

**DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16, DIVISION 9  
BOARD OF BARBERING AND COSMETOLOGY**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
Pre-Apprentice Training**

**NOTICE IS HEREBY GIVEN** that the Board of Barbering and Cosmetology (hereafter Board) is proposing to amend California Code of Regulations (CCR), Title 16, Division 9, Section 917 as described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the action proposed, 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 no later than **by Monday, December 16, 2024**, or must be received by the Board at the hearing, should one be scheduled.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Section 7312 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section 7334, the Board is considering amending section 917 of title 16 of the CCR.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Board of Barbering and Cosmetology (Board) licenses and regulates barbers, cosmetologists, manicurists, estheticians, hairstylists, electrologists, barber apprentices, cosmetology apprentices, electrology apprentices, and the establishments where they work in California, totaling over 58,000 establishments and over 581,000 individuals. In addition to licensing individuals and establishments, the Board shares joint oversight over apprenticeship program sponsors along with the Division of Apprenticeship Standards (DAS) and Local Education Agency (LEA) pursuant to Business and Professions Code section 7333. Program sponsors act as the school and point of contact for apprentices and provide related training classes for apprentices.

It is the Board’s duty to enforce and administer the Barbering and Cosmetology Act (Chapter 10 (commencing with section 7300) of Division 3 of the Business and Professions Code (BPC)) (Act). The Board is authorized to make rules and regulations in aid or in furtherance of the Act in accordance with the Administrative Procedure Act. (BPC § 7312.)

Prior to 2022, the Act and the Board’s accompanying regulation at CCR 917 provided that in addition to meeting other requirements, to become a licensed apprentice, applicants had to complete a minimum of 39 hours of pre-apprentice training in a facility approved by the Board prior to serving the general public. (BPC §§ 7334(c) and (d), as enacted by Stats. 2003, Ch. 788 (SB 362), and existing CCR section 917.)

In the Board’s 2018 Sunset Review report, it was noted that problems existed for those attempting to obtain the required pre-apprentice training at schools and the Board proposed statutory changes to this current requirement to allow the Board the option to develop its own online training. Senate Bill 803 (SB 803 -- (Chapter 648, Statutes of 2021)) was enacted in 2021 and made changes to BPC section 7334(c) in response to these concerns relevant to pre-apprentice training for the barbering profession only. In 2023, Assembly Bill (AB) 2196 (Chapter 527, Statutes of 2022) was enacted, which among other things, amended BPC section 7334 and required that pre-apprentice training for all applicable apprenticeship programs (barbering, cosmetology, skin care, nail care, or electrology) be “administered by the board for the length of time established by the board” prior to serving the general public.

The Board’s current regulation at CCR 917 does not address the content of pre-apprentice training administered by the Board, how the Board would administer such training or the process and procedures an applicant for apprentice licensure would need to follow to show satisfactory completion of this requirement in accordance with BPC section 7334. This proposal would establish those standards. The Board is also proposing to amend CCR 917 to reduce the current thirty-nine hours of instruction in specified subjects to two hours. The current proposal would retain existing pre-apprentice training subject matter requirements but would further define the meaning of “basic patron protection and sanitation and disinfection procedures” training as specified in the proposal.

The proposed amendments and additions to Section 917 are to specify the minimum hours of pre-apprentice training, the timeframe in which the applicant for licensure as an apprentice shall complete the training, what topics the training will cover, how the applicant shall register and complete the training with the Board, how the Board will administer the training, and what the applicant will be provided with upon completion of the training program. The section is also being amended to make non-substantive, technical changes to adopt subdivision numbers to increase readability and make it easier for subdivisions to be referenced.

### **Anticipated Benefits of Proposal**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, and worker safety.

The Board has determined that the regulatory proposal will explain how the Board will administer the required pre-apprentice training and what applicants for licensure as an apprentice can expect to receive from completing the online training course. This will help ensure that applicants for licensure as an apprentice intending to enroll in an

apprenticeship program do not incur unnecessary costs and expenses charged by apprenticeship sponsors. This will also strengthen protection of public health and welfare and worker safety as the Board can ensure that applicants receive more effective training on the laws and regulations of the Board and basic patron protection and sanitation and disinfection procedures.

This regulatory proposal will benefit the health and welfare of California residents by ensuring that apprentice applicants receive instruction in the laws and regulations of the Board, basic patron protection and sanitation, and disinfection procedures. This would help ensure that individuals are knowledgeable and prepared for their work as a licensee for the protection of the public. This proposal also helps ensure that applicants and do not inadvertently incur unnecessary costs and expenses from sponsors charging for the pre-apprentice training.

This regulatory proposal strengthens worker safety because it provides applicants for licensure as apprentices with current information on sanitation and disinfection procedures as well as resources to other government agencies that may be beneficial to their safety when using hazardous chemicals, such as the California Division of Occupational Safety and Health.

This regulatory proposal does not affect the state's environment because it does not involve the environment. The regulation only concerns pre-apprentice training and helping ensure that individuals are prepared prior to enrolling in an apprenticeship program.

### **Evaluation of Consistency and Compatibility with Existing State Regulations**

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

## **DISCLOSURES REGARDING THIS PROPOSED ACTION FISCAL IMPACT ESTIMATES**

### **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The regulations result in one-time costs of approximately \$31,000 to develop and post the online training module on the Board's website.

Additionally, the Board will be required to pay \$2 per individual to register and take the online training module. The Board estimates up to 2,300 individuals will register per year, which will result in ongoing costs of \$4,600 per year and up to \$46,000 over a ten-year period.

The regulations do not result in costs or savings in federal funding to the state.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement:** None.

**Mandate Imposed on Local Agencies or School Districts:** None.

**Significant Effect on Housing Costs:** None.

### **BUSINESS IMPACT ESTIMATES**

The Board has made the 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.

This initial determination is based on the following facts:

The proposed online pre-apprentice training program is offered free of charge to applicants as the Board is not authorized to charge a fee for providing this training to applicants. The requirements that were removed from BPC section 7334 for applicants to take pre-apprenticeship training “in a facility approved by the board” and instead added a new requirement that an applicant take training administered by this Board was legislatively determined by AB 2196 with amendments to BPC section 7334.

The Board notes, applicants are currently required to pay up to \$2,500 per pre-apprenticeship training course, which results in annual costs to individuals (2,300) of approximately \$5.75 million per year with corresponding tuition fee revenues to training providers.

The Board further notes, any economic impacts, including costs (savings) or decreased revenues, are a result of current law and not this regulatory proposal.

This proposal also does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses.

As a result, the regulations do not result in business impacts to the state. Any economic impacts, including costs, savings, or decreased revenues are a result of current law.

### **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.

As described under the “Business Impact Estimates” section of this Notice, the proposed online pre-apprentice training program is offered free of charge to applicants. The requirements that were removed from BPC section 7334 for applicants to take pre-apprenticeship training “in a facility approved by the board” and instead added a new

requirement that an applicant take training administered by this Board was legislatively determined by AB 2196 with amendments to BPC section 7334.

The Board notes, applicants are currently required to pay up to \$2,500 per pre-apprenticeship training course, which results in annual costs to individuals (2,300) of approximately \$5.75 million per year with corresponding tuition fee revenues to training providers.

The Board further notes, any economic impacts, including costs (savings) or decreased revenues, are a result of current law and not this regulatory proposal.

## **RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

### **Impact on Jobs/Businesses:**

The Board has determined that this regulatory proposal will not have any impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state,
- 3) the expansion of businesses currently doing business within the state.

### **Benefits of Regulation:**

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

- Ensuring that apprentice applicants receive instruction in the laws and regulations of the Board, basic patron protection and sanitation, and disinfection procedures in the most effective manner possible. Knowledge of these topics will improve the health and welfare of consumers as this would help ensure that individuals are prepared for their work as a licensee.
- Helping ensure that apprentices do not inadvertently incur unnecessary costs and expenses from sponsors charging for the pre-apprentice training.
- Strengthening worker safety because it provides applicants for licensure as apprentices with current information on sanitation and disinfection procedures as well as resources to other government agencies that may be beneficial to their safety when handling hazardous chemicals, such as the California Division of Occupational Safety and Health.

This regulatory proposal does not affect the state's environment because it does not involve the environment. The regulation only concerns pre-apprentice training and ensuring that individuals are prepared prior to enrolling in an apprenticeship program.

## **Business Reporting Requirements**

The regulatory action does not require businesses to file a report with the Board.

## **Effect on Small Business**

The Board has determined that the proposed regulations will not affect small businesses. Although small businesses owned by licensees of the Board may be impacted the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

However, to the extent that a licensee owns a small business, the proposed online pre-apprentice training program is offered free of charge to applicants as the Board is not authorized to charge a fee for providing this training to applicants. The requirements that were removed from BPC section 7334 for applicants to take pre-apprenticeship training “in a facility approved by the board” and instead added a new requirement that an applicant take training administered by this Board was legislatively determined by AB 2196 with amendments to BPC section 7334.

The Board notes, applicants are currently required to pay up to \$2,500 per pre-apprenticeship training course, which results in annual costs to individuals (2,300) of approximately \$5.75 million per year with corresponding tuition fee revenues to training providers.

The Board further notes, any economic impacts, including costs (savings) or decreased revenues, are a result of current law and not this regulatory proposal.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), 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 submit comments to the Board in writing relevant to the above determinations at 1625 N. Market Blvd., Suite 202, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

## **AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

## **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 upon request from the Board, at 1625 N. Market Blvd., Suite 202, Sacramento, California 95834.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request 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, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

## **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 Persons named below or by accessing the website listed below.

## **CONTACT PERSONS**

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

Name: Jennifer Huetter  
Address: 1625 N. Market Blvd., Ste 202  
Sacramento, CA 95834  
Telephone No.: (279) 278-5098  
Fax No.: (916) 928-6810  
E-Mail Address: [Jennifer.Huetter@dca.ca.gov](mailto:Jennifer.Huetter@dca.ca.gov)

The backup contact person is:

Name: Allison Lee  
Address: 1625 N. Market Blvd., Ste 202  
Sacramento, CA 95834  
Telephone No.: (279) 278-5107  
Fax No.: (916) 928-6810  
E-Mail Address: [Allison.Lee@dca.ca.gov](mailto:Allison.Lee@dca.ca.gov)



## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Board's website at [http://www.barbercosmo.ca.gov/laws\\_regs/prop\\_regs.shtml](http://www.barbercosmo.ca.gov/laws_regs/prop_regs.shtml).