

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 at the following time, date and location:

Thursday, August 1, 2013

10:00 a.m.

Board of Barbering and Cosmetology
Sequoia Room
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 office not later than 5:00 p.m. on Thursday, August 1, 2013, 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 Section 7312 of the Business and Professions Code, and to implement, interpret or make specific Sections 7362.1, 7362. 2, 7362.3 of said 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

Amend Section 940.

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. Sections 7362.1, 7362.2 and 7362.3 mandate that schools of barbering, cosmetology (which encompasses hairstyling, esthetics and nail care) and electrology possess the equipment necessary to properly train a certain minimum number of students. This statutory mandate requires that the Board define in regulation what minimum level of equipment is necessary. This regulatory proposal would update the existing minimum level of equipment required at cosmetology schools to reflect a changing industry and, for the first time, define the minimum level of equipment necessary at barbering and electrology schools.

B. Policy Statement Overview/Anticipated Benefits of Proposal

For many years, the Board has specifically defined the minimum equipment necessary for cosmetology schools, but offered only recommendations for equipment at barbering schools and no equipment requirements or recommendations at all at electrology schools. While the state's 26 barbering and two electrology schools have historically provided sufficient equipment to meet their students' needs, the Board is concerned that failure to define the minimum equipment level could lead to some barbering and electrology students being poorly trained in the use of equipment typically used in their chosen profession, as well as create an unfair disadvantage between schools that follow the Board requirements/recommendations and schools that do not. This regulatory proposal would avoid those pitfalls and help ensure the success of both students and schools.

C. Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is neither inconsistent nor 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. While there is a cost involved for new schools (from approximately \$3,000 for a barber school to \$17,000 for an electrology school, based on typical equipment prices), the Board has determined that California's existing schools would be unaffected because they are already either following the minimum requirements or recommendations, or surpassing them. Moreover, given that barbering and cosmetology services rely on the use of specialized tools and equipment, the Board has determined it is unlikely that a school without proper equipment to teach students would be able to successfully compete with schools that do, either in California or other states.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily

incur in reasonable compliance with the proposed action and that are known to the Board are:

- \$7,000 for a new school of cosmetology.
- \$3,000 for a new school of barbering.
- \$17,000 for a new school of electrology.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that although these regulations will affect small businesses, the cost of school equipment will be easily absorbed, and should not affect existing small businesses at all, because they already either follow or exceed the regulations voluntarily. Moreover, all of the equipment required under these regulations is necessary for the successful operation of a barbering, cosmetology and electrology schools. A school without this equipment would be unable to train students properly.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on 1) the creation of jobs or new businesses in California; or 2) the elimination of jobs or existing businesses in California; or 3) the expansion of businesses in California. This is because any new barbering, cosmetology or electrology schools would need to purchase the equipment listed in this regulatory proposal in order to operate successfully and fulfill existing statutory and regulatory requirements for training applicants for licensure.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

While this regulation holds no benefit for the environment, it is to the benefit of worker and public safety that people entering the barbering, cosmetology and electrology fields be familiar with the specialized equipment they will use to perform services and maintain proper health and safety standards.

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
Fax No.:	(916) 928-6810
E-Mail Address:	Kevin.Flanagan@dca.ca.gov

The backup contact person is:

Name:	Debra Brown
Address:	2420 Del Paso Road, Suite 100 Sacramento, CA 95834
Telephone No.:	(916) 575-7100
Fax No.:	(916) 928-6810
E-Mail Address:	Debra.Brown@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.barbercosmo.ca.gov/laws_regs/prop_regs.shtml.