

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter “the Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held from 9.a.m. to 12 p.m., April 9, 2014 in the Sequoia Room at the Board’s offices at 2420 Del Paso Road, Sacramento, California, 95834. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its offices not later than 5:00 p.m. on April 9, 2014 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7312 and 7334(f) of the Business and Professions Code, and to implement, interpret or make specific Sections 7316(a), 7316(b), 7316(f), 7321.5(d)(2), 7321(d)(5), 7330(d)(3), 7332, 7334, 7336, 7362(b), 7362.5(a), 7362.5(b), 7366 and 7389 of the Business and Professions Code; and Section 3078 of the Labor Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Section 7312 of the Business and Professions Code requires the Board make rules and regulations in aid or furtherance of the Barbering and Cosmetology Act, conduct and administer examinations for licensure and issue licenses to applicants that may be entitled thereto.

Adopt Section 914.1 and 914.2

Section 7334 of the Business and Professions Code allows the Board to issue apprentice licenses in the fields of barbering, cosmetology, esthetics (or skin care), manicuring (or nail care), and electrology. These regulatory proposals will clarify the circumstances under which a person seeking licensure with the Board can participate in the Board’s apprenticeship program.

Amend Section 918

Sections 7332 and 7336 of the Business and Professions Code establish that an apprentice must train under the supervision and employment of a Board licensee. This

regulatory proposal sets a limit for the number of apprentices a Board licensee can supervise at any given time.

Amend Sections 921, 921.1 and 921.2

Section 7334(f) of the Business and Professions Code mandates that apprentices complete at least the minimum number of instructional hours required of students in barbering, cosmetology and electrology schools; Sections 7316(a), 7316(b) and 7316(f) of the Business and Professions Code define the practice of barbering, cosmetology and electrology; Sections 7321(d)(2), 7321.5(d)(5) and 7330(d)(3) allow apprentices in barbering, cosmetology and electrology to sit for the Board's examinations; Section 7362(b) of the Business and Professions Code mandates that the Board set in regulation the curriculums for barbering, cosmetology and electrology schools; Section Sections 7362.5(a), 7362.5(b), and 7366 set the minimum number of hours for barbering, cosmetology and electrology curriculums; Section 7389 requires that schools teach a Board-approved health and safety course on hazardous substances; Section 3078 of the Labor Code requires apprenticeship agreements describe the number of hours and subject matter. The current apprenticeship curriculums are no longer consistent with school curriculums, as required under Section 7334(f) of the Business and Professions Code, because of changes to the school curriculums that have been adopted by the Board in recent years. This regulatory proposal will restore parity between school and apprentice curriculums.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Under Sections 7321(d)(5), 7321.5(d)(5) and 7330(d)(3) of the Business and Professions Code, the Board is required to admit persons who have completed a Board-approved apprenticeship in cosmetology, barbering and electrology to the licensing examination, provided they meet certain age and academic requirements. This regulatory proposal will close loopholes that have led to abuses of the apprenticeship program. It will also restore parity between apprenticeship and school curriculums.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review of regulations that relate to or affect this area, the Board has determined that this regulatory proposal is not inconsistent or incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not affect small businesses because they are revisions of an existing program and educational requirements that have no associated economic cost .

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by curtailing abuses of the apprenticeship program and improving the education and skills of barbers, cosmetologists and electrologists in California.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has

available all the information upon which the proposal is based.

TEXT OF PROPOSAL

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

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

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

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

CONTACT PERSON

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

Name: Kevin Flanagan
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone No.: (916) 575-7100
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The backup contact person is:

Name: Debra Brown
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Website Access: Materials regarding this proposal can be found at http://www.barbercosmo.ca.gov/laws_reqs/prop_reqs.shtml