30 school the curriculum of which complied with requirements
 - 31 adopted by the board. Each three months of practice shall be
 - 32 deemed the equivalent of 100 hours of training for qualification
 - 33 under paragraph (1).
 - 34 (3) Completed the apprenticeship program in skin care specified
 - 35 in Article 4 (commencing with Section 7332).

36 ~~SEC. 7. 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 skin care, in accordance with~~
40 ~~regulations adopted by the board for this purpose, any person who~~

- 1 has made application to the board in proper form and paid the
2 application and examination fee required by this chapter, and who
3 is qualified as follows:
- 4 (1) Is not less than 17 years of age.
 - 5 (2) Has completed the 10th grade or its equivalent.
 - 6 (3) Is not subject to denial pursuant to Section 480.
 - 7 (4) Has done at least one of the following:
 - 8 (A) Completed a course in skin care as described in Section
9 7364.5 from a school approved by the board.
 - 10 (B) Earned a national or international diploma or certification
11 in advanced or master esthetics that is recognized by the board.
 - 12 (C) On or before January 1, 2018, holds a unexpired
13 cosmetologist or esthetician's license pursuant to Section 7324
14 and meets all of the following requirements:
 - 15 (i) The license has not been revoked, suspended, or otherwise
16 restricted.
 - 17 (ii) The licensee is in good standing.
 - 18 (iii) The license has been active for at least three of the last five
19 years, during which time the applicant has not been subject to
20 disciplinary action or a criminal conviction.
 - 21 (D) Practiced as a master esthetician, as defined in this chapter,
22 outside of this state for a period of time equivalent to the study
23 and training of a qualified person who has completed a course in
24 master esthetics from a school the curriculum of which complied
25 with the requirements adopted by the board. Each three months of
26 practice shall be deemed the equivalent of 100 hours of training
27 for qualification under subparagraph (A).
 - 28 (E) If the applicant who has been qualified to sit for the
29 examination pursuant to subparagraph (C), fails to pass the test on
30 the second attempt, he or she is required to qualify for the
31 examination after completing the required coursework as described
32 in subparagraph (A).
 - 33 (b) A licensed master esthetician may perform, in addition to
34 the practice of skin care as defined in paragraph (1) of subdivision
35 (e) of Section 7316, all of the following:
 - 36 (1) Exfoliation procedures on the face and body using
37 commercially available products in accordance with the
38 manufacturer's written instructions, including, but not limited to,
39 any of the following:

1 ~~(A) Superficial and chemical exfoliation preparations intended~~
2 ~~to work within the epidermal layers of the skin.~~

3 ~~(B) The combination of cosmetic preparations intended for light~~
4 ~~and superficial exfoliation results.~~

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

10 ~~(A) Noninvasive, pursuant to United States Food and Drug~~
11 ~~Administration guidelines.~~

12 ~~(B) Not designed to ablate or destroy live tissue.~~

13 ~~(3) Extraction techniques using a disposable lancet that is~~
14 ~~required to be disposed of after each use according to local and~~
15 ~~state requirements, and held in a secure location only accessible~~
16 ~~to a licensed master esthetician. Extraction techniques with a~~
17 ~~disposable lancet shall only include follicle dilation of closed~~
18 ~~comedones (blackheads) or pustules. For the purposes of this~~
19 ~~paragraph, the following definitions apply:~~

20 ~~(A) A disposable lancet is a sterile, small, pointed tool that is~~
21 ~~used to prick the skin and sold for a single use.~~

22 ~~(B) An extraction is the process of removing sebum, bacteria,~~
23 ~~dead cells, and other waste from the skin follicle.~~

24 ~~(4) Massage techniques on the face, upper body, back, scalp,~~
25 ~~hands, and feet, for the purposes of beauty. This technique does~~
26 ~~not include medical lymphedema therapies.~~

27 ~~(5) Body treatments that use water, appliances, devices, and~~
28 ~~cosmetic preparations intended to improve the appearance of the~~
29 ~~skin.~~

30 ~~(e) Nothing in this section shall be interpreted to allow a licensee~~
31 ~~to use lasers.~~

32 ~~SEC. 8. Section 7364.5 is added to the Business and Professions~~
33 ~~Code, to read:~~

34 ~~7364.5. (a) A master esthetics course established by a school~~
35 ~~shall consist of not less than 1,200 hours of practical training and~~
36 ~~technical instruction in accordance with a curriculum established~~
37 ~~by board regulation. The master esthetics course is not a~~
38 ~~requirement of obtaining an esthetician license.~~

39 ~~(b) An applicant enrolling in a 1,200-hour master esthetician~~
40 ~~course who has completed the 600-hour esthetician course from~~

1 a board-approved school is only required to obtain the additional
2 600 hours of practical and technical training not received in the
3 initial 600-hour esthetician course.

4 SEC. 9. Section 7396 of the Business and Professions Code is
5 amended to read:

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

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

12 SEC. 10. Section 7423 of the Business and Professions Code
13 is 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 application and examination fee shall be
22 the actual cost to the board for developing, purchasing, grading,
23 and administering the examination.

24 (2) An esthetician initial license fee shall not be more than forty
25 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 (d) (1) A manicurist application and examination fee shall be
32 the actual cost to the board for developing, purchasing, grading,
33 and administering the examination.

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

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

39 (2) A barber initial license fee shall be not more than fifty dollars
40 (\$50).

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

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

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

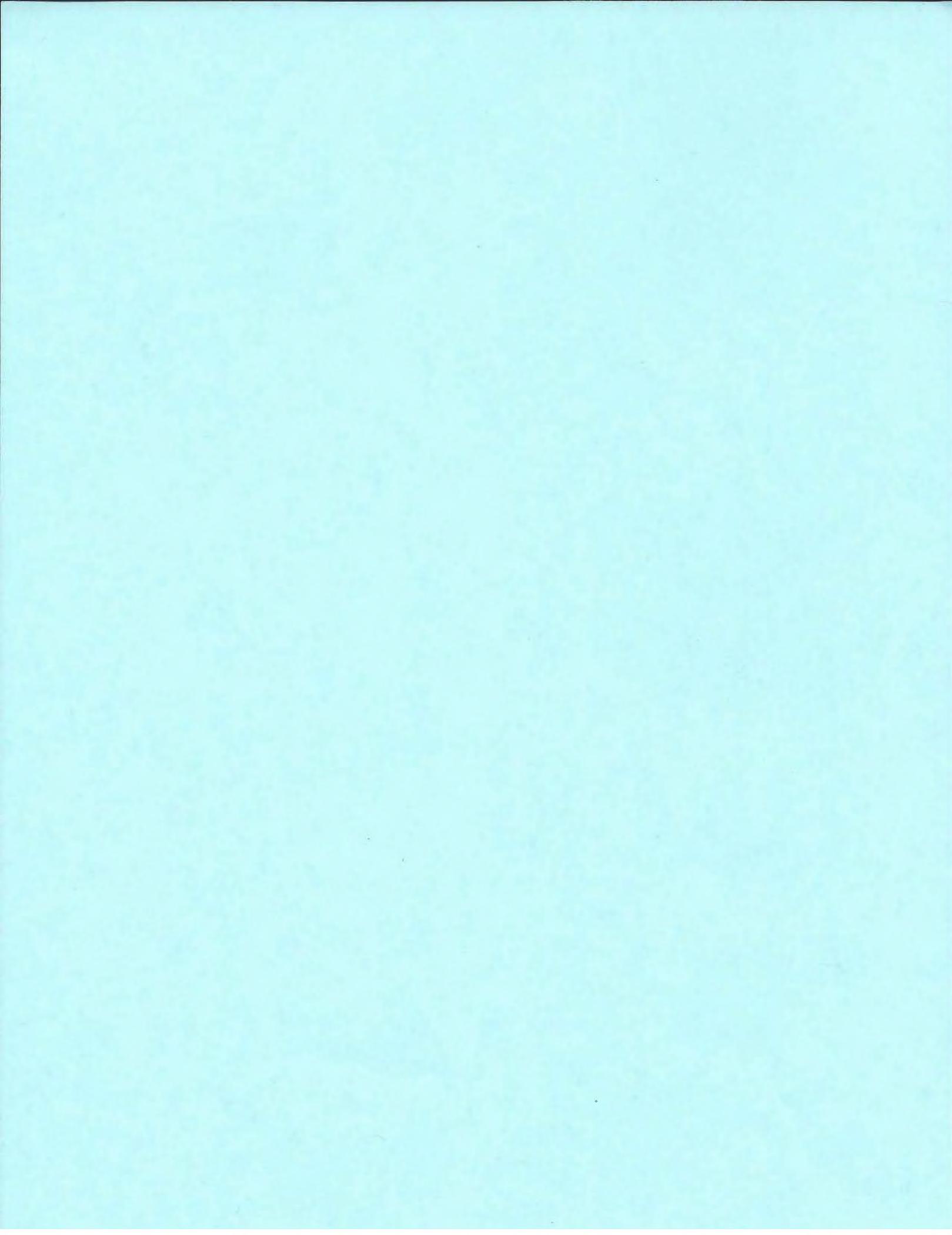
8 ~~(h) The license renewal fee for individual practitioner licenses~~
9 ~~that are subject to renewal shall be not more than fifty dollars~~
10 ~~(\$50).~~

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

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

17 ~~SEC. 11.~~

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





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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Lara

Subject: Federal Tax Identification Number

Bill Number: SB 1159

Version: Amended June 30, 2014

Existing Law Provides:

- at the time the license is issued, the licensee shall provide its federal employer identification number, if the licensee is a partnership, or his or her social security number for all others. (California Business and Professions Code (BPC) § 30 (a))
- any licensee failing to provide the federal identification number or social security number shall be reported by the licensing board to the Franchise Tax Board and, if failing to provide after notification pursuant to paragraph (1) of subdivision (b) of Revenue and Taxation Code (RTC) § 19528, shall be subject to the penalty (BPC § 30 (b))
- in addition to the penalty a licensing board may elect not to process any application for an original license unless the applicant or licensee provides its federal employer identification number or social security number where requested on the application. (BPC § 30 (c))
- the Board of Barbering and Cosmetology (Board), upon request of the Franchise Tax Board (FTB), furnish FTB the following information with respect to every licensee:
 - (1) Name.
 - (2) Address or addresses of record.
 - (3) Federal employer identification number if the entity is a partnership or social security number for all others.
 - (4) Type of license.
 - (5) Effective date of license or a renewal.
 - (6) Expiration date of license.
 - (7) Whether license is active or inactive, if known.
 - (8) Whether license is new or a renewal.
 (BPC § 30(d)) (RTC § 19528)
- establishes the intent of the Legislature in enacting this section to utilize the social security account number or federal employer identification number for the

purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Family Code (FC) § 17520 and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes. (BPC § 30 (j))

- for the purposes of enforcement of (FC) § 17520, the Board shall at the time of issuance of the license require that each licensee provide the social security number of each individual listed on the license and any person who qualifies the license.
- provides that the Department of Child Support Services (Department) shall maintain a "certified list" that provides names of persons who are found to be out of compliance with a judgment or order for support in a case being enforced under Title IV-D of the Social Security Act. (FC) § 17520 (a) (3))
- provides that the Department shall provide the certified list to each board that is responsible for the regulation of licenses, as specified, and that all boards shall collect social security numbers from all applicants for the purposes of matching the names of the certified list to applicants and licensees and of responding to requests for this information made by child support services. (FC § 17520 (d))
- requires that promptly after receiving the certified list from the Department, and prior to issuance or renewal of a license, each board shall determine whether the applicant is on the most recent certified list provided by the Department and provides that the board shall have the authority to withhold issuance or renewal of the license of any applicant on the list. (FC § 17520 (e))
- authorizes FTB to require any Board to provide to the FTB specified information, including the licensee's federal employer identification number or social security number; to send a notice to any licensee failing to provide those numbers that describes the information that was missing; the penalty associated with not providing it; that the failure to provide that information within 30 days will result in the assessment of a penalty of \$ 100.00; and to assess a \$ 100.00 penalty for any licensee failing to provide its federal employer identification number or his or her social security number. (RTC § 19528)
- authorizes States to affirmatively provide eligibility for certain public benefits, such as professional licenses, to certain categories of individuals not lawfully present in the United States who would otherwise be prohibited from receiving those benefits. (8 United States Code (USC) 1621)

This Bill:

Summary: This bill authorizes the Board to accept an application containing an individual's tax payer identification number (ITIN) in lieu of a social security number (SSN) for an initial or renewal license. This bill would amend BPC § 30, FC § 17520 and RTC § 19528.

This bill provides for the following:

- provides that the Board at the time of issuance of a license require that the licensee provide its Federal Employer Identification Number (FEIN), if the applicant is a partnership, or the licensee's ITIN, or a SSN if one has been issued, for all other licensees and authorizes the Board to collect an ITIN instead of a SSN for the purpose of matching names on a certified list provided by the

Department of Child Support Services of persons who are found out of compliance with a judgment or order for support.

- it requires that any licensee who fails to provide a FEIN, ITIN or SSN (if one has been issued) after notification, be reported to FTB and subject to a penalty
- provides that the Board may not process an initial application for licensure, if a licensee fails to provide its FEIN, ITIN or SSN
- requires the Board, upon the request of FTB to furnish specified information including the FEIN (if entity is a partnership), or the ITIN or SSN if one has been issued to the individual, for all other licensees
- authorizes FTB to require any Board to provide to FTB the licensee's ITIN and to send a notice to any licensee failing to provide that number that describes the information that was missing, the penalty associated with not providing it and that the failure to provide that information within 30 days will result in the assessment of a penalty of \$ 100.00.
- provides that an ITIN is not deemed a public record and shall not be open to the public for inspection
- provides that if the Board uses a national examination to issue a license, and if a reciprocity agreement exists between California and the State requesting the release of the ITIN, the Board may release the ITIN to an examination or licensing entity, only for the purpose of verification of licensure or examination status
- states the legislative intent is to use identifying tax numbers for the purpose of establishing the identification of persons affected by State laws and for compliance with FC § 17520 and that information gathered will be used exclusively for that purpose.

Definitions:

Taxpayer Identification Number (TIN):

A Taxpayer Identification Number (TIN) is an identification number used by the Internal Revenue Service (IRS) in the administration of tax laws. It is issued either by the Social Security Administration (SSA) or by the IRS. A Social Security Number (SSN) is issued by the SSA whereas all other TINs are issued by the Internal Revenue Service (IRS). A TIN must be furnished on returns, statements, and other tax related documents.

Types of TIN's:

Social Security Number (SSN):

A Social Security number (SSN) is a 9-digit number that is issued to a U.S. citizen, permanent resident, or a legal working immigrant for tax purposes. The numbers were first issued by the SSA as part of the New Deal in 1936.

Individual Tax Identification Number (ITIN):

An ITIN is an identification number used by the IRS. The ITIN is a tax processing number only available to certain non-residents and resident aliens, their spouses and dependants who cannot get a SSN. It is a 9-digit number beginning with the

number "9" and is formatted like a SSN. In order to receive an ITIN the applicant must submit documentation to the IRS (or an acceptable agent authorized by the IRS) substantiating foreign/alien status and true identity for the individual.

Federal Employers Identification Number (FEIN):

The FEIN is an identification number used by the IRS. A FEIN is a nine-digit code that businesses use to identify themselves for tax reporting, banking, and other purposes. Sole proprietorships without employees are allowed to use the owner's Social Security number for tax reporting purposes. But any company that has employees other than the owner—in addition to all partnerships, limited liability companies, and corporations—must instead apply for and use an FEIN.

Analysis:

This analysis only addresses the provisions of this bill that impact the Board's program and operations. This bill would remove the barrier to obtaining a professional license due to the lack of an identification number. Currently, the Board processes all applications with use of a SSN or FEIN number. From the Board's perspective, including the use of an ITIN number would incur minimal process changes for Board staff and would serve as a catalyst for more interested parties to obtain licensure in the State of California. There may be equipment interfacing issues as we learn the capabilities of the new BreEZe database, which potentially could result in incurred costs. This bill does favor economic interests within the State and could lead to expanded job opportunities within the Board's domain. As more persons apply for licensure, increased workload is expected. Initially, it is assumed that the increased workload could be absorbed within the Board's current work load capabilities.

Fiscal Impact:

The Board is currently in the first release of the BreEZE database. Since the system is so new, it is unknown if additional interfacing would need to be implemented to submit licensee information to FTB. It is estimated that assuming this legislation would require additional interfaces for BreEZe to transmit applicant information to FTB; the cost could be up to \$20,000 per change incident. At this time, it is unknown how many system changes would be incurred.

This legislation could result in potential costs to the Board to ensure that licensees using ITIN's are complying with child support judgments. The extent of the cost is unknown.

This bill would result in an increase of individuals applying for licensure and eventually renewing licensure. At this time, it is estimated that there would be approximately a 1% initial increase in applications the first year of implementation. This would result in an increased employee workload in cashiering, application processing, examination administration and eventually renewal processing. It is felt that these costs could be absorbed by the Board.

AMENDED IN ASSEMBLY JUNE 30, 2014
AMENDED IN ASSEMBLY JUNE 18, 2014
AMENDED IN SENATE APRIL 7, 2014

SENATE BILL

No. 1159

Introduced by Senator Lara

February 20, 2014

An act to amend Section 30 of the Business and Professions Code, to amend Section 17520 of the Family Code, and to amend Section 19528 of the Revenue and Taxation Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as amended, Lara. Professions and vocations: license applicants: individual tax identification number.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, among other licensing bodies. Existing law requires those licensing bodies to require a licensee, at the time of issuance of the license, to provide its federal employer identification number if the licensee is a partnership, or his or her social security number for all other licensees. Existing law requires those licensing bodies to report to the Franchise Tax Board any licensee who fails to provide the federal employer identification number or social security number, and subjects the licensee to a penalty for failing to provide the information after notification, as specified.

This bill would require those licensing bodies to require an applicant other than a partnership to provide either an individual tax identification number or social security number, if one has been issued to the applicant.

and would require the licensing bodies to report to the Franchise Tax Board, and subject a licensee to a penalty, for failure to provide that information, as described above. The bill would make other conforming changes.

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

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

1 SECTION 1. Section 30 of the Business and Professions Code
2 is amended to read:

3 30. (a) Notwithstanding any other law, any board, as defined
4 in Section 22, and the State Bar and the Bureau of Real Estate shall
5 at the time of issuance of the license require that the applicant
6 provide its federal employer identification number, if the applicant
7 is a partnership, or the applicant's individual taxpayer identification
8 number or social security number, if one has been issued, for all
9 other applicants.

10 (b) A licensee failing to provide the federal employer
11 identification number, or the individual taxpayer identification
12 number or social security number, if one has been issued to the
13 individual, shall be reported by the licensing board to the Franchise
14 Tax Board. If the licensee fails to provide that information after
15 notification pursuant to paragraph (1) of subdivision (b) of Section
16 19528 of the Revenue and Taxation Code, the licensee shall be
17 subject to the penalty provided in paragraph (2) of subdivision (b)
18 of Section 19528 of the Revenue and Taxation Code.

19 (c) In addition to the penalty specified in subdivision (b), a
20 licensing board may not process an application for an initial license
21 unless the applicant provides its federal employer identification
22 number, or individual taxpayer identification number or social
23 security number, if one has been issued to the individual, where
24 requested on the application.

25 (d) A licensing board shall, upon request of the Franchise Tax
26 Board, furnish to the Franchise Tax Board the following
27 information with respect to every licensee:

28 (1) Name.

29 (2) Address or addresses of record.

30 (3) Federal employer identification number if the licensee is a
31 partnership, or the licensee's individual taxpayer identification

1 number or social security number, if one has been issued to the
2 individual, for all other licensees.

3 (4) Type of license.

4 (5) Effective date of license or a renewal.

5 (6) Expiration date of license.

6 (7) Whether license is active or inactive, if known.

7 (8) Whether license is new or a renewal.

8 (e) For the purposes of this section:

9 (1) "Licensee" means a person or entity, other than a
10 corporation, authorized by a license, certificate, registration, or
11 other means to engage in a business or profession regulated by
12 this code or referred to in Section 1000 or 3600.

13 (2) "License" includes a certificate, registration, or any other
14 authorization needed to engage in a business or profession
15 regulated by this code or referred to in Section 1000 or 3600.

16 (3) "Licensing board" means any board, as defined in Section
17 22, the State Bar, and the Bureau of Real Estate.

18 (f) The reports required under this section shall be filed on
19 magnetic media or in other machine-readable form, according to
20 standards furnished by the Franchise Tax Board.

21 (g) Licensing boards shall provide to the Franchise Tax Board
22 the information required by this section at a time that the Franchise
23 Tax Board may require.

24 (h) Notwithstanding Chapter 3.5 (commencing with Section
25 6250) of Division 7 of Title 1 of the Government Code, a federal
26 employer identification number, individual taxpayer identification
27 number, or social security number furnished pursuant to this section
28 shall not be deemed to be a public record and shall not be open to
29 the public for inspection.

30 (i) Any deputy, agent, clerk, officer, or employee of any
31 licensing board described in subdivision (a), or any former officer
32 or employee or other individual who in the course of his or her
33 employment or duty has or has had access to the information
34 required to be furnished under this section, may not disclose or
35 make known in any manner that information, except as provided
36 in this section to the Franchise Tax Board or as provided in
37 subdivision (k).

38 (j) It is the intent of the Legislature in enacting this section to
39 utilize the federal employer identification number, individual
40 taxpayer identification number, or social security number for the

1 purpose of establishing the identification of persons affected by
2 state tax laws and for purposes of compliance with Section 17520
3 of the Family Code and, to that end, the information furnished
4 pursuant to this section shall be used exclusively for those
5 purposes.

6 (k) If the board utilizes a national examination to issue a license,
7 and if a reciprocity agreement or comity exists between the State
8 of California and the state requesting release of the individual
9 taxpayer identification number or social security number, any
10 deputy, agent, clerk, officer, or employee of any licensing board
11 described in subdivision (a) may release an individual taxpayer
12 identification number or social security number to an examination
13 or licensing entity, only for the purpose of verification of licensure
14 or examination status.

15 (l) For the purposes of enforcement of Section 17520 of the
16 Family Code, and notwithstanding any other law, any board, as
17 defined in Section 22, and the State Bar and the Bureau of Real
18 Estate shall at the time of issuance of the license require that each
19 licensee provide the individual taxpayer identification number or
20 social security number, if any has been issued to the licensee, of
21 each individual listed on the license and any person who qualifies
22 the license. For the purposes of this subdivision, "licensee" means
23 any entity that is issued a license by any board, as defined in
24 Section 22, the State Bar, the Bureau of Real Estate, and the
25 Department of Motor Vehicles.

26 SEC. 2. Section 17520 of the Family Code is amended to read:
27 17520. (a) As used in this section:

28 (1) "Applicant" means any person applying for issuance or
29 renewal of a license.

30 (2) "Board" means any entity specified in Section 101 of the
31 Business and Professions Code, the entities referred to in Sections
32 1000 and 3600 of the Business and Professions Code, the State
33 Bar, the Bureau of Real Estate, the Department of Motor Vehicles,
34 the Secretary of State, the Department of Fish and Game, and any
35 other state commission, department, committee, examiner, or
36 agency that issues a license, certificate, credential, permit,
37 registration, or any other authorization to engage in a business,
38 occupation, or profession, or to the extent required by federal law
39 or regulations, for recreational purposes. This term includes all
40 boards, commissions, departments, committees, examiners, entities,

1 and agencies that issue a license, certificate, credential, permit,
2 registration, or any other authorization to engage in a business,
3 occupation, or profession. The failure to specifically name a
4 particular board, commission, department, committee, examiner,
5 entity, or agency that issues a license, certificate, credential, permit,
6 registration, or any other authorization to engage in a business,
7 occupation, or profession does not exclude that board, commission,
8 department, committee, examiner, entity, or agency from this term.

9 (3) "Certified list" means a list provided by the local child
10 support agency to the Department of Child Support Services in
11 which the local child support agency verifies, under penalty of
12 perjury, that the names contained therein are support obligors found
13 to be out of compliance with a judgment or order for support in a
14 case being enforced under Title IV-D of the Social Security Act.

15 (4) "Compliance with a judgment or order for support" means
16 that, as set forth in a judgment or order for child or family support,
17 the obligor is no more than 30 calendar days in arrears in making
18 payments in full for current support, in making periodic payments
19 in full, whether court ordered or by agreement with the local child
20 support agency, on a support arrearage, or in making periodic
21 payments in full, whether court ordered or by agreement with the
22 local child support agency, on a judgment for reimbursement for
23 public assistance, or has obtained a judicial finding that equitable
24 estoppel as provided in statute or case law precludes enforcement
25 of the order. The local child support agency is authorized to use
26 this section to enforce orders for spousal support only when the
27 local child support agency is also enforcing a related child support
28 obligation owed to the obligee parent by the same obligor, pursuant
29 to Sections 17400 and 17604.

30 (5) "License" includes membership in the State Bar, and a
31 certificate, credential, permit, registration, or any other
32 authorization issued by a board that allows a person to engage in
33 a business, occupation, or profession, or to operate a commercial
34 motor vehicle, including appointment and commission by the
35 Secretary of State as a notary public. "License" also includes any
36 driver's license issued by the Department of Motor Vehicles, any
37 commercial fishing license issued by the Department of Fish and
38 Game, and to the extent required by federal law or regulations,
39 any license used for recreational purposes. This term includes all
40 licenses, certificates, credentials, permits, registrations, or any

1 other authorization issued by a board that allows a person to engage
2 in a business, occupation, or profession. The failure to specifically
3 name a particular type of license, certificate, credential, permit,
4 registration, or other authorization issued by a board that allows
5 a person to engage in a business, occupation, or profession, does
6 not exclude that license, certificate, credential, permit, registration,
7 or other authorization from this term.

8 (6) "Licensee" means any person holding a license, certificate,
9 credential, permit, registration, or other authorization issued by a
10 board, to engage in a business, occupation, or profession, or a
11 commercial driver's license as defined in Section 15210 of the
12 Vehicle Code, including an appointment and commission by the
13 Secretary of State as a notary public. "Licensee" also means any
14 person holding a driver's license issued by the Department of
15 Motor Vehicles, any person holding a commercial fishing license
16 issued by the Department of Fish and Game, and to the extent
17 required by federal law or regulations, any person holding a license
18 used for recreational purposes. This term includes all persons
19 holding a license, certificate, credential, permit, registration, or
20 any other authorization to engage in a business, occupation, or
21 profession, and the failure to specifically name a particular type
22 of license, certificate, credential, permit, registration, or other
23 authorization issued by a board does not exclude that person from
24 this term. For licenses issued to an entity that is not an individual
25 person, "licensee" includes any individual who is either listed on
26 the license or who qualifies for the license.

27 (b) The local child support agency shall maintain a list of those
28 persons included in a case being enforced under Title IV-D of the
29 Social Security Act against whom a support order or judgment has
30 been rendered by, or registered in, a court of this state, and who
31 are not in compliance with that order or judgment. The local child
32 support agency shall submit a certified list with the names, social
33 security numbers, and last known addresses of these persons and
34 the name, address, and telephone number of the local child support
35 agency who certified the list to the department. The local child
36 support agency shall verify, under penalty of perjury, that the
37 persons listed are subject to an order or judgment for the payment
38 of support and that these persons are not in compliance with the
39 order or judgment. The local child support agency shall submit to
40 the department an updated certified list on a monthly basis.

1 (c) The department shall consolidate the certified lists received
2 from the local child support agencies and, within 30 calendar days
3 of receipt, shall provide a copy of the consolidated list to each
4 board that is responsible for the regulation of licenses, as specified
5 in this section.

6 (d) On or before November 1, 1992, or as soon thereafter as
7 economically feasible, as determined by the department, all boards
8 subject to this section shall implement procedures to accept and
9 process the list provided by the department, in accordance with
10 this section. Notwithstanding any other law, all boards shall collect
11 social security numbers or individual taxpayer identification
12 numbers, if they have been issued, from all applicants for the
13 purposes of matching the names of the certified list provided by
14 the department to applicants and licensees and of responding to
15 requests for this information made by child support agencies.

16 (e) (1) Promptly after receiving the certified consolidated list
17 from the department, and prior to the issuance or renewal of a
18 license, each board shall determine whether the applicant is on the
19 most recent certified consolidated list provided by the department.
20 The board shall have the authority to withhold issuance or renewal
21 of the license of any applicant on the list.

22 (2) If an applicant is on the list, the board shall immediately
23 serve notice as specified in subdivision (f) on the applicant of the
24 board's intent to withhold issuance or renewal of the license. The
25 notice shall be made personally or by mail to the applicant's last
26 known mailing address on file with the board. Service by mail
27 shall be complete in accordance with Section 1013 of the Code of
28 Civil Procedure.

29 (A) The board shall issue a temporary license valid for a period
30 of 150 days to any applicant whose name is on the certified list if
31 the applicant is otherwise eligible for a license.

32 (B) Except as provided in subparagraph (D), the 150-day time
33 period for a temporary license shall not be extended. Except as
34 provided in subparagraph (D), only one temporary license shall
35 be issued during a regular license term and it shall coincide with
36 the first 150 days of that license term. As this paragraph applies
37 to commercial driver's licenses, "license term" shall be deemed
38 to be 12 months from the date the application fee is received by
39 the Department of Motor Vehicles. A license for the full or

1 remainder of the license term shall be issued or renewed only upon
2 compliance with this section.

3 (C) In the event that a license or application for a license or the
4 renewal of a license is denied pursuant to this section, any funds
5 paid by the applicant or licensee shall not be refunded by the board.

6 (D) This paragraph shall apply only in the case of a driver's
7 license, other than a commercial driver's license. Upon the request
8 of the local child support agency or by order of the court upon a
9 showing of good cause, the board shall extend a 150-day temporary
10 license for a period not to exceed 150 extra days.

11 (3) (A) The department may, when it is economically feasible
12 for the department and the boards to do so as determined by the
13 department, in cases where the department is aware that certain
14 child support obligors listed on the certified lists have been out of
15 compliance with a judgment or order for support for more than
16 four months, provide a supplemental list of these obligors to each
17 board with which the department has an interagency agreement to
18 implement this paragraph. Upon request by the department, the
19 licenses of these obligors shall be subject to suspension, provided
20 that the licenses would not otherwise be eligible for renewal within
21 six months from the date of the request by the department. The
22 board shall have the authority to suspend the license of any licensee
23 on this supplemental list.

24 (B) If a licensee is on a supplemental list, the board shall
25 immediately serve notice as specified in subdivision (f) on the
26 licensee that his or her license will be automatically suspended
27 150 days after notice is served, unless compliance with this section
28 is achieved. The notice shall be made personally or by mail to the
29 licensee's last known mailing address on file with the board.
30 Service by mail shall be complete in accordance with Section 1013
31 of the Code of Civil Procedure.

32 (C) The 150-day notice period shall not be extended.

33 (D) In the event that any license is suspended pursuant to this
34 section, any funds paid by the licensee shall not be refunded by
35 the board.

36 (E) This paragraph shall not apply to licenses subject to annual
37 renewal or annual fee.

38 (f) Notices shall be developed by each board in accordance with
39 guidelines provided by the department and subject to approval by
40 the department. The notice shall include the address and telephone

1 number of the local child support agency that submitted the name
2 on the certified list, and shall emphasize the necessity of obtaining
3 a release from that local child support agency as a condition for
4 the issuance, renewal, or continued valid status of a license or
5 licenses.

6 (1) In the case of applicants not subject to paragraph (3) of
7 subdivision (e), the notice shall inform the applicant that the board
8 shall issue a temporary license, as provided in subparagraph (A)
9 of paragraph (2) of subdivision (e), for 150 calendar days if the
10 applicant is otherwise eligible and that upon expiration of that time
11 period the license will be denied unless the board has received a
12 release from the local child support agency that submitted the name
13 on the certified list.

14 (2) In the case of licensees named on a supplemental list, the
15 notice shall inform the licensee that his or her license will continue
16 in its existing status for no more than 150 calendar days from the
17 date of mailing or service of the notice and thereafter will be
18 suspended indefinitely unless, during the 150-day notice period,
19 the board has received a release from the local child support agency
20 that submitted the name on the certified list. Additionally, the
21 notice shall inform the licensee that any license suspended under
22 this section will remain so until the expiration of the remaining
23 license term, unless the board receives a release along with
24 applications and fees, if applicable, to reinstate the license during
25 the license term.

26 (3) The notice shall also inform the applicant or licensee that if
27 an application is denied or a license is suspended pursuant to this
28 section, any funds paid by the applicant or licensee shall not be
29 refunded by the board. The Department of Child Support Services
30 shall also develop a form that the applicant shall use to request a
31 review by the local child support agency. A copy of this form shall
32 be included with every notice sent pursuant to this subdivision.

33 (g) (1) Each local child support agency shall maintain review
34 procedures consistent with this section to allow an applicant to
35 have the underlying arrearage and any relevant defenses
36 investigated, to provide an applicant information on the process
37 of obtaining a modification of a support order, or to provide an
38 applicant assistance in the establishment of a payment schedule
39 on arrearages if the circumstances so warrant.

1 (2) It is the intent of the Legislature that a court or local child
2 support agency, when determining an appropriate payment schedule
3 for arrearages, base its decision on the facts of the particular case
4 and the priority of payment of child support over other debts. The
5 payment schedule shall also recognize that certain expenses may
6 be essential to enable an obligor to be employed. Therefore, in
7 reaching its decision, the court or the local child support agency
8 shall consider both of these goals in setting a payment schedule
9 for arrearages.

10 (h) If the applicant wishes to challenge the submission of his
11 or her name on the certified list, the applicant shall make a timely
12 written request for review to the local child support agency who
13 certified the applicant's name. A request for review pursuant to
14 this section shall be resolved in the same manner and timeframe
15 provided for resolution of a complaint pursuant to Section 17800.
16 The local child support agency shall immediately send a release
17 to the appropriate board and the applicant, if any of the following
18 conditions are met:

19 (1) The applicant is found to be in compliance or negotiates an
20 agreement with the local child support agency for a payment
21 schedule on arrearages or reimbursement.

22 (2) The applicant has submitted a request for review, but the
23 local child support agency will be unable to complete the review
24 and send notice of its findings to the applicant within the time
25 specified in Section 17800.

26 (3) The applicant has filed and served a request for judicial
27 review pursuant to this section, but a resolution of that review will
28 not be made within 150 days of the date of service of notice
29 pursuant to subdivision (f). This paragraph applies only if the delay
30 in completing the judicial review process is not the result of the
31 applicant's failure to act in a reasonable, timely, and diligent
32 manner upon receiving the local child support agency's notice of
33 findings.

34 (4) The applicant has obtained a judicial finding of compliance
35 as defined in this section.

36 (i) An applicant is required to act with diligence in responding
37 to notices from the board and the local child support agency with
38 the recognition that the temporary license will lapse or the license
39 suspension will go into effect after 150 days and that the local
40 child support agency and, where appropriate, the court must have

1 time to act within that period. An applicant's delay in acting,
2 without good cause, which directly results in the inability of the
3 local child support agency to complete a review of the applicant's
4 request or the court to hear the request for judicial review within
5 the 150-day period shall not constitute the diligence required under
6 this section which would justify the issuance of a release.

7 (j) Except as otherwise provided in this section, the local child
8 support agency shall not issue a release if the applicant is not in
9 compliance with the judgment or order for support. The local child
10 support agency shall notify the applicant in writing that the
11 applicant may, by filing an order to show cause or notice of motion,
12 request any or all of the following:

13 (1) Judicial review of the local child support agency's decision
14 not to issue a release.

15 (2) A judicial determination of compliance.

16 (3) A modification of the support judgment or order.

17 The notice shall also contain the name and address of the court
18 in which the applicant shall file the order to show cause or notice
19 of motion and inform the applicant that his or her name shall
20 remain on the certified list if the applicant does not timely request
21 judicial review. The applicant shall comply with all statutes and
22 rules of court regarding orders to show cause and notices of motion.

23 This section shall not be deemed to limit an applicant from filing
24 an order to show cause or notice of motion to modify a support
25 judgment or order or to fix a payment schedule on arrearages
26 accruing under a support judgment or order or to obtain a court
27 finding of compliance with a judgment or order for support.

28 (k) The request for judicial review of the local child support
29 agency's decision shall state the grounds for which review is
30 requested and judicial review shall be limited to those stated
31 grounds. The court shall hold an evidentiary hearing within 20
32 calendar days of the filing of the request for review. Judicial review
33 of the local child support agency's decision shall be limited to a
34 determination of each of the following issues:

35 (1) Whether there is a support judgment, order, or payment
36 schedule on arrearages or reimbursement.

37 (2) Whether the petitioner is the obligor covered by the support
38 judgment or order.

39 (3) Whether the support obligor is or is not in compliance with
40 the judgment or order of support.

1 (4) (A) The extent to which the needs of the obligor, taking
2 into account the obligor's payment history and the current
3 circumstances of both the obligor and the obligee, warrant a
4 conditional release as described in this subdivision.

5 (B) The request for judicial review shall be served by the
6 applicant upon the local child support agency that submitted the
7 applicant's name on the certified list within seven calendar days
8 of the filing of the petition. The court has the authority to uphold
9 the action, unconditionally release the license, or conditionally
10 release the license.

11 (C) If the judicial review results in a finding by the court that
12 the obligor is in compliance with the judgment or order for support,
13 the local child support agency shall immediately send a release in
14 accordance with subdivision (f) to the appropriate board and the
15 applicant. If the judicial review results in a finding by the court
16 that the needs of the obligor warrant a conditional release, the court
17 shall make findings of fact stating the basis for the release and the
18 payment necessary to satisfy the unrestricted issuance or renewal
19 of the license without prejudice to a later judicial determination
20 of the amount of support arrearages, including interest, and shall
21 specify payment terms, compliance with which are necessary to
22 allow the release to remain in effect.

23 (f) The department shall prescribe release forms for use by local
24 child support agencies. When the obligor is in compliance, the
25 local child support agency shall mail to the applicant and the
26 appropriate board a release stating that the applicant is in
27 compliance. The receipt of a release shall serve to notify the
28 applicant and the board that, for the purposes of this section, the
29 applicant is in compliance with the judgment or order for support.
30 Any board that has received a release from the local child support
31 agency pursuant to this subdivision shall process the release within
32 five business days of its receipt.

33 If the local child support agency determines subsequent to the
34 issuance of a release that the applicant is once again not in
35 compliance with a judgment or order for support, or with the terms
36 of repayment as described in this subdivision, the local child
37 support agency may notify the board, the obligor, and the
38 department in a format prescribed by the department that the
39 obligor is not in compliance.

1 The department may, when it is economically feasible for the
2 department and the boards to develop an automated process for
3 complying with this subdivision, notify the boards in a manner
4 prescribed by the department, that the obligor is once again not in
5 compliance. Upon receipt of this notice, the board shall
6 immediately notify the obligor on a form prescribed by the
7 department that the obligor's license will be suspended on a
8 specific date, and this date shall be no longer than 30 days from
9 the date the form is mailed. The obligor shall be further notified
10 that the license will remain suspended until a new release is issued
11 in accordance with subdivision (h). Nothing in this section shall
12 be deemed to limit the obligor from seeking judicial review of
13 suspension pursuant to the procedures described in subdivision
14 (k).

15 (m) The department may enter into interagency agreements with
16 the state agencies that have responsibility for the administration
17 of boards necessary to implement this section, to the extent that it
18 is cost effective to implement this section. These agreements shall
19 provide for the receipt by the other state agencies and boards of
20 federal funds to cover that portion of costs allowable in federal
21 law and regulation and incurred by the state agencies and boards
22 in implementing this section. Notwithstanding any other provision
23 of law, revenue generated by a board or state agency shall be used
24 to fund the nonfederal share of costs incurred pursuant to this
25 section. These agreements shall provide that boards shall reimburse
26 the department for the nonfederal share of costs incurred by the
27 department in implementing this section. The boards shall
28 reimburse the department for the nonfederal share of costs incurred
29 pursuant to this section from moneys collected from applicants
30 and licensees.

31 (n) Notwithstanding any other law, in order for the boards
32 subject to this section to be reimbursed for the costs incurred in
33 administering its provisions, the boards may, with the approval of
34 the appropriate department director, levy on all licensees and
35 applicants a surcharge on any fee or fees collected pursuant to law,
36 or, alternatively, with the approval of the appropriate department
37 director, levy on the applicants or licensees named on a certified
38 list or supplemental list, a special fee.

39 (o) The process described in subdivision (h) shall constitute the
40 sole administrative remedy for contesting the issuance of a

1 temporary license or the denial or suspension of a license under
2 this section. The procedures specified in the administrative
3 adjudication provisions of the Administrative Procedure Act
4 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
5 (commencing with Section 11500) of Part 1 of Division 3 of Title
6 2 of the Government Code) shall not apply to the denial,
7 suspension, or failure to issue or renew a license or the issuance
8 of a temporary license pursuant to this section.

9 (p) In furtherance of the public policy of increasing child support
10 enforcement and collections, on or before November 1, 1995, the
11 State Department of Social Services shall make a report to the
12 Legislature and the Governor based on data collected by the boards
13 and the district attorneys in a format prescribed by the State
14 Department of Social Services. The report shall contain all of the
15 following:

16 (1) The number of delinquent obligors certified by district
17 attorneys under this section.

18 (2) The number of support obligors who also were applicants
19 or licensees subject to this section.

20 (3) The number of new licenses and renewals that were delayed,
21 temporary licenses issued, and licenses suspended subject to this
22 section and the number of new licenses and renewals granted and
23 licenses reinstated following board receipt of releases as provided
24 by subdivision (h) by May 1, 1995.

25 (4) The costs incurred in the implementation and enforcement
26 of this section.

27 (q) Any board receiving an inquiry as to the licensed status of
28 an applicant or licensee who has had a license denied or suspended
29 under this section or has been granted a temporary license under
30 this section shall respond only that the license was denied or
31 suspended or the temporary license was issued pursuant to this
32 section. Information collected pursuant to this section by any state
33 agency, board, or department shall be subject to the Information
34 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
35 of Title 1.8 of Part 4 of Division 3 of the Civil Code).

36 (r) Any rules and regulations issued pursuant to this section by
37 any state agency, board, or department may be adopted as
38 emergency regulations in accordance with the rulemaking
39 provisions of the Administrative Procedure Act (Chapter 3.5
40 (commencing with Section 11340) of Part 1 of Division 3 of Title

1 2 of the Government Code). The adoption of these regulations
2 shall be deemed an emergency and necessary for the immediate
3 preservation of the public peace, health, and safety, or general
4 welfare. The regulations shall become effective immediately upon
5 filing with the Secretary of State.

6 (s) The department and boards, as appropriate, shall adopt
7 regulations necessary to implement this section.

8 (t) The Judicial Council shall develop the forms necessary to
9 implement this section, except as provided in subdivisions (f) and
10 (l).

11 (u) The release or other use of information received by a board
12 pursuant to this section, except as authorized by this section, is
13 punishable as a misdemeanor.

14 (v) The State Board of Equalization shall enter into interagency
15 agreements with the department and the Franchise Tax Board that
16 will require the department and the Franchise Tax Board to
17 maximize the use of information collected by the State Board of
18 Equalization, for child support enforcement purposes, to the extent
19 it is cost effective and permitted by the Revenue and Taxation
20 Code.

21 (w) (1) The suspension or revocation of any driver's license,
22 including a commercial driver's license, under this section shall
23 not subject the licensee to vehicle impoundment pursuant to Section
24 14602.6 of the Vehicle Code.

25 (2) Notwithstanding any other law, the suspension or revocation
26 of any driver's license, including a commercial driver's license,
27 under this section shall not subject the licensee to increased costs
28 for vehicle liability insurance.

29 (x) If any provision of this section or the application thereof to
30 any person or circumstance is held invalid, that invalidity shall not
31 affect other provisions or applications of this section which can
32 be given effect without the invalid provision or application, and
33 to this end the provisions of this section are severable.

34 (y) All rights to administrative and judicial review afforded by
35 this section to an applicant shall also be afforded to a licensee.

36 SEC. 3. Section 19528 of the Revenue and Taxation Code is
37 amended to read:

38 19528. (a) Notwithstanding any other law, the Franchise Tax
39 Board may require any board, as defined in Section 22 of the
40 Business and Professions Code, and the State Bar, the Bureau of

1 Real Estate, and the Insurance Commissioner (hereinafter referred
2 to as licensing board) to provide to the Franchise Tax Board the
3 following information with respect to every licensee:

4 (1) Name.
5 (2) Address or addresses of record.
6 (3) Federal employer identification number, if the licensee is a
7 partnership, or the licensee's individual taxpayer identification
8 number or social security number, if any has been issued, of all
9 other licensees.

10 (4) Type of license.
11 (5) Effective date of license or renewal.
12 (6) Expiration date of license.
13 (7) Whether license is active or inactive, if known.
14 (8) Whether license is new or renewal.

15 (b) The Franchise Tax Board may do the following:

16 (1) Send a notice to any licensee failing to provide the federal
17 employer identification number, individual taxpayer identification
18 number, or social security number as required by subdivision (a)
19 of Section 30 of the Business and Professions Code and subdivision
20 (a) of Section 1666.5 of the Insurance Code, describing the
21 information that was missing, the penalty associated with not
22 providing it, and that failure to provide the information within 30
23 days will result in the assessment of the penalty.

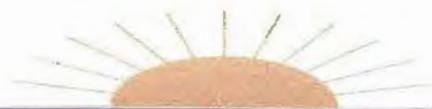
24 (2) After 30 days following the issuance of the notice described
25 in paragraph (1), assess a one-hundred-dollar (\$100) penalty, due
26 and payable upon notice and demand, for any licensee failing to
27 provide either its federal employer identification number (if the
28 licensee is a partnership) or his or her *individual taxpayer*
29 *identification number* or social security number (for all others) as
30 required in Section 30 of the Business and Professions Code and
31 Section 1666.5 of the Insurance Code.

32 (c) Notwithstanding Chapter 3.5 (commencing with Section
33 6250) of Division 7 of Title 1 of the Government Code, the
34 information furnished to the Franchise Tax Board pursuant to
35 Section 30 of the Business and Professions Code or Section 1666.5
36 of the Insurance Code shall not be deemed to be a public record
37 and shall not be open to the public for inspection.

O

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

California State
Board of Barbering and Cosmetology
Natural Hair Care and Braiding



Board of Barbering and Cosmetology
**Report to the California Legislature on the Regulation
of Hair Braiding**

Purpose

In response to the Board of Barbering and Cosmetology's 2012 Sunset Review hearing, the Senate Business and Professions and Economic Development Committee suggested the Board conduct a thorough study of the issue of the non-regulation of Natural Hair Care providers. The result of that study is compiled in this report.

History

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.¹

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. 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."

On June 9, 2000, SB 235 was chaptered which amended Sections 7316 and 7346 of the California Business and Professions Code. This law removed the practice and further defined specified activities commonly referred to as natural hair braiding from the practice of cosmetology.

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 Legal Counsel 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.

¹ Cornwell v. California Board of Barbering and Cosmetology, 962 F.Supp. 126 (S.D. Cal, 1997).

On March 19, 2013, representatives from the Board of Barbering and Cosmetology appeared before the Senate Business and Professions and Economic Development Committee in a Sunset Review Hearing. During this hearing the Board formally recommended braiding of the hair to be considered part of the scope of practice for a cosmetologist.

The Senate Business and Professions and Economic Development Committee responded that hair braiding should remain exempt, as a practice, but that the Board should conduct a thorough study and convene stakeholder meetings to further explore the issue and provide a report to the Committee on those efforts.

Current Law

California Business and Professions Code:

Section 7316 (b) (1) defines the scope of cosmetology as arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means, the hair of any person.

Section 7316 (d) (2) states that the practice of barbering and cosmetology does not include natural hair braiding. Natural hair braiding is a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding by hand or mechanical device, provided that the service does not include hair cutting or the application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair.

Section 7316 (e) states notwithstanding paragraph (2) of subdivision (d), a person who engages in natural hairstyling, which is defined as the provision of natural hair braiding services together with any of the services or procedures defined within the regulated practices of barbering or cosmetology, is subject to regulation pursuant to this chapter and shall obtain and maintain a barbering or cosmetology license as applicable to the services respectively offered or performed.

California Code of Regulations

Section 950.2 (1) states that the curriculum for cosmetology includes hairstyling which includes (but is not limited to) hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs, hot curling irons, and blow styling.

Affects of Current Law

Due to Section 7316 (d) (2) of the California Business and Professions Code, there are no Health and Safety regulations that Natural Hair Care/Braiding providers and braiding studios must follow. There is no guarantee that Natural Hair Care/Braiding is being performed properly and safely for consumers. The Board has seen multiple blogs on the internet bounding with suggestions on proper/improper braiding techniques and suggestions on how to treat scalp conditions. It is unclear as to the training these bloggers have retained. Braiding when done incorrectly can cause traction alopecia, a

gradual hair loss caused primarily by the inappropriate level of pulling force being applied to the hair by improperly trained braiders. In addition, the internet abounds with antidotal stories of cases of traction alopecia, hair loss and bacterial infections caused by improper braiding techniques and/or improper disinfection.

Photographs, as seen here, are a common occurrence when a person does an internet search for the word, "traction alopecia".



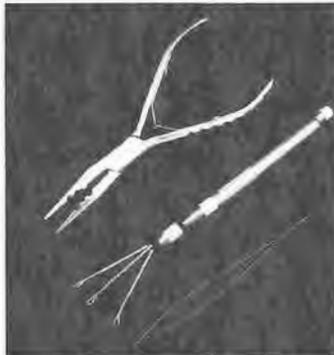
Since the Board does not regulate hair braiding, client complaints remain low. However, we do occasionally receive a complaint such as this one (personal information has been removed for confidentiality reasons):

"I found X on yelp and contacted her about doing my hair extensions. I went to her house on 5/8/14 to have my old extensions removed and new ones installed. Within an hour of leaving, I had a throbbing headache and my scalp was really sore. It was so bad that I wasn't able to sleep that night because it hurt too much to put my head on the pillow. I told X and she tried to say that's normal, but I've been getting extensions for 10 years so I knew that wasn't normal. The following morning I went to 4 different salons to find out what was wrong and why I was in so much pain. I was told that she took big, wide locks of hair instead of small, deep locks which is what you are supposed to do. I had to have them removed immediately and when I did I had welts on my scalp!! I contacted X and she refused to take any responsibility for it and said I just have a "sensitive scalp". I asked her if she was licensed and she said she was but she refused to show me her license or give her license number to me. When I looked on the board of barbering and cosmetology site I saw that she is not licensed, nor is her business. I also assume she is not licensed to work out of her home either. I paid \$400 to have the extensions she applied removed and redone.

She also removed my old extensions with the wrong tools which I am sure further damaged my hair. The incident occurred on 5/8/14 at X's home. Her address is: X, Corona, CA. X. Her phone number is XXX-XXX-XXXX.

I went to her to have my extensions re-moved and new ones put in my hair as the woman who normally does my hair is out on maternity leave. I had shrink link extensions, those use adhesive so it's my understanding that you are supposed to use a chemical (acetone) and a heat tool to remove them. She used a pair of pliers, similar to what is in this photo:

[Stainless Steel Pliers + Micro Bead Ring Pulling Needle Hook Hair Extension Kit](#)



Stainless Steel Pliers + Micro Bead Ring Pulling Needle ...

US \$26.28 New with tags in Clothing, Shoes & Accessories, Women's Accessories, Wigs, Extensions & Supplies

View on www.ebay.com

Preview
by
Yahoo

Then she applied a new set of micro bead extensions with the above pliers and tools. She did them all wrong and they were so incredibly painful that I had to have them immediately removed. When I did I had welts on my scalp. Turns out she was unlicensed and had no idea what she was doing. She used tools for the whole thing which I know is against the law without a license."

(See appendix for additional blogs recounting cases of traction alopecia found on the internet.)

Natural Hair Care Task Force

On April 14, 2014, in Sacramento, California a meeting of the Natural Hair Care task force was assembled. The purpose of this task force was to determine if the public's health and safety interests were being served with regard to the non-regulated practice of hair braiding and if natural hair care should be placed under the scope of practice for a cosmetologist. Task force members included salon owners, hair braiders, cosmetology instructors, celebrity stylists, industry representation from an industry association, the author of a Natural Hair Care textbook, currently on the approved textbook list by the National Interstate Council of State Boards of Cosmetology (NIC), two Board members and Board staff. A discussion included defining exactly what constitutes a Natural Hair Stylist, the explosion of consumer harm related to traction alopecia and how the art and practice of natural hair care is no longer culturally specific. The task force was in agreement that the practice of Natural Hair Care should be regulated by the Board of Barbering and Cosmetology. Several task force members conceded to seeing an increase of cases of fungi, infection and traction alopecia as a result of lack of education of proper braiding techniques, poor disinfection procedures and lack of understanding in basic hair histology. With a resounding, unified voice, the task members stated that natural hair care and the practice of braiding is no longer

culturally specific. Infection, fungi and scarring from traction alopecia is non-discriminate to race. Task Force members were in unanimous agreement that the practice of Natural Hair Care/braiding needs to be regulated for the safety and care of California consumers. For clarity, members defined Natural Hair Care as:

“A Natural Hair Care Stylist provides a service for compensation that result in tension on hair strands or roots by braiding, locking, twisting, wrapping, weaving, finishing, and extending the hair with or without natural hair or synthetic fibers or applying cornrows to the hair. Such a practice may include: Shampooing, drying the hair, incidental trimming or singeing the ends of the hair to complete the service; applying antiseptics, powders, oil, clays, lotions or applying tonics to the hair, head, or scalp to condition the hair; the use of tools such as combs, hair rods, hair rollers, hair clips, brushes or shears. **Such practice shall not include:** the application of glues and/or adhesives; the use of preparations or the use of any device or tool designed to alter the color or chemically straighten/curl the hair; the application of extreme heat applications, such as, flat irons, straightening combs or curling irons.”

Non-Licensed Hair Braiders

In June 2014, a representative from the Board of Barbering and Cosmetology initiated contact/visits to five (5) non-licensed braiding studios in and around the Sacramento, California area. Three (3) braiders agreed to meet with the Board representative. Some interviewed worked in a braid bar others out of their homes. The goal of the visit was to determine how non-licensed braiders educated themselves on health and safety and if they saw the value in being regulated by the State of California. The representative asked the braiders the following questions:

- How long have you been providing braiding services to the public for a fee?
- How did you learn to braid?
- Do you feel that braiding is culturally specific?
- Have you ever received training in infection control and sanitation procedures?
- What safety precautions do you utilize to ensure consumer health and safety?
- Have you seen consumer harm resulting from improper braiding techniques or improper infection control?
- Do you feel that Braiding should be regulated? Why or Why not?

The general consensus of these interviews was that Natural Hair Care should remain unregulated by the State. Included below is a brief synopsis of each of the visits.

Braider #1

This braider operates out of her home and has been doing professional braiding for the last 10 years. She learned braiding from her cousin and other friends in West Africa. She noted that all of the women in her family are taught braiding at an early age. She does feel that braiding is culturally specific to the African American population. She mentioned that she has seen Caucasians have their hair braided but generally, it is not in the same fashion as African braiding. When the Board representative entered her home it was observed that the braider had a barber chair set up in the living room and had disinfectant made up and ready for use. When asked where she learned how to disinfect her tools she stated that other braider friends had taught her about infection

control. She ensures health and safety by maintaining a clean home environment. She mentioned that she has not seen consumer harm, such as traction alopecia, in the years she has performed braiding. When asked if she felt that natural hair care should be regulated, in general, she said No, but then noted that it might be good to have a license and be educated professionally. She is considering going to Cosmetology school so that she can perform chemical work. She currently does do hair extensions including, the sew-in type.

Braider #2

The braider was hesitant to meet with the board representative in person and asked to be interviewed via telephone. She currently works out of her home. This braider is a third generation braider. Infection control, safe practice protocol and braiding techniques have been passed down to her through family generations. She does feel that braiding is culturally specific to African Americans. She feels that it is specific to race due to the fact that African Americans contend with a specific hair type. Regarding infection control, this braider stated she throws out the comb used to braid a clients hair and doesn't ever reuse combs on clients, thus preventing the need to disinfect her tools. If she were to see any type of skin condition on a client's hair, she has them sign a release waiver before administering services. She feels that the unlicensed braider does not need to be regulated. They do not need to attend school. You can learn braiding techniques from You Tube. She became interested in braiding at 5 years of age and feels that braiders are capable of educating themselves. She did state that if braiding were to be regulated that it may present a higher level of professionalism within the braiding community.

Braider #3

Originally, the Board representative was to meet at the braider's studio. Due to a medical emergency with the braider, the interview had to be administered over the telephone. The Board staffer was able to observe the braider's studio and noted that there still remains some confusion by the interviewed braider as to what was allowable within her practice. This braider's studio displayed signage on the window of the studio that indicated that chemical work could be performed. (Chemical work, such as, chemical straightening, hair coloring and perming is currently under the scope of practice for a Cosmetologist and is a regulated practice). This would constitute unlicensed activity.

This braider has been conducting professional braiding services for the last two years. She was taught how to braid in Africa by family and friends. She stated that learning to braid is a part of everyday life in Africa. It is considered a form of art and that not everyone who learns to braid can or is successful at it. She does feel that braiding is culturally specific to the Black race. She has never "formally" received any training in infection control but states that by working in a studio she has observed that cosmetologists use Barbicide in the disinfection of their tools. She has adopted this form of infection control. She states she has seen cases of traction alopecia from improper braiding techniques and that many times she will be called upon from clients dissatisfied by the techniques of their previous braider. She does not feel braiders should be regulated since they do not use chemicals and since braiding is an art you need to have the gift for it and she doesn't feel that schooling can provide that gift.

Natural Hair Care Associations

There exist several Natural Hair Care/Braiders Associations. The intent of these associations is to encourage education, share experiences and protect their industry from regulatory restriction. Most of the organizations have either a Facebook account or a blog in which participants can ask for guidance. Board staff reached out to the following organizations and asked for their official position on the regulating of Natural Hair Care. The positions of those associations that chose to respond are attached.

Illinois Natural Hair Care Association

743 East 75th Street
Chicago, IL 60619
(773) 301 2318

Natural Healthy Hair Society

(866) 578-2008
<http://healthyhair.weebly.com/>

Atlanta National Hair Care Professional (ANHC Pro)

2479 Peachtree Road Suite 1316
Atlanta, GA 30308
(678) 459-5212
Professional@AtlantaNaturalHair.com

Natural Hair Care Association - Uniting professionals and consumers in the natural hair community.

[https://www.facebook.com/pages/Natural-Hair Associationorg/160036050696616](https://www.facebook.com/pages/Natural-Hair-Associationorg/160036050696616)

The Institute for Justice

Founded in 1991, the Institute for Justice is a civil liberties law firm dedicated to defending the rights of natural, African-style hair braiders to earn an honest living without submitting to overly-burdensome government regulations.

On June 17, 2014, the Institute of Justice filed lawsuits in three states challenging various laws governing natural hair braiding practices. The State's under litigation are: Washington, Missouri and Arkansas. The Institute of Justice does not feel that braiders should be required to complete a cosmetology course of instruction and/or be licensed, in order to braid hair.

Currently, the Institute of Justice is promoting the campaign initiative #braidingfreedom in which they are encouraging braiders to come forward and pursue litigation against states currently regulating or proposing regulation for natural hair care/braiding. The Institute has had prior legal success (two victories in court and six legislative victories).

Medical Community

Currently, cases of traction alopecia are treated primarily by dermatologists. The internet abounds with the advertizing of multiple clinics designed to treat hair loss. In general, to determine why alopecia is occurring on a person a dermatologists performs a visual inspection and performs a scalp biopsy. The biopsy is used to determine the cause of hair loss. (Hereditary, nutritional deficiency or environmental)

It would not be the intent of a Natural Hair Care Stylist to treat or diagnose hair loss but rather to learn proper braiding techniques that allow for the correct amount of tension on the hair and proper disinfection techniques to reduce the amount of traction alopecia cases seen within the medical community.

The Natural Hair Care Stylist could be compared to how a licensed esthetician works cohesively with a dermatologist.

Social Media

The Board conducted a poll on its Facebook account. The poll asked, "Do you feel the practice of Natural Hair Care should be regulated by the Board of Barbering and Cosmetology?" The poll stayed on our site for 42 days. 35 people responded the Board should regulate Natural Hair Care and 5 people responded the Board should not regulate Natural Hair Care.

In addition, the Board posted the following to its own Facebook page:

"Have you or someone you know been a victim of improper braiding techniques? Have you experienced traction alopecia, contracted a fungus or infection from an unlicensed hair braider? If so, we want to hear from you. Please email your experience to Tandra.Guess@dca.ca.gov. Let's all have a safe, healthy, salon experience."

In addition, the Board requested the Black Hair Media Facebook page and the Naturally Curly.com Facebook page to post the above inquiry.

The Board did not receive any responses. The Board was not surprised by these results as hair loss continues to be an embarrassing subject to discuss. Shame and confusion continues to be cited as to why more victims do not come forward to discuss their condition.

Other State Boards

In a poll by the California State Board of Barbering and Cosmetology it was found that at least 19 States have some sort of Hair Braiding/Natural Hair styling license or certification. The average number of theory/instructional hours required was 300 hours.

Pros and Cons of Regulating Natural Hair Care

Pros

- Required education providing minimal competency in hair histology, conditions of the scalp and infection control standards.
- Provides consumers with an avenue for complaint, if consumer harm occurs.
- Alleviates confusion as to the scope of practice for a cosmetologist and the Natural Hair Care provider.
- Possible reduction in consumer harm, specifically, traction alopecia.

Cons

- Costs incurred to attend schooling, passing a State examination, and licensure fees.
- Invasion by a regulatory entity on a previously viewed culturally specific profession.

Conclusion

The Board recognizes that some forms of braiding are passed down by generations. The Board believes that individuals that perform this type of braiding, to family and friends, without charging a fee, should continue to be exempt. However, the Board does realize that braiding is no longer culturally specific. The popularity of braiding has allowed the practice of Natural Hair Care to become more and more diverse. The art of Natural Hair Care is being practiced through every ethnic culture universally. Photographs of consumer harm are flooding the internet and words like “traction alopecia” are being coined to identify the types of consumer harm being administered. The Board does realize that Natural Hair Care is a specialized practice under the scope of practice for a Cosmetologist.

The Board recommends that:

- if an individual is offering Natural Hair Care services, including braiding, for a fee, they must in fact be trained in infection control and proper braiding techniques to prevent further consumer harm.
- the legislature consider enacting a bill for the development of a Natural Hair Care license, with a theory hour requirement of 400 hours and curriculum to be determined by the Board.
- a grandfathering clause be added to the bill to allow persons currently engaging in Natural Hair Care to be able to be licensed by passing a State exam without the inclusion of school training. This clause would be in effect for a two year period. New Natural Hair Care stylists would be required to attend schooling and pass the State exam.

Nappturality.com

"I was diagnosed with Traction Alopecia 7 years ago. I had locs down my back for 4 years prior. I had the steroid shots, scalp biopsies and the works. I was told my follicles were dead and the bald spots will remain unfortunately. I have nickle and quarter size spots throughout my hair. I decided to do the BC and haven't regretted it since. I have a very close cut and my husband cuts my hair on a weekly basis. That seems to be the only style that camouflages the spots. I was self conscious at first, but everyone kept telling me how nice I looked and how it fits my face. Now I suffer with dryness."

"My daughter is steadily losing hair on the side and the back of her head. It is so bad to the point that I can not even grip it to style at all. I need serious help because it comes out in clumps and its another wash and style day. Any suggestions?"

"I am currently suffering from traction alopecia at the sides that looks similar to male pattern baldness. I have been rubbing glycerine and Boundless tresses on the spots to promote growth for at least a month now and so far I haven't seen any results. After taking a close look at my scalp, in some spots I see very sparse, thin hair and in others there are no follicles. I went to the dermatologist and she prescribed Rogaine for women, but how can that work on scarred tissue with no hair follicles? I researched information on Rogaine and found that it doesn't really help so I ended up never using it and didn't even bother to waste my money. I would like to know anything that can help. I am afraid that I would be bald in these spots forever and I just cant deal with this anymore. Anybody who has went through something like this and has had success with a product please let me know. I can't help but to cry because I could have prevented this but I was just too stubborn to stop getting my hair braided and pressed before it was too late."

"I have a scarring type alopecia (CCCA), and the dermatologist has told me to use the men's Rogaine (5%) in order to maintain the hair I have. I was diagnosed with a biopsy. That is the only way to determine the type of alopecia you have. If it is a scarring alopecia (which is what it sounds like it could be from your description) it can be a progressive situation causing more (eventually all) follicles to be lost. Try to find a dermatologist specializing in hair loss, as there are different ways to treat different conditions. Once you are diagnosed, you will need to be willing to trust that your dermatologist is trying to help you save the hair you have, and be open to the treatment suggested. I feel I still have hair at all due to my dermatologist's treatment plan."

"I am currently having the same problem (traction alopecia) and both of the dermatologists I went to only looked at my scalp to tell me what I have. I have been in contact with a clinic in Cali to discuss other options like Hair restoration surgery. Has anyone tried that? I have a bald spot in the top and thin hair in the front. The funny thing is that sometimes the hair in front starts growing and thickening, then it will stop. I was treated with shots before and I think that's what initiated the thickening of my sides and some light growth, but every time I start them I have to stop for a long period of time, usually because of work. I feel so unbeautiful now, and am willing to try the surgery."

“I studied a little more on the condition I have. My follicles are indeed dead and I no longer put heavy extensions on my hair and I NEVER EVER WILL. Even though I stopped, my scalp still feels the soreness and pain whenever I try to comb the front of my hair. If you look at your scalp you can tell the difference between the affected area and the normal areas. The affected area is either a reddish color or the same color as your forehead, meaning bald. Or the follicle hairs look very thin and wispy. A healthy scalp is whiter or paler and has follicles. To be certain sure, you have to get a biopsy from the derm. If you see your hair thickening back then you have hope. Unfortunately for me, I am still losing hair and experiencing pain in the surrounding area. Nothing is ever going to change that.”

“I just took out my sisterlocks after 10 years for this reason. The top of my head was almost bald and my scalp needed a break from the stress of them so now My hair is growing back I no longer have bald spots I have fuzz and hair growing. (THANK GOD).”



Furthering the
growth &
professionalism
of the hair care
industry

ANHC Pro Position Statement: Regulation of Natural Hair Care Services

ANHC Pro is a Georgia based professional association which serves the needs of hair care professionals who include or are interested in including "Natural Hair Care" as part of their professional service offerings. As a professional resource, ANHC Pro utilizes and partners with Georgia State Boards of Barbering and Cosmetology, Schools, Hair Care Product Brands and Manufacturers, as well as Business Service providers.

For the use of establishing "Natural Hair Care" service regulations ANHC Pro defines "Natural Hair Care" as:

- a) Hair care services which **include**
 - a. Styling hair utilizing combing and brushing with hands or other tools
 - b. Providing hair and scalp cleansing and clarifying treatments
 - c. Providing hair and scalp conditioning treatments
 - d. Installation of extensions utilizing natural or synthetic fibers
 - e. Locking or interlocking of hair
 - f. Twisting, Plaiting, or Braiding
 - g. Hair cutting utilizing shears
- b) Hair care services which **exclude** services which should be reserved for licensed barbers and cosmetologists.
 - a. Chemical and thermal services designed to alter the structure and/or texture of the hair
 - b. Hair cutting with razors or clippers
 - c. Hair Coloring

ANHC Pro approves of regulation of Natural Hair Care by government entities, industry regulators, and/or consumer advocacy groups in order to ensure consumer wellbeing and safety. The basis for Natural Hair Care Service regulations and education should include the following:

- a) **Health and Safety** including but not limited to Bloodborne Pathogens, Decontamination, and basic knowledge of Skin Conditions, Diseases, and Disorders
- b) **Product Knowledge** including the proper use and understanding of hair products and styling aides excluding products designed to alter the structure and/or texture of the hair
- c) **Natural Hair Styling Techniques** including basic styling, basic hair cutting, interlocking, twisting, braiding, hairweaving, and installation of extensions

No Attachment

Item 11 - Sunset Review

First Draft of Background Paper for Review

No Attachment

To request a copy email: Tandra.Guess@dca.ca.gov



MEMORANDUM

DATE	May 27, 2014
TO	Board Members Board of Barbering and Cosmetology
FROM	Tami Guess, Board Policy Analyst Board of Barbering and Cosmetology
SUBJECT	Early Written Testing for Future Professionals

During the public comment portion of our April 21, 2014, Board meeting, Members were asked to consider the possibility of allowing students the opportunity to take the final written examination prior to their graduation at a Board approved school. Listed below are brief descriptions of what would be required to make this change. The information is being provided to assist in the facilitation of this discussion:

Legislative Change

Sections 7321, 7321.5, 7324, 7326 and 7330 of the California Business and Professions Code, requires completed courses in cosmetology/barbering/esthetics/nail care and electrology to allow for admittance into these examinations. These Sections would have to be amended to allow for the written examination to be administered prior to a full completion of the respective courses.

Fiscal Impact

Programming changes would be required to the current Breeze database. Currently, any changes to programming start at \$ 20,000.00 per incident. It is unknown at this time, how many programming changes would need to be addressed. However, to make a change to allow this process could be up to \$ 100,000.

Computer Based Testing Contract Amendment

Currently, the Board is under contract for the administration of computer based testing and the printing of initial licenses, with PSI until December 31, 2015. Significant programming changes would be required for both the vendor and the Board's examination sites.

Processing Change

Changes would be required among Board staff to implement this change. Currently, applications are processed and scheduled at the same time. In order to allow the

written examination to be conducted prior to completion, the process would take two steps. The licensing staff would be required to process the pre application for the written examination and notify the computer based testing vendor of the applicant's eligibility and then separately process the scheduling for the practical examination.

Other State Boards

During the public comment portion of the April 21st Board Meeting, information was submitted regarding other State Board early testing procedures and Board staff polled the State Boards to find out why they felt the program was of benefit for there State:

Idaho – allows for early testing with a 2000 hour program, they allow testing at 1800 hours.

States Experience with the Program: Both exams (written and practical) can be taken before graduation by any Idaho student. This does not affect Board in any way; the test is given by DL Roope Administrators Inc. They can apply for the exam when they reach 1800 hours. The exams are given in 3 different areas of the state and some areas only test twice a year so it made it easier for individuals to test in their area and not have to travel.

Kansas – allows for early written testing in cosmetology only. The cosmetology program is 1500 hours and a student can submit for the written exam at the completion of 1000 hours.

States Experience with the Program: When initially implemented in Kansas, this procedure was pushed through by school owners and was not particularly desired by the Board staff because it created more work in the office. However, it turned out to be a great benefit for students. The Board requires 1,500 hours for program completion but the last 500 hours are basically spent on the clinic floor with very little theory being taught. The process was to allow students to take their written exams while their new knowledge was still fresh in their minds. The result was a marked positive increase in the pass/fail rate with many more students passing the written exam the first time.

The Board also contracted with a different testing company to provide our State Board exams last year and part of the new testing system includes school portals where student hours are reported monthly and a variety of other electronic reporting tools. The new system has reduced the amount of work required by office staff and has been a huge benefit in the bigger picture for both students and Board staff.

So, the bottom line is that the early testing has been a benefit for the Board staff through a reduction of time spent in processing records and reports for testing; and for the students through having the ability to test while their new knowledge is still fresh in their

minds. It may have the effect of added retention, however, we cannot statistically prove that.

Maryland - allows for written exams at 1350 hours. Students must complete 1500 hours before taking the practical.

States Experience with the Program:

No response from State.

Minnesota - allows students to take their written licensure exam prior to graduation and then take a practical test after completing their hour requirements or allowing for school certification of competencies at graduation.

States Experience with the Program:

No response from State.

New Jersey - allows students to take their written licensure exam prior to graduation and then take a practical test after completing their hour requirements or allowing for school certification of competencies at graduation.

States Experience with the Program: The New Jersey State Board has utilized early "Theory" testing since December 2009. A testing school candidate MUST pass the theory testing process before they can take the practical examination. The testing candidate must complete 80% of the curriculum hours prior to being approved for the theory test. These regulations are applicable to all protocol. Early testing has been successful for our Board. A student that fails the theory has the opportunity to get remedial help while still in school and ultimately pass the test so they can move on to take the practical examination.

North Carolina - allows students to take their written licensure exam prior to graduation and then take a practical test after completing their hour requirements or allowing for school certification of competencies at graduation.

States Experience with the Program: The Board has it set up so the school can allow a student, if they feel they are ready, to take the written once they completed at least 1,000 hours. The Board finds it works fabulous, as if, the student did not pass, they can be assisted in the weak area while still in school.

Pennsylvania - allows cosmetology students to test at 900 hours (program is 1250); allows esthetic students to test at 250 hours (program is 300); allows nail students to test at 150 hours (program is 200); allows natural hair braiding students to test at 250 hours (program is 300 hours); allows teachers to test at 400 hours (program is 500).

States Experience with the Program: Early theory testing has not been in effect for too long – The Board started it in October of 2012, and so far has not had any issues with it and hasn't received much feedback from the schools.

Rhode Island - allows students to test at 1000 hours. They can also then receive a card to be able to work under a manager while they're not in school (i.e. off hours).

States Experience with the Program: As of September 1, 2013, the Board no longer allows our applicants to test before they complete their cosmetology program. A candidate must have a complete application in to the office before the Board will even schedule them for the written exam. Applicants were not following up to complete their applications after they tested. Transcripts from the completed programs were not coming in. The Board has many applicants that never completed their paperwork even though they had passed the written and practical exams. Last summer Board staff wrote to almost 1000 applicants with applications less than 3 years old to see if they were interested in completing the process. The Board licensed about 2 dozen people as a result. The Board changed the policy to make it easier on this very understaffed office.

South Carolina - does not allow early testing unless you are enrolled in a technical school while attending high school.

States Experience with the Program:
No response from State.

Texas - allows a cosmetology student to be tested after completed 1000 hours with a written exam. After completion of 1500 hours, the student can take the practical exam and obtain their license.

States Experience with the Program: The Texas Occupations Code for Cosmetology has given the department authority to allow students enrolled in the Operator program be eligible to sit for the written exam early. The Operator program in a private beauty culture school requires a student to complete 1500 curriculum hours. These students are eligible to sit for the written examination when the department receives proof of the student's completion of 1000 hours. Students enrolled in a public beauty culture school are required to complete 1000 curriculum hours. These students are eligible to sit for the written examination when the department receives proof of the student's completion of 900 hours.

The advantage for early testing is to allow students to complete all necessary licensure requirements timely to enable a faster issuance of a license. All candidates must sit and pass the written examination before they are made eligible to sit for the practical

examination. The current pass rate for the written examination is 57%. The early testing allows for students who do not successfully pass on the first attempt to be able to re-take the written examination before they complete the curriculum.

The early testing only applies to the Operator curriculum. Manicurist, Estheticians and all other specialty certification are not allowed by law to test early.



Board of Barbering and Cosmetology-Department of Consumer Affairs
 PO Box 944226, Sacramento, CA 94244
 P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



MEMORANDUM

DATE	April 29, 2014
TO	Board Members, Board of Barbering and Cosmetology
FROM	Tami Guess, Board Policy Analyst Board of Barbering and Cosmetology
SUBJECT	Proposed Board Meeting Dates for 2015

January 26, 2015 – Board Meeting – San Diego
 January 27, 2015 - Reinstatement Hearing – San Diego

April 20, 2015 – Board Meeting – Sacramento

July 20, 2015 – Board Meeting – Costa Mesa
 July 21, 2015 – Reinstatement Hearing – Costa Mesa

October 19, 2015 – Board Meeting – Burlingame
 October 20, 2015 – Reinstatement Hearing – Burlingame

No Attachment

Closed Session