

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



JANUARY 11, 2013
Board Meeting
Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room S-102
Sacramento, CA 95834



Christie Truc Tran, Industry
Member, President

Joseph Federico, Industry Member,
Vice President

Wen Ling Cheng, Public
Member

Deedee Crossett, Industry Member

Katie Dawson, Public Member

Richard Hedges, Public
Member

Frank Lloyd, Public
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

Friday, January 11, 2013

11:00 A.M. – 5:00 P.M.

Or until completion of business

Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room S-102, 1st Floor
Sacramento, CA 95834

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call (**Christie Truc Tran**)
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 (**Christie Truc Tran**)
4. Annual Election of Officers
5. Appointment of Committee Members
6. Executive Officer Report (**Kristy Underwood**)
 - Review of Board Statistics
7. Approval of Board Meeting Minutes
 - October 22, 2012
8. Update on Sunset Review
9. Discussion on Lash/Brow Tinting

California State Board of Barbering and Cosmetology

10. Enforcement Committee Update

- Discussion and Recommendation on Revisions for Title 16, Division 9, Article 12 of the California Code of Regulations that relates to Health and Safety Requirements

11. School Oversight

- Discussion and Recommendation on Minimum Equipment for Schools
- Discussion on the Process for Inspection of Schools

12. Agenda Items for Next Meeting

13. 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)]*

14. Closed Session to Discuss Enforcement Case

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

15. 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



State and Consumer Services Agency – Governor Edmund G. Brown Jr.
Board of Barbering and Cosmetology-Department of Consumer Affairs
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BOARD COMMITTEES

LICENSING AND EXAMINATION COMMITTEE

The purpose of the Licensing and Examination Committee is to advise the Board on policy matters relating to the examining and licensing of individuals who want to practice barbering and cosmetology in California. The committee may also provide information and recommendations to the Board on issues relating to curriculum and school approval, exam appeals, laws and regulations.

ENFORCEMENT AND INSPECTIONS COMMITTEE

The purpose of the Enforcement and Inspections Committee is to advise the Board on policy matters that relate to protecting the health and safety of consumers. This includes recommendations on how inspections are conducted, the types of violations issued, maintenance of disciplinary guidelines, and other recommendations on the enforcement of the Board's statutes and regulations.

LEGISLATIVE AND BUDGET COMMITTEE

The purpose of the Legislative and Budget Committee is to review and track legislation that affects the Board and recommends positions on legislation. Provides information and recommendations to the Board on potential policy matters relating to the budget.

EDUCATION AND OUTREACH COMMITTEE

The purpose of the Education and Outreach Committee is to provide recommendations to the Board on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines, attending trade shows.

DISCIPLINARY REVIEW COMMITTEE

The purpose of the Disciplinary Review Committee is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citation including any fine. The Board President shall annually appoint members of the committee, the appointments will be made concurrently with the annual election of officers. The Board President shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.

**Quarterly Barbering and Cosmetology
Licensing Statistics
Fiscal Year 12/13**

Applications Received

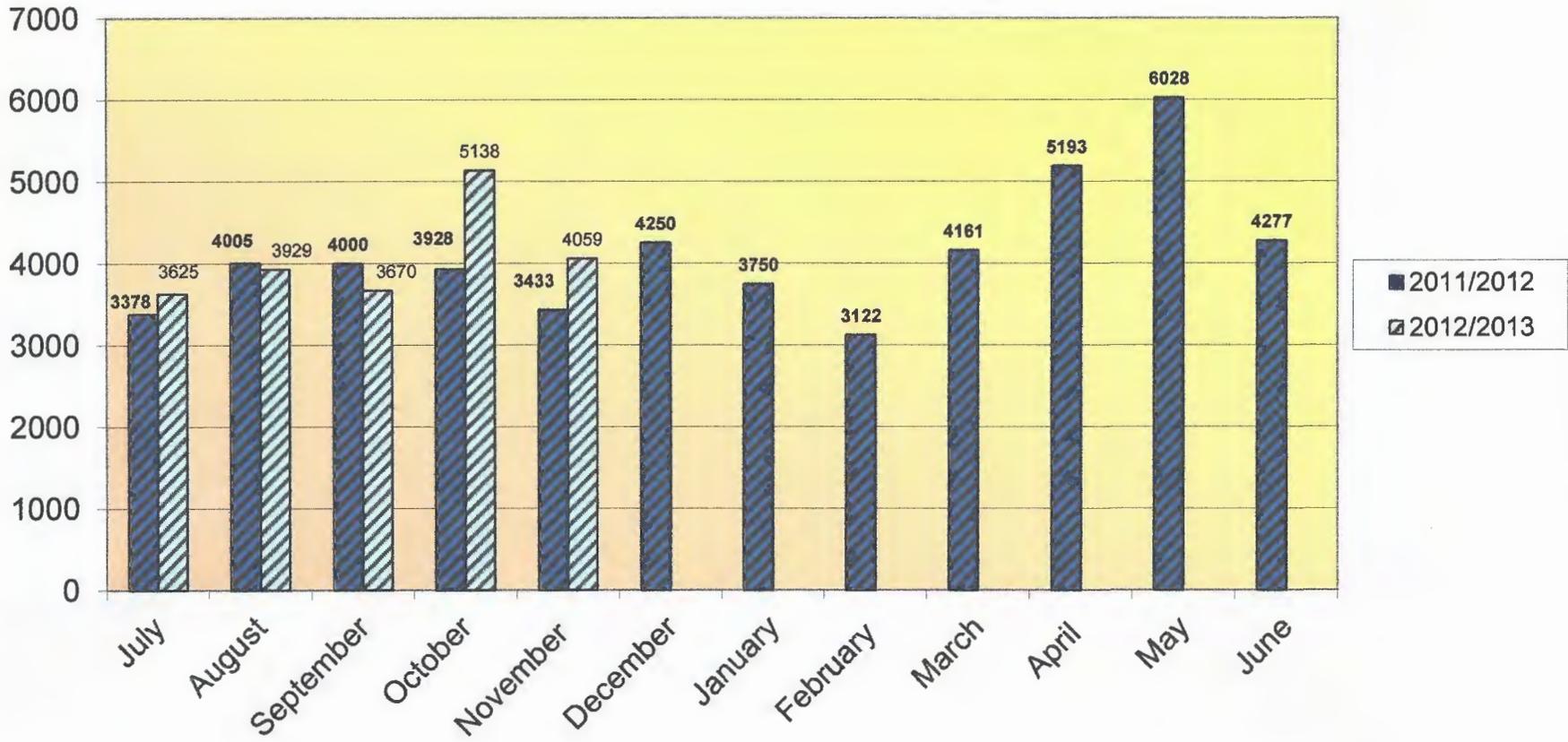
	Jul-Sept	Oct-Dec*	Jan- Mar	Apr-June	YTD*
Establishment	1,497	1,082			2,579
Barber	499	413			912
Barber Apprentice	69	64			133
Cosmetology	5,448	4,629			10,077
Cosmetology Apprentice	85	94			179
Electrology	8	7			15
Manicuring	1,978	1,613			3,591
Esthetician	1,640	1,295			2,935
Total	11,224	9,197	0	0	20,421

Licenses Issued

	Jul-Sept	Oct-Dec*	Jan- Mar	Apr-June	YTD*
Establishment	1,834	869			2,703
Mobile Unit	0	2			2
Barber	416	231			647
Barber Apprentice	61	40			101
Cosmetology	3,118	2,022			5,140
Cosmetology Apprentice	85	79			164
Electrology	7	7			14
Electrology Apprentice	0	0			1
Manicuring	1,346	760			2,106
Esthetician	1,356	709			2,065
Total	8,223	4,719	0	0	12,943

* Data is for Oct-Nov. only

Number of Applications Received



Examination Results (September 1, 2012- November 30, 2012)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate	*DNA
Barber	396	94	490	81%	136
Cosmetologist	3,568	574	4,142	86%	641
Esthetician	5	1	6	83%	1
Electrologist	1,196	131	1,327	90%	117
Manicurist	1,281	182	1,463	88%	128
TOTAL	6,446	982	7,428	87%	1,023

* Did Not Attend

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	355	88	443	80%
Spanish	29	6	35	83%
Vietnamese	11	4	15	73%
Korean	0	1	1	0%
TOTAL	395	99	493	80%

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,637	1,834	4,471	59%
Spanish	120	263	383	31%
Vietnamese	244	177	421	58%
Korean	21	7	28	75%
TOTAL	3,001	2,274	5,275	57%

Manicurist	Passed	Failed	Total	Pass Rate
English	291	156	447	65%
Spanish	12	7	19	63%
Vietnamese	912	252	1,164	78%
Korean	10	1	11	91%
TOTAL	1,215	416	1,630	75%

Esthetician	Passed	Failed	Total	Pass Rate
English	788	202	990	80%
Spanish	1	5	6	17%
Vietnamese	370	126	496	75%
Korean	4	4	8	50%
TOTAL	1,163	337	1,492	78%

Electrologist	Passed	Failed	Total	Pass Rate
English	4	1	5	80%
Spanish	0	0	0	0%
Vietnamese	0	0	0	0%
Korean	0	0	0	0%
TOTAL	4	1	5	80%



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

Fiscal Year 12-13

Report Date: November 30, 2012

	October - November	YTD
NORTHERN		
Heard	169	339
Received	155	464
Pending ¹	897	897 ²
SOUTHERN		
Heard	254	883
Received	433	1,009
Pending ¹	1,885	1,885 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.

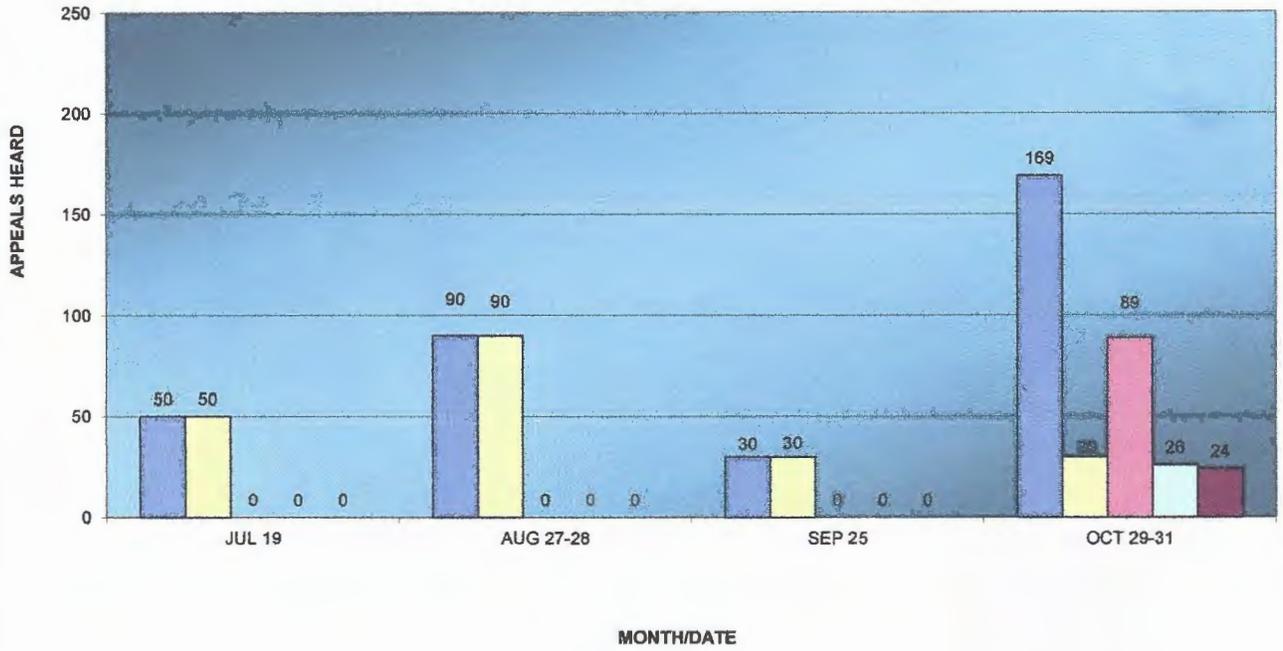
2012 SCHEDULED HEARINGS

Area	Location	Date
Southern	Los Angeles	December 18-20, 2012

2013 SCHEDULED HEARINGS

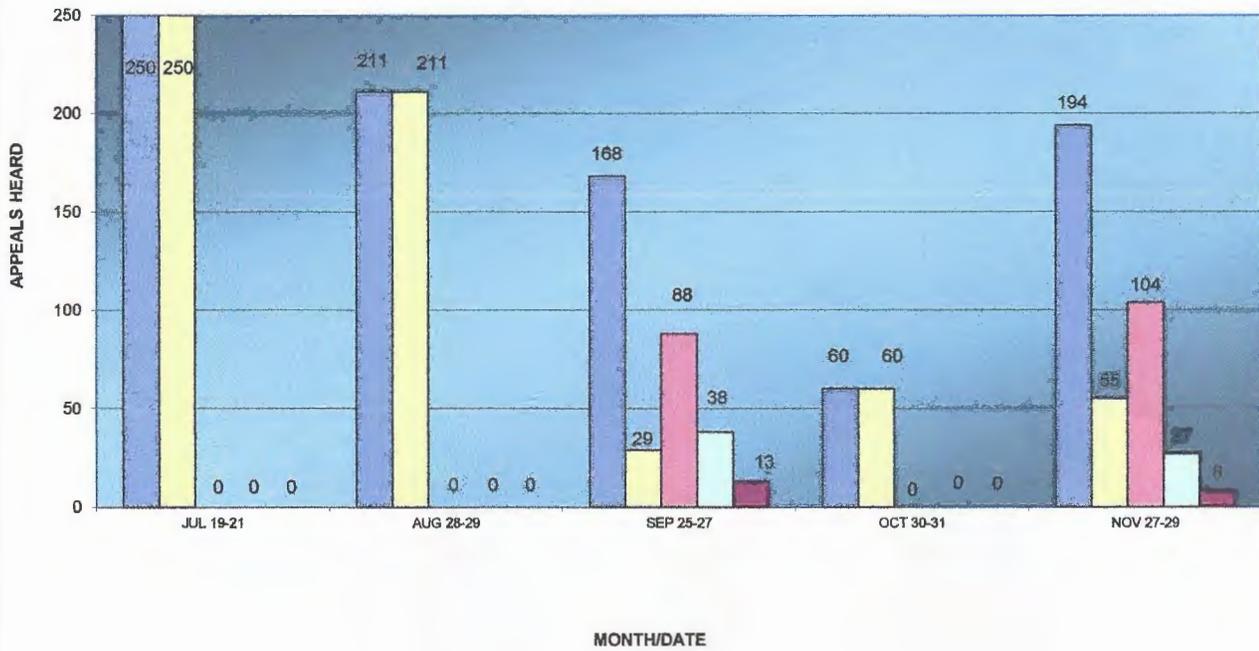
Northern	Sacramento	January 08-10, 2013
Southern	Norwalk	February 19-21, 2013
Southern	Los Angeles	March 26-28, 2013
Northern	Sacramento	April 22-24, 2013
Southern	San Diego	May 14-16, 2013
Southern	Los Angeles	June 25-27, 2013

NORTHERN DRC HEARINGS (Fiscal Year 12-13)

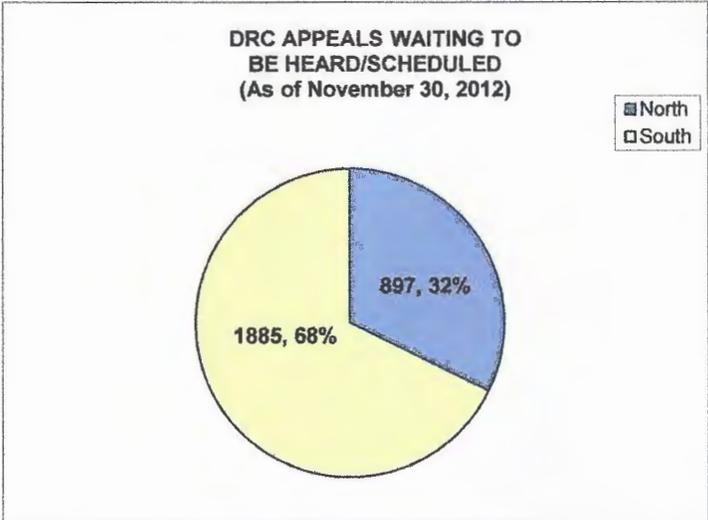
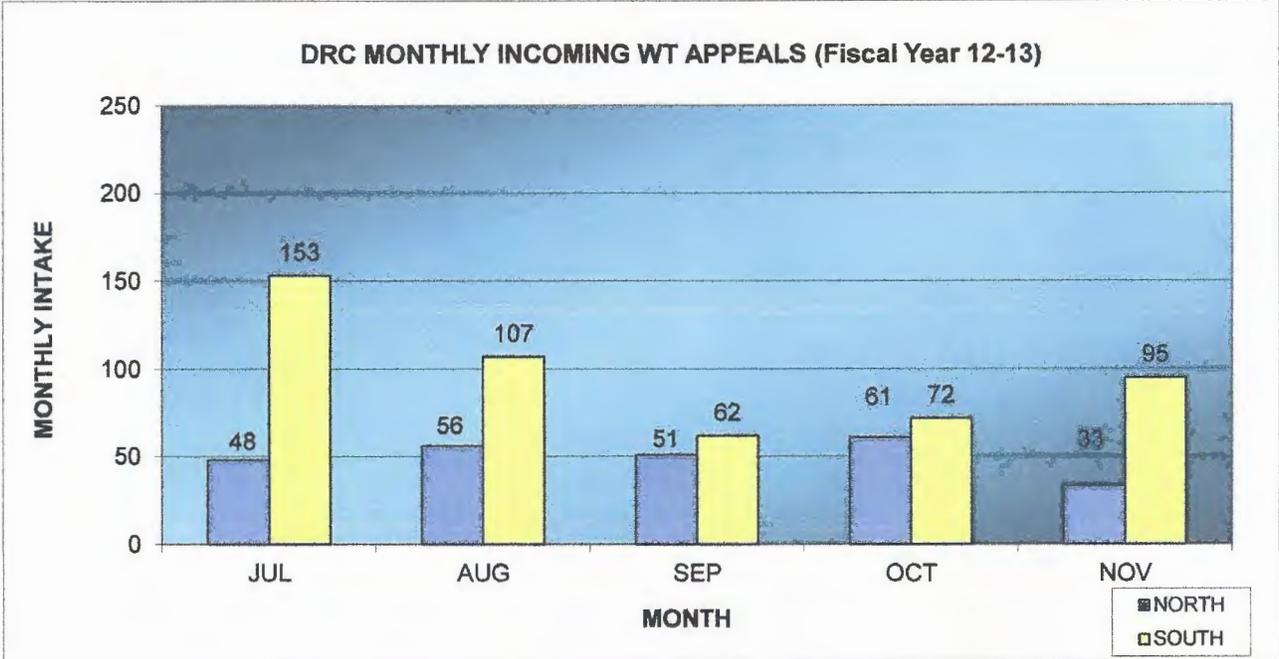
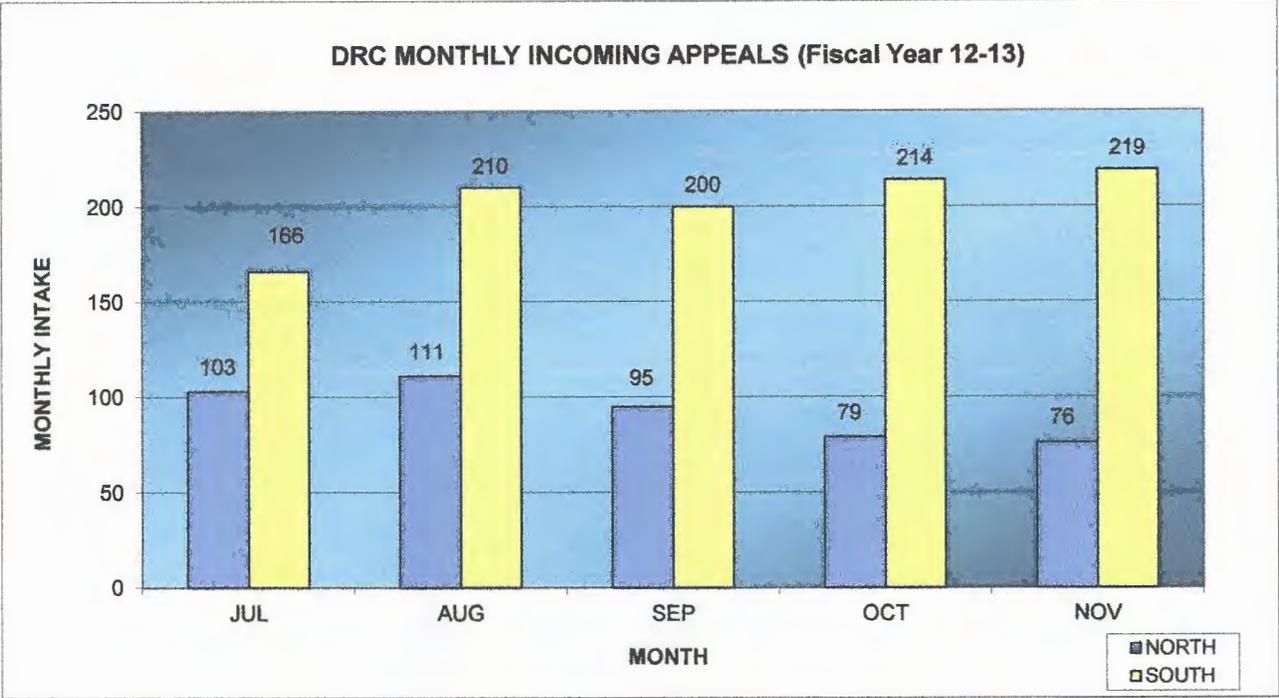


■ SCHEDULED □ W/T ■ APPEARED □ DEFAULTS ■ WITHDRAWN

SOUTHERN DRC HEARINGS (Fiscal Year 12-13)



■ SCHEDULED □ W/T ■ APPEARED □ DEFAULTS ■ WITHDRAWN



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

Agenda Item #6

	Jul-Sept	Oct-Dec**	Jan- Mar	Apr-Jun	YTD*
COMPLAINTS					
Complaints Received	845	508	0	0	1353
Referred to DOI	9	11	0	0	20
Complaints Closed	813	527	0	0	1340
Total Complaints Pending	853	910	0	0	910
APPLICATION INVESTIGATIONS					
Received	435	327	0	0	762
Pending	66	94	0	0	94
Closed	420	298	0	0	718
ATTORNEY GENERAL					
Referred	28	13	0	0	41
Accusations Filed	10	13	0	0	23
Statement of Issues Filed	1	1	0	0	2
Total Pending	107	104	0	0	104
DISCIPLINARY PROCESS					
Proposed Decisions	6	5			11
Default Decision	3	2			5
Stipulation	9	8			17
DISCIPLINARY OUTCOMES					
Revocation	8	9	0	0	17
Revoke, Stay, Probation	4	6	0	0	10
Revoke, Stay, Suspend/Prob	7	2	0	0	9
Revocation, Stay w/ Suspend	0	0	0	0	0
Probation Only	0	0	0	0	0
Suspension Only	0	0	0	0	0
Suspension & Probation	0	0	0	0	0
Suspension, Stay, Probation	5	4	0	0	9
Surrender of License	0	1	0	0	1
Public Reprimands	0	0	0	0	0
License Denied	2	0	0	0	2
Other	0	0	0	0	0
Total	26	22	0	0	48
PROBATION					
Active	164	151	0	0	151
	Jul-Sept	Oct-Dec***	Jan- Mar	Apr-Jun	YTD
CITATIONS					
Establishments	2421	923			3344
Barber	142	59			201
Barber Apprentice	10	2			12
Cosmetologist	825	283			1108
Cosmetologist Apprentice	10	5			15
Electrologist	0	0			0
Electrologist Apprentice	0	0			0
Manicurist	594	248			842
Esthetician	63	23			86
Unlicensed Est.	96	34			130
Unlicensed Individual	128	65			193
Total	4289	1642			5931
INSPECTIONS					
Establishments w/ violations	2408	917			3325
Establishments w/o violations	328	116			444
Total	2736	1033			3769

** October -December Statistics Include October and November

*** October -December Statistics Include October Only



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Budget Updates

Constraints:

On April 26, 2011, the Governor issued an Executive Order B-06-11 ordering No travel, either in state or out-of-state, is permitted unless it is mission critical or there is no cost to the state. The board prepared a reduction plan for FY 2011-12. The plan included eliminating the attendance to all outreach events and two (2) staff members will be traveling to conduct the scheduled disciplinary review hearings in Southern CA. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

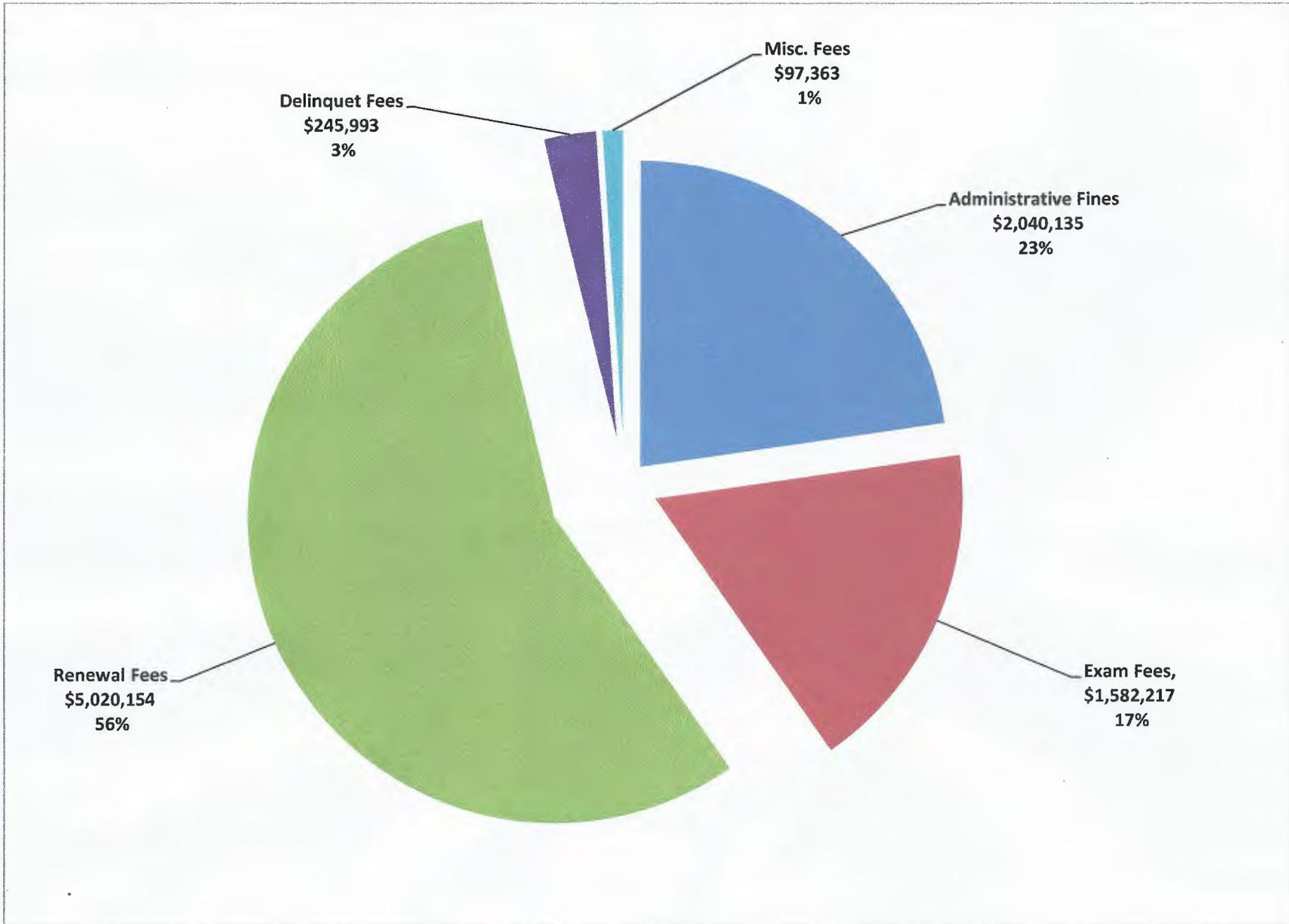
1. Budget 2012/13 Fiscal Year (July 2012 - June 2013):

Chart 1 displays the revenues received as of October 31, 2012.

Chart 2 displays the expenditures as of October 31, 2012.

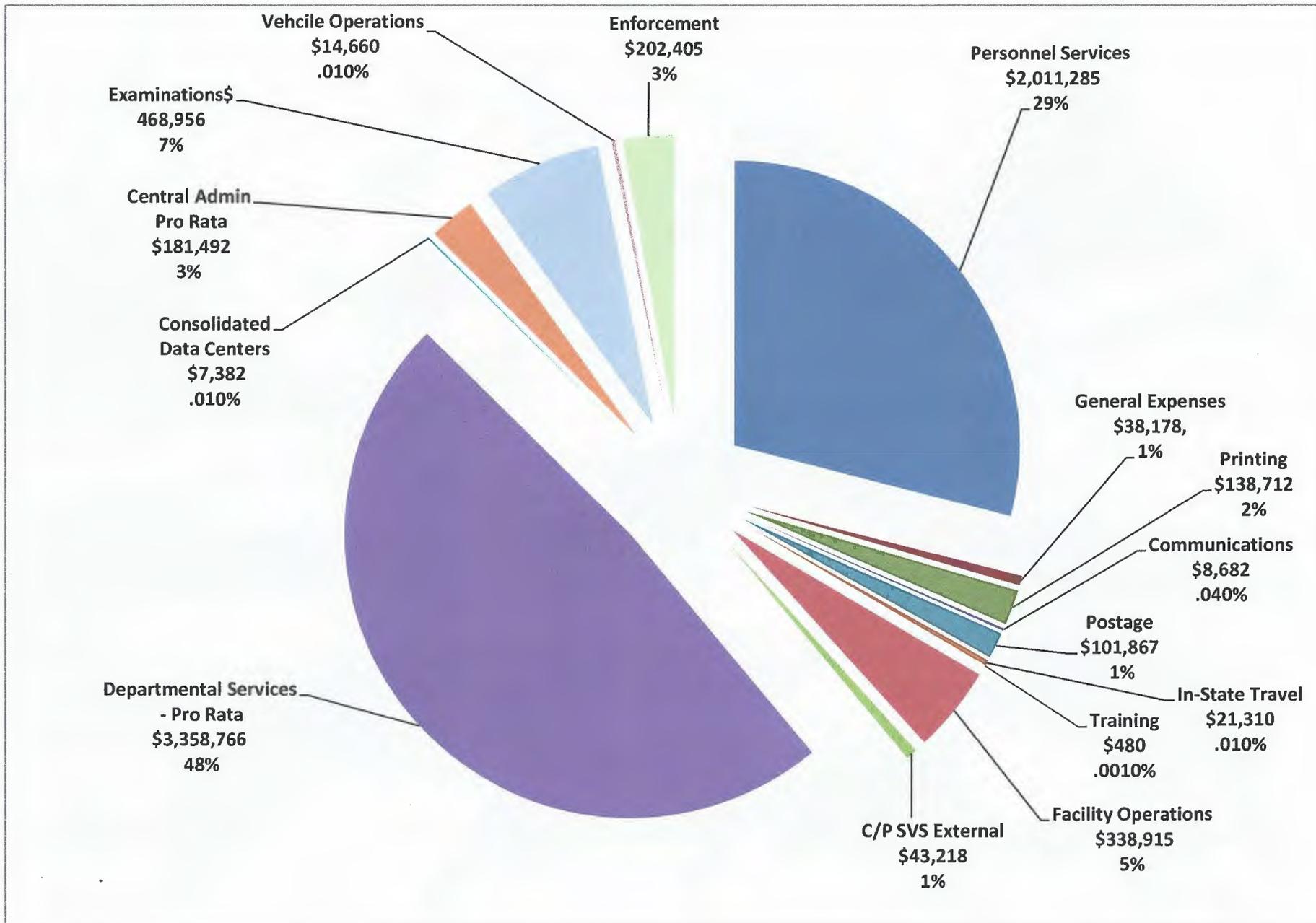
Attachment 3 displays projected expenditures for end of the year.

Monthly Budget Report (12/13 FY)
Revenues
(As of 10/31/12)



Revenues as of 10/31/12
\$8,985,862

**Monthly Budget Report (12/13FY)
Expenditures
(As of 10/31/12)**



**Expenditures as of 10/31/12
\$6,936,308**

Board of Barbering and Cosmetology
Fiscal Year 2012/2013
Projected Expenditures 10/30/30/12

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,116,523	3,723,645	392,878
Expert Examiners	452,554	464,259	(11,705)
Temporary	0	100,000	(100,000)
Statutory-Exempt	103,367	103,308	59
Board Member Commission	0	10,000	(10,000)
Overtime	0	15,000	(15,000)
Total Salary & Wages	4,672,444	4,416,212	256,232
Salary Savings	(339,491)	0	(339,491)
5% Salaray Savings	0	141,000	(278,460)
Net Salary & Wages	4,332,953	4,557,212	(224,259)
Staff Benefits	1,955,242	1,955,242	0
Total of Personnel Servies	6,288,195	6,512,454	(224,259)
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	194,565	153,000	41,565
Printing	170,413	160,000	10,413
Communication	99,605	28,000	71,605
Postage	285,384	200,000	85,384
Insurance	4,489	2,027	2,462
Travel In State	82,789	50,000	32,789
Travel, Out-of-State	0	0	0
Training	24,513	3,000	21,513
Facilities Operations	1,288,599	900,000	388,599
Consultant & Professional Svs. - Interdept.	125,781	15,000	110,781
Consultant & Professional Svs. - External	509,947	75,191	434,756
Depart. and Central Admin. Services	6,717,534	6,700,000	17,534
Consolidated Data Center	70,088	25,000	45,088
Examinations	1,394,177	1,819,961	(425,784)
Major Equipment	32,000	32,000	0
Minor Equipment	113,000	50,000	63,000
Data Processing	0	0	0
Other Items of Expense	7,288	72,000	(64,712)
Vehicle Operations	14,772	70,000	(55,228)
Enforcement	1,612,834	1,600,000	12,834
Special Items of Expenses	0	0	0
Required OE&OSavings		171,022	(171,022)
Total Operating Expenses & Equipment	12,747,778	12,126,201	621,577
Total reimbursements	(57,000)		(57,000)
Total	18,978,973	18,638,655	564,577

0069 - Barbering and Cosmetology Analysis of Fund Condition

Prepared 4/26/12

(Dollars in Thousands)

NOTE: \$10 Million General Fund Repayment Outstanding

2012-13 Governor's Budget

	GOVERNOR'S BUDGET				
	Actual 2009-10	Actual 2010-11	CY 2011-12	BY 2012-13	BY+1 2013-14
BEGINNING BALANCE	\$ 6,066	\$ 10,104	\$ 15,985	\$ 8,174	\$ 10,115
Prior Year Adjustment	\$ 179	\$ -55	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 6,245	\$ 10,049	\$ 15,985	\$ 8,174	\$ 10,115
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 3,994	\$ 4,939	\$ 4,447	\$ 4,625	\$ 4,625
125700 Other regulatory licenses and permits	\$ 4,604	\$ 4,845	\$ 5,038	\$ 5,240	\$ 5,240
125800 Renewal fees	\$ 9,890	\$ 10,434	\$ 10,851	\$ 11,285	\$ 11,285
125900 Delinquent fees	\$ 660	\$ 728	\$ 757	\$ 788	\$ 788
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 65	\$ 60	\$ 190	\$ 100	\$ 116
150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ 1	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 25	\$ 19	\$ 19	\$ 19	\$ 19
161400 Miscellaneous revenues	\$ 9	\$ 9	\$ 7	\$ 7	\$ 7
Totals, Revenues	\$ 19,248	\$ 21,034	\$ 21,309	\$ 22,064	\$ 22,080
Transfers from Other Funds					
Proposed GF Loan Repayment			\$ -11,000		
Transfers to Other Funds					
Proposed GF Loan					
Totals, Revenues and Transfers	\$ 19,248	\$ 21,034	\$ 10,309	\$ 22,064	\$ 22,080
Totals, Resources	\$ 25,493	\$ 31,083	\$ 26,294	\$ 30,238	\$ 32,195
EXPENDITURES					
Disbursements:					
0840 State Controller (State Operations)	\$ 11	\$ 27	\$ 19	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 15,378	\$ 15,060	\$ 18,023	\$ 20,084	\$ 20,486
1111 Program Expenditures (State Operations)					
8880 Financial Information System for California (State Ops)	\$ -	\$ 11	\$ 78	\$ 39	\$ -
9670 Equity Claims / Board of Control (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 15,389	\$ 15,098	\$ 18,120	\$ 20,123	\$ 20,486
FUND BALANCE					
Reserve for economic uncertainties	\$ 10,104	\$ 15,985	\$ 8,174	\$ 10,115	\$ 11,709
Months in Reserve	8.0	12.7	4.9	5.9	6.7

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
- B. INTEREST ON FUND ESTIMATED AT 1%
- C. ASSUMES APPROPRIATION GROWTH OF 2% IN FY12-13 AND ONGOING



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FY 12-13 Outreach/Industry Events

- None

On April 26, 2011, the Governor issued an Executive Order B-06-11 ordering No travel, either in state or out-of-state, is permitted unless it is a mission critical or there is no cost to the state.



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**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY
MINUTES OF OCTOBER 22, 2012**

**Paul Mitchell The School
3300 Hyland Avenue, Suite J
Costa Mesa, CA 92626**

BOARD MEMBERS PRESENT

Christie Truc Tran, President
Joseph Federico, Vice President
Deedee Crossett
Frank Lloyd
Richard Hedges
Katie Dawson

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Gary Duke, Legal Counsel
Tandra Guess, Executive Analyst

Members Absent:

Wen Ling Cheng

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

Ms. Tran called the meeting to order at 10:00 a.m. She welcomed the attendees to the meeting. The Board members introduced themselves.

2. Agenda Item, #2, 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 (a)]

Cesar Santiesteban asked why there were no active barbers on the Board. Ms. Underwood stated the Governor appointed members to the Board. There is a vacancy on the Board and she recommended anyone interested to take a look at the Governor's website.

Nancy Reyes asked if the schools could be kept updated as to changes in the National Exam. Ms. Underwood noted the changes were on the website. An overview of the exam will be webcast online on October 31, 2012.

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

Ms. Tran did not have anything to report.

Ms. Crossett thanked students and school officials for attending the meeting.

4. Agenda Item #4, Executive Officer Report

- **Review of Board Statistics**

Ms. Underwood provided a brief summary of the board statistics of the first quarter.

- **Committee Updates**

Ms. Underwood reported the implementation of the Breeze system has been delayed until early 2013. Schools will be able to receive information on Pass/Fail results. Ms. Dawson asked if data will be available on training via on-the-job and educational; Ms. Underwood said it is available but it has not yet been extracted.

The website is being designed to be more user friendly and should be available by the end of November. Ms. Underwood discussed the "If You See Something, Say Something" Campaign to keep consumers aware and involved.

Ms. Underwood noted committees did not meet due to the extensive work required for the preparation of the Sunset Review Report. Committee meetings will be scheduled for the near future.

Mr. Hedges noted the Disciplinary Review Committee (DRC) cases are backlogged because more people are appealing by written testimony. They have repeat violators doing written testimony to avoid paying their fines for up to 1-1/2 years. Changes have been made to where anyone receiving more than one violation needs to address the committee in person. He recommended adding the clause to swear to tell the truth under penalty of perjury to the written appeal.

Mr. Hedges stated manicurists who are asked to massage shoulders could get a large fine if seen by the inspectors. He asked for a brief discussion on this. Ms. Crossett stated this was outside of the scope of practice as described and massagers needed to be registered with their county after required hours. There could be potential danger if someone did not know what they were doing and it may not be covered by insurance. Pedicures and manicures must stop at the knees and elbows.

Public Comment

Peter Westbrook asked about Breeze and pre-application. He noted some students will take the examination without a proof of training (POT) document and wondered if Breeze will keep track of this. Ms. Underwood confirmed Breeze will address this issue, hopefully electronically and automatically. Procedures are also being explored to address the problem. She noted schools were not required to inform the Board that a student has stopped attending.

Nadine Bruders believed in the past schools were asked to send in lists every Friday of students who had completed 1600 hours and could take the exam. This practice is no longer required.

Patty Glover did not believe her school had this problem.

Peter Westbrook noted students provide an estimated date of completion when they pre-apply to take the exam. However, they may not meet the requirements but take the test anyway. He believed it would be a violation of PERPA laws to notify the Board if a student has stop attending classes.

Linh Nguyen from Advance Beauty College asked how the Board prefers to receive the POT document, by fax or email. It was confirmed that POT's could be sent in either by fax or email. Ms. Underwood stated this information will be sent to the schools for clarification.

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

- **July 30, 2012**
- **July 31, 2012**

Upon a motion by Mr. Hedges, seconded by Mr. Federico, the minutes were approved by a vote of 5-0-1 (Crossett).

6. Agenda Item #6, Regulations Updates

- **Inspection of Examination Papers/Text and Reference Books for Students.**

The regulation was approved.

7. Agenda Item #7, Final Review of the Completed Sunset Review Report

Ms. Underwood commended staff for their hard work on the Sunset Review Report. It is due to the Legislature on November 1, 2012. Mr. Hedges stated the foot spa working group was included in the previous Sunset Review Report. Hearings will be held in March 2013 and public support was encouraged. Ms. Underwood encouraged people to sign up on the interested parties list so they can be notified.

- **Approval of Recommendation to License Braiders**

This recommendation is to license braiders who are working in salons.

- **Approval of Recommendation to Regulate Schools**

This recommendation is focused on schools under the Board's purview and not dual oversight of the Board and Bureau of Private Post Secondary.

Public Comment

Ken Williams commended staff for the report and believed it was a realistic view of how important the Board is to the beauty industry. He stated the above issues were very important and should be included. He believed continuing education was very important. Ms. Dawson agreed but was concerned about braiders who run their own salons. She was concerned about public health and safety. Mr. Williams agreed health and safety were important and damage could be caused by improper braiding. Ms. Dawson asked if the recommendation could be expanded to include braiders working in their own salons. Ms. Underwood clarified the intent was if a braider was charging the consumer a fee, they need to be licensed. If they are working in a salon, then the salon also needs to be licensed.

Jerry Tyler stated he was recognized as a Subject Matter Expert by a textbook company for natural hair. He was happy to see the Board being proactive in this growing trend but asked the Board to look beyond braiding, into such areas as locking and natural hair care. The number one cause of hair loss in the ethnic community is improper braiding (traction alopecia). He believed natural hair care

should be looked at as a whole. Ms. Crossett believed this could be covered in the current curriculum.

Patty Glover asked how the regulations would affect community colleges. Ms. Underwood clarified the regulation did not change the oversight of community colleges.

Upon a motion by Mr. Hedges, seconded by Mr. Federico, the Final Report was approved by a 6-0 roll call vote.

8. Agenda Item #8, Discussion of Imposing Continuing Education Recruitments for Board Licensees

Ms. Dawson expressed her concerns about the lack of continuing education as there are constant changes and updates in the industry. She noted the high number of repeat violation offenders and believed the causes should be investigated. Mr. Hedges stated on the first offense in the past violators were allowed to waive fines. He noted this caused a backlog and any new requirement should have a good plan. He recommended possibly second time violators should be required to receive more education. Mr. Lloyd believed it would be best to require continuing education to renew the license every two years and it would be sent in with the renewal. Ms. Dawson stated there could be online courses for repeat violators, law updates, and infection control. Everyone needs to keep abreast of the changes. Ms. Crossett stated the State of Illinois requires continuing education. She noted classes are offered at trade shows and can be tracked electronically. She agreed proof should be included in the renewal to keep mail at a minimum. She believed every industry member can learn no matter how good they are. Mr. Lloyd believed continuing education could answer some questions to avoid violations and fines. Ms. Dawson noted in the dental community, experts were asked to prepare the questions. Mr. Federico wondered if the establishment license could be included in the continuing education that would include health and safety.

Public Comment

Jaime Schrabek of Precision Nails taught continuing education classes in Ohio. She noted the topics covered went beyond health and safety and included booth rentals vs. employee and other legal issues not covered in schools. She stated it eliminates ignorance as an excuse and should be covered every two years. She recommended the processes in other states be examined for the most efficient procedures. Ms. Crossett hoped the Breeze system will identify subject matters that may need more education.

Peter Westbrook noted North Carolina required continuing education and certified different trainings for education. He stated continuing education for instructors in California was required in the past and may provide a good model.

Jerry Tyler stated as a prior member of the DRC, he found a lot of licensees and business owners being fined over not knowing the dynamics of the industry. He agreed continuing education should be required as a way of reaching licensees with updates. He noted textbooks were updated every two to three years and this would coincide with renewals. He reported some states have core classes and other classes are added as needed.

Janet Baincoat asked if instructors would be required to have more continuing education hours. Instructors are not currently licensed.

Cesar Santiesteban commented on dual oversight. He wondered if the Board members that were not industry related were experienced enough to oversee the schools. Ms. Dawson stated not everyone could be appointed to the Board and everyone was well

qualified. Mr. Hedges reviewed the structure of the Board. He stated the members were dedicated to the Board and the industry. Mr. Lloyd noted the current industry members (3) were active.

9. Agenda Item #9, Discussion on Remedial Training for Repeat Offenders

Ms. Underwood proposed a legislation committee be convened to address agenda items #8 and #9.

10. Agenda Item #10, Discussion on the Current Guidelines for Board Inspectors

Ms. Dawson asked how the Board handled a complaint about an inspector. Ms. Underwood stated there is a formal process which begins with a written complaint. The complaints are tracked and handled by the Inspections Manager and Field Supervisors. The complainant and inspector may be contacted. The Board encourages everyone to inform them of any complaints. She noted a progressive discipline process is followed, if warranted, as inspectors are civil servants. Every situation is handled differently and inspectors can receive additional training. Ms. Underwood noted inspectors are trained when they are first hired. She hoped to conduct a regular yearly training meeting but the Department is under Executive Order to not travel, so this would not be possible. Email is the primary communication to relay information to inspectors. Mr. Hedges believed 25% of DRC violators complain about the inspectors but things are looked at subjectively. Mr. Lloyd noted the DRC does give the violators information on how to file a complaint. Ms. Crossett encouraged meeting attendees to be respectful toward the inspectors for a better experience.

11. Agenda Item #11, Review and Approval of the Board's Proposed Strategic Plan (2012-2017)

Ms. Underwood presented the final Strategic Plan. She noted the plan will be dated 2013-2017. Ms. Crossett asked if the advanced esthetic license goal was discussed. Mr. Hedges stated it was not included because the focus on oversight of schools would be time consuming. Ms. Underwood clarified it can be included in goal six, Regulation and Legislation.

Public Comment

Ken Williams asked who in the audience would volunteer to assist the Board in becoming stronger with a letter writing campaign. Many people volunteered. He noted it is the largest Board in the state. In addition, he believed temporary licenses could be offered to allow students to work until they can be tested.

Upon a motion by Mr. Hedges, seconded by Mr. Federico, the Strategic Plan was approved by as 6-0 vote.

12. Agenda Item #12, Agenda Items for Next Meeting

Ms. Crossett asked if the establishment license could be linked to the SBA website; Ms. Underwood will research and report at the next meeting. Ms. Crossett asked the attendees to follow the Board on Twitter (@ca_bbc) and on Facebook (California State Board of Barbering and Cosmetology). Ms. Underwood asked the attendees to inform them of any events to include on Facebook.

The next Board meeting will be November 1, 2012 for reinstatement hearings. The next general Board meeting will be held in January 2013.

13. Agenda Item #13, 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 (a)]*

Michelle from Marinellos College of Hairstyling has received feedback from students that the updated Milady's textbook is not reflective of the written National Exam. Ms. Crossett recommended the online comprehensive.

The meeting was adjourned to the closed session.

14. Agenda Item #14, Closed Session to Discuss Enforcement Cases

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

15. Agenda Item #15, ADJOURNMENT

The board returned to open session. With no further business, the meeting was adjourned.



Agenda Item 9

MEMORANDUM

DATE	December 6, 2013
TO	Board Members Board of Barbering and Cosmetology
FROM	Kristy Underwood Board of Barbering and Cosmetology, Executive Officer
SUBJECT	Lash/Brow Tinting

The Board has recently received several inquiries on the process for tinting and dyeing lashes and brows. This memo is to inform the Board of the information that was obtained during staff research.

California Business and Professions code 7316 (b) (1- 3) states:

- (b) The practice of cosmetology is all or any combination of the following practices:*
- (1) 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.*
 - (2) Massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.*
 - (3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.*

California Business and Professions Code 7316 (c) (1) states the following:

- (c) Within the practice of cosmetology there exist 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 makeup, giving skin care, removing superfluous hair from the body of any person by the 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.*

The Food and Drug Administration (FDA) maintains that there are no approved dyes (including vegetable dyes) or tints that retain their approval for distribution in the United States. They maintain that if an establishment was to undergo inspection by an FDA

investigator and non-approved product was found on the premises; action would be taken against the establishment.

The FDA has issued an Import Alert. A copy of the import alert, FDA Fact Sheet, email thread and letter received from FDA representatives have been included for your review.

Currently, the procedures on lash/brow tinting can be found in the 11th edition of Milady's Fundamentals Esthetics Textbook – Board approved (page 616-619 and referenced on page 602). In an email dated October 19, 2012 Milady publishing states they have included a Regulatory Agency Alert Box in their publication which states:

Do not use tints with aniline derivatives (coal-tar based). These are not FDA approved and can cause blindness. Some tints are illegal in the United States, but they are still available from retailers for use. Do not use them if they are not legal in your region. You may be fined and lose your license. Permanent haircolor should not be used on brows. Vegetable dyes are allowed in some regions but do not work as well or last as long. Some regions prohibit eyelash and eyebrow tinting using any type of coloring product. Check with local laws and regulations to see what is legal in your area.

In addition, the Board has compiled a listing of which State Boards continue to allow Lash/Brow tinting for your review.

Guess, Tandra@DCA

From: Brown, Anna Marie <AnnaMarie.Brown@fda.hhs.gov>
Sent: Friday, November 09, 2012 4:55 AM
To: Guess, Tandra@DCA
Cc: Meyers, Beth; Brown, Anna Marie
Subject: FW: FDA regulation of products intended for eyelash and eye brow tinting

Dear Ms. Guest:

This responds to your inquiry of August 15, 2012, on behalf of the California Board of Barbering and Cosmetology, concerning the status of eyelash and eyebrow dyeing. You questioned whether the FDA advisory with regards to eyelash and eyebrow tinting was still in effect, and whether Mr. Lark Lambert's April 2009 letter on this topic was still valid. We apologize for the delay in responding.

FDA's policy concerning the status of eyelash and eyebrow dyeing cited by Lark Lambert in his June 16, 2009 letter remains in effect. More accurately, this is not a matter of "policy"; it is a matter of the laws enacted by Congress under which FDA regulates cosmetics. FDA regulates cosmetics under the authority of the Federal Food, Drug, and Cosmetic Act (FD&C Act). Under this law, cosmetics must not be adulterated or misbranded. For example, under section 601(a) of the Act, a cosmetic is adulterated if it is harmful for consumers under labeled or customary conditions of use. Under section 601(e) of the Act, a cosmetic is adulterated if it contains a color additive that is "unsafe" under section 721(a), which requires that color additives and their conform with an effective listing.

Presently, there are no color additives approved for tinting the eyelashes or eyebrows. A color additive, as defined by regulation, is any dye, pigment, or other substance (including natural colors, such as vegetable or fruit dyes) that can impart color to a food, drug, or cosmetic, or to the human body. Although cosmetic products and ingredients used in them are not subject to FDA premarket approval, color additives (in any FDA-regulated product) must be used in strict conformance to a listing regulation that authorizes the color additive's use in the specific product type (food, drug, cosmetic, etc.). Coal tar hair dyes (which we believe this product contains) are exempted from the cosmetic adulteration provision of section 601(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act, see <http://www.fda.gov/RegulatoryInformation/Legislation/FederalFoodDrugandCosmeticActFDCAAct/FDCAActChapterVICosmetics/default.htm>), but only if the cosmetic product's label includes the following legend:

"Caution -- This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing eyelashes or eyebrows; to do so may cause blindness."

However, section 601(a) also stipulates that the term "hair dye" shall not include eyelash dyes or eyebrow dyes, for the purposes of sections 601(a) and (e). For that reason, section 601(e), under which use of an unapproved color additive causes a cosmetic to be adulterated, applies to eyebrow and eyelash dyes, and these products can be considered adulterated cosmetics because they contain a color additive which is unsafe within the meaning of section 721(a).

Finally, FDA has had an Import Alert for eyelash and eyebrow dyes containing coal tar colors in effect since 1982, as a means to intercept, at the time of entry into the U.S., products intended for dyeing eyelashes and eyebrows.

We hope you find this information helpful. Thank you for your concern about the regulatory compliance of the products you import. Please let us know if we can be of further assistance.

Best regards,

Anna-Marie N. Brown
Cosmetics Staff
Office of Cosmetics and Colors



June 16, 2009

Ms. Helen Peveri
Executive Director
Board of Registration of Cosmetology
Division of Professional Licensure
Commonwealth of Massachusetts
239 Causeway Street
Boston, Massachusetts 02114

Dear Ms. Peveri:

This responds to your inquiry of April 27, 2009, on behalf of the Massachusetts Board of Registration of Cosmetology, concerning the status of eyelash and eyebrow dyeing. You presented FDA with five questions concerning this issue:

1. Is the FDA advisory with regards to eyelash/eyebrow tinting still in effect?

There are no color additives approved for dyeing the eyelashes or eyebrows. Cosmetic products marketed in the United States are regulated by the Food and Drug Administration (FDA) in accordance with the requirements of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (<http://www.fda.gov/RegulatoryInformation/Legislation/FederalFoodDrugandCosmeticActFDCA/default.htm>) and, if offered for sale as consumer commodities, the Fair Packaging and Labeling Act (FPLA) (<http://www.fda.gov/RegulatoryInformation/Legislation/ucm148722.htm>).

Unlike other cosmetic ingredients, all color additives are subject to FDA premarket approval with the exception of coal-tar dyes used to dye the hair. Coal tar hair dyes are exempted from the cosmetic adulteration provision of section 601(a) of the FD&C Act, but only if the cosmetic product's label includes adequate directions for preliminary testing and the following warning:

"Caution -- This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing eyelashes or eyebrows; to do so may cause blindness."

Section 601(a) of the FD&C Act also stipulates that the term "hair dye" does not include eyelash or eyebrow dyes.

Section 601(e) of the Act applies to non hair-dye products. Under this section, eyelash and eyebrow dye products can be considered adulterated if they contain a color additive which is unsafe within the meaning of section 721(a) of the FD&C Act. Section 721(a) requires that all color additives be approved for use and that their use is in conformity with an effective regulation or the cosmetic product containing the color additive will be

adulterated under section 601(e) of the Act. FDA has not approved any color additives for dyeing the eyelashes or eyebrows and therefore no regulations authorize such use.

2. Does the FDA enforce this prohibition? The Board has received information which suggests it may be the only state board enforcing the FDA's ruling and would like to know if the FDA is aware of this.

FDA does enforce the law. Import Alert No. 53-04 (http://www.accessdata.fda.gov/ImportAlerts/ora_import_ia5304.html) has been in place since 1982 as a means to intercept, at the time of entry into the U.S., products intended for dyeing eyelashes and eyebrows. There are several such products on the Import Alert from different countries, and they are automatically detained should they be imported for the U.S. market.

Although cosmetic products and ingredients are subject to regulation and enforcement by FDA, professional practice, such as hair dyeing in salons, generally falls under the jurisdiction of state and local authorities. FDA is unaware of the practices of other state boards of cosmetology regarding eyelash and eyebrow dyeing products.

3. Does the FDA prohibition apply only to metallic dyes or any other specific product or is it a general ban?

As stated above, under the laws and regulations applicable for cosmetics marketed in the U.S., no color additives have been approved for use in dyeing the eyelashes or eyebrows. Non-coal-tar color additives that may be used as hair dyes are listed in Part 73 of the Code of Federal Regulations (CFR) (<http://wcms.fda.gov/FDAgov/ForIndustry/ColorAdditives/GuidanceComplianceRegulatoryInformation/ColorAdditiveListingRegulations/default.htm>) and include bismuth citrate (21 CFR 73.2110), henna (21 CFR 73.2190), and lead acetate (21 CFR 73.2396), (see <http://wcms.fda.gov/FDAgov/Cosmetics/GuidanceComplianceRegulatoryInformation/VoluntaryCosmeticsRegistrationProgramVCRP/OnlineRegistration/ucm109084.htm> for links). The "Uses and restrictions" sections in these regulations state, in part, that these color additives cannot be used for coloring the eyelashes or eyebrows. Color additives listed in Part 74 of the CFR are mostly coal-tar (synthetic organic) color additives (exceptions: D&C Black No. 2 is oil furnace carbon black, and D&C Black No. 3 is bone char), none of which has been approved for use in dyeing the eyelashes or eyebrows and therefore cannot be lawfully used in this manner.

4. The Board has received a claim recently that vegetable based dyes are not permanent and are not included in the FDA ruling, is this accurate?

As stated above, no color additives are approved for use in dyeing the eyelashes or eyebrows. The color additive "vegetable juice," listed under 21 CFR 73.260, is an approved color additive for use in foods (as is fruit juice, 21 CFR 73.250). However, these color additives have not been approved for use in cosmetics.

Page 3 - Ms. Helen Peveri

5. If the FDA ruling is no longer generic but is product specific, could you let us know which product are banned, or if the FDA has stated any particular product (other than mascara, eye shadow, eyebrow pencils and eye liners, of course) are not include in the ban?

Under the laws and regulations applicable for cosmetics marketed in the U.S., there are no color additives approved for dyeing the eyelashes or eyebrows. Products with labeling that makes the claim for dyeing the eyelashes or eyebrows (whether or not they contain color additives approved by FDA for other cosmetic uses), would be considered adulterated under section 601(e) of the FD&C Act.

Sincerely,



Lark A. Lambert
Cosmetics Staff
Office of Cosmetics and Colors
Center for Food Safety
and Applied Nutrition

U.S. Food & Drug Administration

Import Alert 53-04



FDA Home³ Import Program⁴ Import Alerts Imports Alerts by Number Import Alert

(Note: This import alert represents the Agency's current guidance to FDA field personnel regarding the manufacturer (s) and/or products(s) at issue. It does not create or confer any rights for or on any person, and does not operate to bind FDA or the public).

Import Alert # 53-04
Published Date: 03/18/2011
Type: DWPE

Import Alert Name:
 "Detention Without Physical Examination of Eyelash and Eyebrow Dyes Containing Coal-Tar"

Reason for Alert:

This alert was initiated in 1982 when it was noted that, upon chemical analysis, a number of eyelash and eyebrow dyes manufactured in Austria, Germany and England, shipped to the U.S., primarily through the mail, contained coal-tar dyes which are unsafe within the meaning of Section 721(a) of the FD&C Act.

The Center for Food Safety and Applied Nutrition, Health Hazard evaluation Board, evaluated the medical evidence related to a consumer injury along with scientific literature for coal-tar dyes. Based on the review, the products listed in the attachment represented an acute, severe hazard to health with the possibility of permanent injury; i.e., impaired sight, including blindness.

The products are believed to be widely distributed in the United states, although they probably are not sold for direct use by consumers, but rather sold to and used in beauty salons. Before use, the products are mixed with hydrogen peroxide and applied by a beautician to the eyelashes with a cotton swab. The primary distributors in the U.S. are likely to be firms that supply goods to beauty salons; however, products may also be shipped directly to beauty salons by the manufacturer.

Review of FY 91-92 detention data indicated detentions of eyelash and eyebrow dyes continue to be made for Dr. Olbrich's Combial dye, Vienna, Austria; Refecto Cil, Vienna, Austria, and Henna, Berlin, Germany. All entries were mail entries through DET-DO and BUF-DO.

Guidance:

Districts may detain,without physical examination, eyelash and eyebrow dyes identified in the Red List.

Alert U.S. Customs agents of the possible entry of the eyelash and eyebrow dyes at mail facilities. Continue surveillance for coal-tar dyes in eyebrow and eyelash dyes. Notify DIOP if any product not on the attachment is found to contain coal-tar dye.

Product Description:

Eyelash and Eyebrow Dyes

Charge:

"The article is subject to refusal of admission in accordance with Section 801 (a)(3) in that it appears to bear or contain, for the purpose of coloring only, a color additive which is unsafe within the meaning of Section 721(a) [Adulteration, Section 601(e)]."

OASIS charge code - COSM COLOR

List of firms and their products subject to Detention without Physical Examination (DWPE) under this Import Alert (a.k.a. Red List)

AUSTRIA

Andora-Cosmetic
Unknown Street , Vienna, AUSTRIA

Date Published : 09/18/2009

53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)

Date Published: 09/18/2009

Desc:Andora -Augenbrauen und Wimpernfarbe all shades

Notes:coal tar dyes

Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

**Gschwenter-Haar Kosmetic Products
unknown , Vienna, AUSTRIA**

Date Published : 09/18/2009

53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)

Date Published: 09/18/2009

Desc:Refecto Cil - Augenbrauen und Wimperfarbe graphite; black; brown and blue-black shades

Notes:mfr; coal tar dyes

Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

**W. Pauli
A-1160 , Vienna, AUSTRIA**

Date Published : 09/18/2009

53 C - - 04 Eye Lotion (Eye Makeup Preparations)

Date Published: 09/18/2009

Desc:Pialan Hair Dye

Notes:mfr.; coal tar dyes

Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

53 C - - 04 Eye Lotion (Eye Makeup Preparations)

Date Published: 09/18/2009

Desc:Dr Olbrich's Combinat Augenbrauen und Wimperfarbe black; brown; blue; grey shades

Notes:mfr.; coal tar dyes

Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

CANADA

**National Beauty Supply
unknown , Mississagi, Ontario CANADA**

Date Published : 09/18/2009

53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)

Date Published: 09/18/2009

Desc:Dr Olbrich's combinat Augenbrauen und Wimperfarbe black; brown; blue and grey shades

Notes:Known Shipper for W Pauli FEI 3003888792; coal tar dyes

Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

GERMANY

**Else Sperlich Chem. Kosm.
Fabrick , Berlin, GERMANY**

Date Published : 09/18/2009

53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)

Date Published: 09/18/2009

Desc:Henna Gora Augenbrauen und Wimperfarbe (black; brown; blue-black shades)

Notes:mfr; coal tar dyes

Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

SWITZERLAND

**Anifa SA
unknown , Baar, SWITZERLAND**

Date Published : 09/18/2009

53 C - - 07 Eyelash and Eyebrow Dye (Eye Makeup Preparations)

Date Published: 09/18/2009

Desc:Belmacil color

Notes:coal tar dyes

Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

UNITED KINGDOM

**Zena Cosmetic Co.
Unknown Street , London, England UNITED KINGDOM**

Date Published : 09/18/2009

53 C - - 04 Eye Lotion (Eye Makeup Preparations)

Date Published: 09/18/2009

Desc:Permalash black and brown shades

Notes:mfr coal-tar dyes

Problems: COLOR NOT CONTAINED IN TABLE (ENTER NAME IN REMARKS);

Links on this page:

1. <http://www.addthis.com/bookmark.php?u508=true&v=152&username=fdomain>
2. <http://www.addthis.com/bookmark.php>

3. <http://www.fda.gov/default.htm>
4. <http://www.fda.gov/ForIndustry/ImportProgram/default.htm>

Note: If you need help accessing information in different file formats, see [Instructions for Downloading Viewers and Players](#).

- [Accessibility](#)
- [Contact FDA](#)
- [Careers](#)
- [FDA Basics](#)
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U.S. Food and Drug Administration
 10903 New Hampshire Avenue
 Silver Spring, MD 20993
 Ph. 1-888-INFO-FDA (1-888-463-6332)
[Email FDA](#)

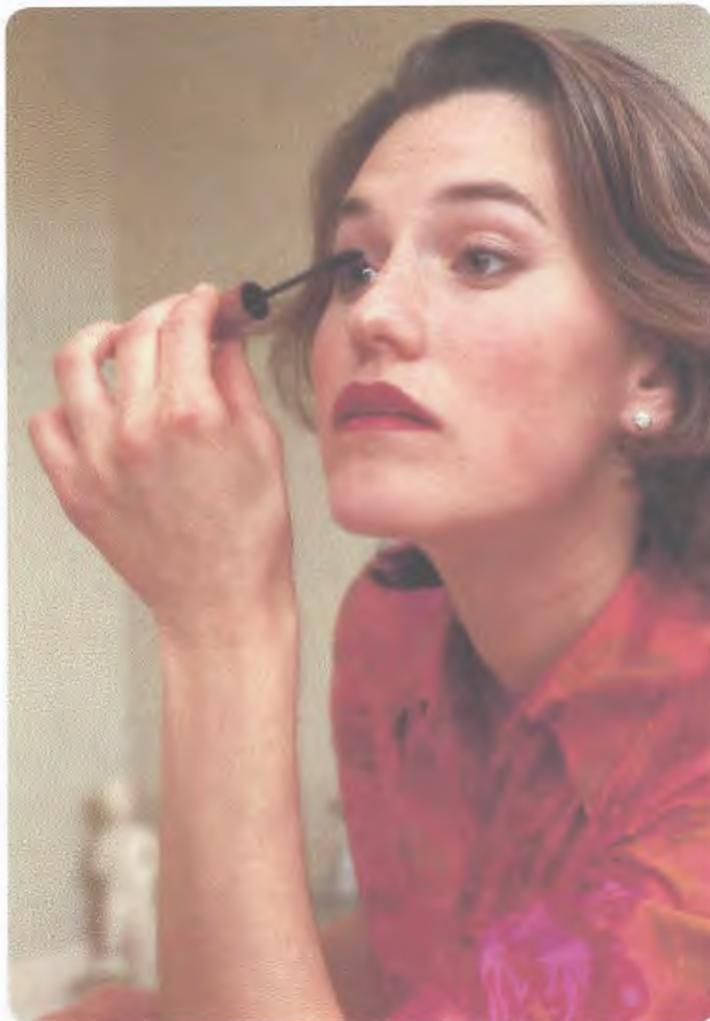
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Links on this page:

Use Eye Cosmetics Safely



Photodisc

The Food and Drug Administration (FDA) regulates all cosmetics marketed in the United States, including mascara, eye shadows, eye liner, concealers, and eyebrow pencils.

Safety experts within the Office of Cosmetics and Colors in FDA's Center for Food Safety and Applied Nutrition (CFSAN) offer consumers the following advice:

Keep everything clean.

Dangerous bacteria or fungi can grow in some cosmetic products, as well as their containers. Cleanliness can help prevent eye infections.

Always wash your hands before applying eye cosmetics, and be sure that any instrument you place near your eyes is clean. Be especially careful not to contaminate cosmetics by introducing microorganisms. For example, don't lay an eyelash wand on a countertop where it can pick

up bacteria. Keep containers clean, since these may also be a source of contamination.

Don't moisten cosmetic products.

Don't add saliva or water to moisten eye cosmetics. Doing so can introduce bacteria. Problems can arise if you overpower a product's preservative capability.

Don't share or swap.

People can be harmed by others' germs when they share eye makeup. Keep this in mind when you come across "testers" at retail stores. If you do sample cosmetics at a store, be sure to use single-use applicators, such as clean cotton swabs.

Don't apply or remove eye makeup in a moving vehicle.

Any bump or sudden stop can cause injury to your eye with a mascara wand or other applicator.

Check ingredients, including color additives.

As with any cosmetic product sold to consumers, eye cosmetics are required to have an ingredient declaration on the label. If they don't, they are considered misbranded and illegal.

In the United States, the use of color additives is strictly regulated. Some color additives approved for cosmetic use in general are not approved for areas near the eyes.

If the product is properly labeled,

Always wash your hands before applying eye cosmetics, and be sure that any instrument you place near your eyes is clean.

you can check to see whether the color additives declared on the label are in FDA's List of Color Additives Approved for Use in Cosmetics. (Under "For More Information" below, see "Color Additives Approved for Use in Cosmetics" and "FDA's Import Alert for Cosmetics Containing Illegal Colors.")

Use only cosmetics intended for the eyes on the eyes.

Don't use a lip liner as an eye liner, for example. You may expose eyes either to contamination from your mouth or to color additives that are not approved for use near the eyes.

Say "no" to kohl!

Also known as al-kahl, kajal, or surma, kohl is used in some parts of the world for enhancing the appearance of the eyes. But kohl is unapproved for cosmetic use in the United States.

Kohl contains salts of heavy metals such as antimony and lead. Reports have linked the use of kohl to lead poisoning in children.

Some eye cosmetics may be labeled with the word "kohl" only to indicate the shade, not because they contain true kohl.

A product's "ingredient statement" should not list kohl—this is not an FDA-approved color additive. Check the ingredient statement to make sure that kohl is not present.

Don't dye eyelashes and eyebrows.

No color additives are approved by FDA for permanent dyeing or tinting of eyelashes and eyebrows. Permanent eyelash and eyebrow tints and

dyes have been known to cause serious eye injuries.

Use care with false eyelashes or extensions.

False eyelashes and extensions, as well as their adhesives, must meet the safety and labeling requirements for cosmetics. Since the eyelids are delicate, an allergic reaction, irritation, or injury in the eye area can occur. Check the ingredients to make sure you are not allergic to the adhesives.

Don't use eye cosmetics that cause irritation.

Stop using a product immediately if irritation occurs. See a doctor if irritation persists.

Avoid using eye cosmetics if you have an eye infection.

Discard any eye cosmetics you were using when you got the infection. Also, don't use eye cosmetics if the skin around the eye is inflamed.

Don't use old eye cosmetics.

Manufacturers usually recommend discarding mascara two to four months after purchase. Discard dried-up mascara.

Don't store cosmetics at temperatures above 85° F.

Preservatives that keep bacteria or fungi from growing can lose their effectiveness, for example, in cosmetics kept for long periods in hot cars.

REPORT PROBLEMS

If you need to contact FDA concerning an eye cosmetic product problem, go

to the "How to Report" page on FDA's MedWatch Web site at www.fda.gov/medwatch and use form FDA 3500. You can also find contact information for an FDA office near you at www.cfsan.fda.gov/~dms/district.html. 

This article appears on FDA's Consumer Health Information Web page (www.fda.gov/consumer), which features the latest updates on FDA-regulated products. Sign up for free e-mail subscriptions at www.fda.gov/consumer/consumernews.html.

For More Information

Protect Your Health
Joint FDA/WebMD resource
www.webmd.com/fda

CFSAN: Eye Cosmetic Safety
www.cfsan.fda.gov/~dms/coseye2.html

Color Additives Permitted for Use in Cosmetics
www.cfsan.fda.gov/~dms/col-vcrrp.html

FDA's Office of Regulatory Affairs (ORA): Import Alert for Cosmetics Containing Illegal Colors
www.fda.gov/ora/fiars/ora_import_ia5306.html

ORA: Import Alert for Eyelash and Eyebrow Dyes Containing Coal Tar
www.fda.gov/ora/fiars/ora_import_ia5304.html

Are your Estheticians allowed to perform lash/brow tinting?

State	Allows	Does not Allow	Not Regulated	Comments
Alabama	X			
Alaska	X			
Arizona	X			
Arkansas		X		
California		X		
Colorado		X		
Connecticut			X	No Esthetic License offered.
Delaware	X			
District of Columbia	X			
Florida	X			
Georgia	X			print out of Esthetics Curriculum
Hawaii		X		
Idaho	X			
Illinois		X		Board Meeting notes April 26, 2010
Indiana		X		
Iowa	X			
Kansas	X			
Kentucky	X			
Louisiana	X			
Maine	X			
Maryland			X	
Massachusetts		X		States it is prohibited by FDA
Michigan		X		
Minnesota	X			
Mississippi	X			
Missouri	X			
Montana	X			July 25th, 2011 decision
Nebraska		X		

State	Allows	Does not Allow	Not Regulated	Comments
Nevada	X			
New Hampshire	X			Peggy called back and stated Esthi's can perform lash tinting as long as the product is made for the eye area. 603-271-3608
New Jersey		X		Cited FDA prohibits
New Mexico	X			
New York		X		
North Carolina	X			
North Dakota	X			
Ohio	X			Recomends the consult with FDA on products.
Oklahoma	X			
Oregon		X		
Pennsylvania	X			
Rhode Island	X			
South Carolina		X		
South Dakota	X			
Tennessee	X			
Texas	X			
Utah		X		
Vermont		X		
Virginia	X			
Washington	X			
West Virginia	X			"The lightening of hair on the body except the scalp."
Wisconsin		X		
Wyoming	X			Print out of General provisions.

*Compiled Sept 2012

Article 12. Health and Safety

977. Health and Safety Definitions

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

Autoclave-a device used to sterilize equipment and supplies by subjecting them to high pressure saturated steam at 120°C for a specified time.

Over the Counter- Cosmetology, Barbering or Electrology products that are made available for purchase to the general public.

Cosmetics- are substances used to enhance the appearance or of the human body.

Dermis--the layer of skin just below the epidermis; the living layers of the skin

Disinfect or Disinfection-To destroy harmful bacteria, viruses, etc. The use of chemicals to destroy harmful bacteria, viruses and pathogens on implements or tools to render an item safe for use.

Disinfectable-Indicates that an item is able to withstand the disinfection process.

Disinfectant—A product that is registered by the Environmental Protection Agency that has demonstrated bactericidal, fungicidal and virucidal activity. The products used must include a label from the manufacturer that indicates the EPA registration and must be in liquid form to disinfect non-electrical tools and spray or toilette form to disinfect electrical tools and shears.

Dry Heat Sterilizer—A device used to sterilize equipment and supplies by use of hot air that is either free of water vapor or has very little of it.

Epidermis---the outermost layer of the skin; the non-living layer of the skin

Electrical Tools-All tools used in offering barbering and cosmetology services that require electricity to operate by means of an electrical cord, wireless charger, or battery. This includes, but is not limited to: clippers, blow dryers, curling irons, flat irons, etc.

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

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

Practice of Medicine- the demonstration or application of the learned profession that is mastered by graduate training in a medical school and that is devoted to preventing or alleviating or curing diseases and injuries;

Sanitary-a clean healthy condition

Soiled- dirty

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

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, A at least one covered waste receptacle container 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 and sheets in public areas.
 - (3) Closed, clean cabinets or containers to hold all clean towels, gowns, smocks 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 (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. During times 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.

979. Disinfecting Non-Electrical Instruments Tools and Equipment

- (a) Before use upon a client ~~patron~~, all non-electrical ~~instruments~~ tools that can be disinfected, excluding shears, shall be disinfected in the following manner:
- (1) Clean with soap or detergent and water.
 - (2) Then totally immerse in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.
- (b) The disinfectant solutions specified in subdivision (a) shall:
- (1) Remain covered at all times.
 - (2) Be changed according to the manufacturer's instructions. ~~at least once per week or whenever visibly cloudy or dirty.~~
- (c) All ~~instruments~~ tools that have been used on a ~~patron~~ client or soiled in any manner shall be placed in a container labeled dirty, soiled or contaminated. ~~properly-labeled receptacle.~~
- (d) All disinfected ~~instruments~~ tools shall be stored in a clean, covered place which is labeled 'Clean' or 'Disinfected'. ~~as such.~~
- (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 procedures:

- (1) Remove all debris.
- (2) Clean with soap/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.

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

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

980. Disinfecting Electrical Instruments Tools

(a) Clippers, vibrators, hot styling tools, curling irons, flat irons, hot combs, and other electrical instruments tools shall be disinfected prior to each use by:

- (1) First removing all foreign matter debris; 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 instruments tools, ~~excluding curling irons and hot combs,~~ shall be stored in a clean covered place.

(c) All soiled electrical tools that have been 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.

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 ~~patron~~ client, 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 residue debris 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 residue debris from the screen, inside walls of the basin, any other removable parts, and the area behind them with a clean brush and liquid soap 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 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, 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 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 ~~patron~~ client or a board representative.
- (g) A whirlpool footspa that is "Not in Service" must have a notation on the footspa equipment-cleaning log that the footspa is not in service. The footspa must have an "Not in Service" sign displayed upon the chair and be kept in a clean, sanitary condition.
- (h) (g)-A violation of this section may result in an administrative fine and/or disciplinary action. Each 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.

980.2. Procedures for Cleaning and Disinfecting Pipe-Less Footspas

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

(b) After use upon each ~~patron~~ **client**, each 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 residue **debris** 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 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 ~~patron~~ **client** or a board representative.

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

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

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

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" 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 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 ~~residues~~ debris 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 ~~patron~~ client 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 which is labeled "Clean" or "Disinfected".

980.4 Disposable Foot Tub Liners

(a) Single use, disposable 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 that utilize must maintain a supply of liners for use at all times.

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

981. Instruments Tools and Supplies

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

(b) New supply and one-time use tools shall be stored in a clean, covered place labeled 'New'.

(c) (b) No person working or training in an establishment or school shall be permitted to carry any instruments, tools 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.

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

(a) Before use upon a client patron in schools and establishments, each electrolysis needle or tweezers all tools that can be sterilized shall be sterilized in the following manner:

(1) 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) (A) Steam sterilizer (autoclave), registered and listed with the Federal Food and Drug Administration, used according to manufacturer's instructions.

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

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

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

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

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

(b) Electrology needles/wire filaments shall be single-use, pre-sterilized and disposable.

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

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

983. Personal Cleanliness

- (a) ~~(1)~~ The ~~person~~ and attire of a licensee serving a ~~patron~~ client shall at all times be clean.
- (b) ~~(2)~~ Every licensee performing services shall thoroughly wash his or her hands with soap and water or any equally effective alcohol-based cleansing agent immediately before serving each client ~~patron~~.

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

984. Disease and Infestation

- (a) No establishment or school shall knowingly permit a 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 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 ~~patron~~ client include, but are not limited to, the following:
- Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever.
 - Streptococcal pharyngitis ("Strep throat"), until 24 hours after treatment has been initiated, and 24 hours after resolution of fever.
 - Purulent conjunctivitis ("pink eye"), until examined by a physician and approved for return to work.
 - Pertussis ("whooping cough"), until five days of antibiotic therapy has been completed.
 - Varicella ("chicken pox"), until the sixth day after onset of rash or sooner if all lesions have dried and crusted.
 - Mumps, until nine days after onset of parotid gland swelling.
 - Tuberculosis, until a physician or local health department authority states that the individual is noninfectious.
 - Impetigo (bacterial skin infection), until 24 hours after treatment has begun.
 - Pediculosis (head lice), until the morning after first treatment.
 - Scabies ("crabs"), until after treatment has been completed.
- (d) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.
- (e) No person working or training in an establishment or school shall ~~massage any person~~ perform services upon a surface of the skin or scalp where such skin is inflamed, broken (e.g., abraded, cut) or where a skin infection or eruption is present.

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

985. Neck Strips

A sanitary neck strip or towel shall be used to keep the protective covering 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.

986. Neck Dusters and Brushes

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

- (1) Remove all visible debris.
- (2) Clean with soap/detergent and water.
- (3) Completely dry duster or brush.
- (4) Store all clean dusters or brushes in a clean, covered place which is labeled 'clean'.
- (5) All dusters or brushes that have been 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 manner:

- (1) Remove all visible debris
- (2) Disinfect by using a cleansing agent(s) such as: monomer, makeup brush liquid/spray cleaner, alcohol, acetone or a similar disinfecting agent, in accordance to the manufacturer's instructions, for disinfection.
- (3) Completely dry brush.
- (4) Store all clean brushes in a clean, covered place which is labeled 'clean'.
- (5) All brushes that have been 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(d), Business and Professions Code.

987. Towels, Sheets, Robes and Smocks

- (a) After a towel, sheet, robe or smock has once been used it shall be deposited in a closed receptacle container and not used until properly laundered and sanitized.
- (b) Towels, sheets, robes 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.
- (c) All clean towels, sheets, robes 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.

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 manufactured labeled container are not required to have additional labeling.

(c) When only a portion of a cosmetic preparation is to be used on a patron client, it shall be removed from the 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.

989. Prohibited Hazardous Substances/Use of Products

No establishment or school shall 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.~~

(a) No establishment or school shall have on the premises liquid methyl methacrylate monomer and/or methylene chloride.

(b) No product shall be used in a manner that is disapproved by the FDA, OSHA or the EPA.

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

990. Headrests 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 once been used, it shall immediately be removed from the treatment table and be deposited in a clean, closed container and not used again until it has been properly laundered and sanitized.

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

991. Invasive Procedures

(a) No licensee may perform a medical treatment as defined: the care and management of a patient to combat, ameliorate, or prevent a disease, disorder or injury. ~~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 contracts the muscle.

(2) Application of topical lotions, creams, serums or other substances which affect living tissue.

(3) Penetration of the skin by metal needles, except electrolysis needles.

(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.

(6) Removal of callus/corn/skin tag/mole.

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

992. Skin Peeling Skin Exfoliation

- (a) Only the non-living, uppermost layers of the facial-skin, known as the epidermis, may, by any method or means, be removed, and then only for the purpose of beautification.
- (b) Skin removal techniques and practices which affect the living layers of the facial-skin, known as the dermis, are prohibited and constitute the practice of medicine.
- (c) Only over the counter-commercially-available products that are not sold for physician's use only, which are not over 30% acid content or with a start-up pH of 3.0 or higher 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) Use of skin exfoliation products over 30% acid content or a pH under 3.0 shall be considered the practice of medicine.
- (e) Mixing or combining skin exfoliation products is prohibited except as required by manufacturer's instructions.
- (f) All skin exfoliation products must be applied using manufacturer's guidelines for health and safety.

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

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 instrument tool 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.

994. Cleanliness and Repair

- (a) Establishments and schools shall keep the floors, walls, woodwork, ceilings, furniture, furnishings, 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.



Agenda Item 11

MEMORANDUM

DATE	December 12, 2013
TO	Board Members Board of Barbering and Cosmetology
FROM	Kristy Underwood Board of Barbering and Cosmetology, Executive Officer
SUBJECT	Minimum Equipment for Schools

The Board of Barbering and Cosmetology is considering modifications and additions to its existing regulations regarding minimum equipment at cosmetology, barbering and electrology schools.

Under 7362.1, 7362.2 and 7362.3 of the Business and Professions Code, the Board of Barbering and Cosmetology is responsible for defining the equipment at barber, cosmetology and electrology schools. California Code of Regulation 940, details minimum equipment for cosmetology schools but does not define what is required for barber and electrology schools. Though there is no current regulation for barbering schools, the Board does have a recommended equipment list.

The Board conducted research to define what equipment other State Boards were requiring from their respective schools. The results of that research have been charted for your review.

Attached you will find the Boards Cosmetology School Equipment List that is currently in use and a copy of the Recommended Barber School Equipment List.

In conclusion, the Board has included recommended changes to the following regulations: 940 and 941. Attached are the formatted changes.

State Comparison - Equipment Requirements

	California (for 50 Students)	Texas (for 16 Students)	Georgia (for 15 Students)	Kentucky	New Jersey	Tennessee	North Carolina (40 students)
General School Equipment							
Time Clock	X*	X (day/date formatted)				X	
Medical Dictionary/other texts		X		X			
Anatomy/Phys Chart		X					
Table/Chairs for Theory Class		10				1 ("sitting arrangement" per student)	X (Accommodate 25 students)
AV Equipment (TV/VCR)		X	X				
Chalkboard			X				
Secured Metal Filing Cabinet			X				X
Vacuum Machine		X					
Hairstylist/Barber Equipment							
Hairstyling or Barber Chairs		16		X	X	20	20
Shampoo Bowls	5	6 (w/chairs)	4	X	6	5	4
Dryers	12	8	7	X	6	10	6
Mannequins	10	12	1 (Per student)		1 (Per student)	10	1 (per student, beginner dept)
Electrical cap	X	X					
Electric Comb	X				3		
Non-Electric Comb	3		X				
Stove (Non- Electric Combs)	X						
Electric Curling Iron	X	3		X	3 or 3 Marcel stoves & irons		
Non-Electric Curling Iron	3		X	X			
Stove	X						
Flat Irons					3		
Hand-held Dryer		3					
Hand Clippers		X			X (Electric)		
Esthetician Equipment							
Facial Chairs/Couches	4	X	3	X	X		1
Magnifying Lamp		X			X		
Woods Lamp		X			X		
Dry Sanitizer	X (if electrolysis performed)	X	X			1 (per workstation)	
Steamer		X			X		
Brush Cleaning Machine		X					
Paraffin bath & Wax		X	X		X		

High Frequency Facial Instrument for disinfection, product penetration, stimulation	X (sufficient electrical equipment & dermal lights)	X			X		
Galvanic Facial Machine for eliminating encrustations, product penetration	X (sufficient electrical equipment & dermal lights)	X			X		
Manicurist Equipment							
Manicure Stations	6	4	4	X	6	5	2
Pedicure Equipment			1 whirlpool, w/ fixed plumbing; 3 foot baths		X (Foot Soaking Equipment)		1 (Pedicure station)
Electrologist Equipment							
Treatment Tables						1	2
Thermolysis Machine						1	1
Galvanic/Thermolysis Machine						1	1
Sterilizers						"Sufficient" Sterilizing Equipment	1 autoclave, 1 dry heat, 1 ultrasonic cleaner
Lamps						"Adequate" number	1
Magnifying Lamp							1
Puncture Resistant Container							1 (per table)
Health & Safety Equipment							
Dirty Towel Receptacle	X	X	X			X	
Clean Towel Container/Storage	X		X			X	
Trash Cans (Covered)	1	4	X			X	X
Disinfectant Containers	X	X	1 Per student		X		
Closed Containers for Pins, Rollers, etc		X	X	X	1 Each Workstation		
Brush Cleaning Machine		X					
Wet Sterilizer	X					1 (each workstation)	X (General sterilizing equipment requirement)

* X – means the equipment is required, but with no specific amount

Article 6. Schools

940. Equipment for Schools of Cosmetology

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

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

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

(3)(e) Time clocks or time scanner 1

(4)(d) Shampoo bowls 5

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

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

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

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

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

(7)(g) Manicure stations 6

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

(8)(h) Electrical cap 1

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

(i)(9) Thermal hair straighteners

(1) Electric comb 1

(1) (2) Non-electric comb 3

(2)(3) Stove (for non-electric combs) 1

(3)(4) Electric curling iron 1

(4)(5) Non-electric curling iron (at least two sizes) 3

(5)(6) Stove (for non-electric curling irons) 1

(10) Hairstyling or Barber Chairs 15

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

(1) Mannequins, with full head of hair 10

(2) Time Clock or time scanner 1

(3) Shampoo bowls 3

(4) Hairstyling or Barber Chairs 15

- (5) Electric curling iron.....1
- (c) The minimum equipment for a school of electrolysis shall be as follows:
 - (1) Service Table.....1
 - (2) Thermolysis/GalvanicMachine..... 1
 - (3) Magnifying lamp..... 1
 - (4) Puncture resistant container.....1 per table
 - (5) Sterilizer (Autoclave).....1
 - (6) Sterilizer (Dry heat).....1

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

941. Approval of Schools

(a) To obtain board approval, a private postsecondary school shall submit to the board a request for approval that shall consist of the following:

(1) A document, signed by the owner or owners of the school and certified under penalty of perjury, stating that the school will provide a course of instruction approved by the board and, for cosmetology schools, that all requirements of section 7362.1 of the Business and Professions Code relative to school approval have been met.

(2) A copy of the ~~valid, current Institutional Approval Certificate~~ Verification of Provisional or Conditional Approval issued to the school by the Bureau for Private Postsecondary and Vocational Education.

(b) Within ten working days after receipt of the request for approval as specified in subdivision (a), the board shall notify the school in writing that either the approval is granted or that the request for approval is deficient and what information is required to make the request for approval complete.

(c) The provisions of subdivision (a) must be met for all new schools and schools that have changed ownership or location.

(d) If an approved school no longer meets the requirements of sections 7362 or 7362.1 of the Business and Professions Code, it must notify the board in writing within seven calendar days of what provisions it does not meet.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7362 and 7362.1, Business and Professions Code.



MEMORANDUM

DATE	December 11, 2013
TO	Board Members Board of Barbering and Cosmetology
FROM	Kristy Underwood Board of Barbering and Cosmetology, Executive Officer
SUBJECT	Process for Inspection of Schools

Before approval of a new school or a change of location, a 'directed' inspection is requested to verify if the space and equipment requirements are being fulfilled.

Regarding school requirements, Title 16, Division 9 of the California Code of Regulations states:

Article 6

940. Equipment for Schools of Cosmetology

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

- (a) *Sufficient electrical equipment and dermal lights for giving instruction in skin care and electrical facials.*

Note: Equipment shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face.

- (b) *Mannequins, with full head of hair* 10

- (c) *Time clocks* 1

- (d) *Shampoo bowls* 5

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

- (e) *Dryers* 12

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

- (f) *Facial chairs or facial couches* 4

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

(g) Manicure stations	6
<i>(When the average daily attendance exceeds 50 students, additional manicure tables shall be added at the ratio of one for each 10 students in average daily attendance in excess of 50)</i>	
(h) Electrical cap	1
<i>(When the average daily attendance exceeds 50 students, additional electrical caps shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50)</i>	
(i) Thermal hair straighteners	
(1) Electric comb	1
(2) Non-electric com	3
(3) Stove (for non-electric combs)	1
(4) Electric curling iron	1
(5) Non-electric curling iron (at least two sizes)	3
(6) Stove (for nonelectric curling irons)	1

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7362.1(a), Business and Professions Code

Article 12

995. Building Standards

- (a) Establishments and schools shall have a system of adequate ventilation in accordance with Part 2, Section 1203, Title 24, California Code of Regulations.
- (b) A supply of hot and cold running water shall be provided in accordance with Part 5, Section 601.5.1, Title 24, California Code of Regulations.
- (c) Establishments and schools shall supply potable drinking water in accordance with Part 5, Section 601.5.3, Title 24, California Code of Regulations.
- (d) Establishments and schools shall provide hand washing facilities in accordance with Part 5, Section 601.5.2, Title 24, California Code of Regulations.
- (e) Establishments and schools shall provide public toilet rooms in accordance with Part 5, Sections 412.7, 412.8, and Table No. 4-1, Title 24, California Code of Regulations.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e) and 7352, Business and Professions Code.

Upon receiving a complaint against a Board approved school, the Board considers the time frame from the last inspection and violation history of the school. If the last inspection was conducted in excess of a year, automatically a directed inspection is requested. Follow up inspections are requested of all dirty footspa violations, illegal instruments and schools that have numerous health and safety violations.

Attached for your review is the Cosmetology School Equipment List and Requirements and the Recommended Barber School Equipment List and Requirements.



COSMETOLOGY SCHOOL EQUIPMENT LIST AND REQUIREMENTS

EQUIPMENT FOR SCHOOLS OF COSMETOLOGY - The minimum equipment for a school of cosmetology shall be as follows: – California Code of Regulations (CCR) section 940

- Sufficient electrical equipment and dermal lights** – for giving instruction in skin care and electrical facials (at least one red, blue and white light) - CCR 940(a)
- 10 Mannequins (with full head of hair)** - CCR 940(b)
- 1 Time clock** - CCR 940(c)
- 5 Shampoo bowls** – (when the average daily attendance exceeds 50 students, additional shampoo bowls shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50) – CCR 940(d)
- 12 Dryers** – (when the average daily attendance exceeds 50 students, additional dryers shall be added at the ratio of one for each 10 students in average daily attendance in excess of 50) – CCR 940(e)
- 4 Facial chairs or facial couches** – (when the average daily attendance exceeds 50 students, additional facial chairs or facial couches shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50) – CCR 940(f)
- 6 Manicure stations** – (when the average daily attendance exceeds 50 students, additional manicure tables shall be added at the ratio of one for each 10 students in average daily attendance in excess of 50) – CCR 940(g)
- 1 Electrical cap** – (when the average daily attendance exceeds 50 students, additional electrical caps shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50) – CCR 940(h)

Thermal Hair Straighteners – CCR section 940(i)

- 1 Electric comb** – CCR 940(i)(1)
- 3 Non-electric combs** – CCR 940(i)(2)
- 1 Stove (for non-electric combs)** – CCR 940(i)(3)
- 1 Electric curling iron** – CCR 940(i)(4)
- 3 Non-electric curling irons (at least two sizes)** – CCR 940(i)(5)
- 1 Stove (for non-electric curling irons)** – CCR 940(i)(6)

TEXT AND REFERENCE BOOKS FOR STUDENTS – CCR 961

Each student shall possess the following: – CCR 961(b)

- At least one (1) of the textbooks approved by the board.** – CCR 961(b)(1)
- The Barbering and Cosmetology Act and the Rules and Regulations.** – CCR 961(b)(3)

There shall be available for the use of students in the school: – CCR 961(c)

- A list of the text and reference books approved by the board.** – CCR 961(c)(1)
- Any two approved texts other than the one text possessed by the student.** – CCR 961(c)(2)

BUILDING STANDARDS – CCR 995

- Ventilation** – Establishments and schools shall have a system of adequate ventilation. – CCR 995(a)
- Water** – A supply of hot and cold running water shall be provided. – CCR 995(b)
- Potable Drinking Water** – Establishments and schools shall supply potable drinking water. – CCR 995(c)
- Hand Washing Facilities** – Establishments and schools shall provide hand washing facilities. – CCR 995(d)
- Restrooms** – Establishments and schools shall provide public toilet rooms. – CCR 995(e)

BUILDING REQUIREMENTS

- A school of cosmetology approved by the board shall possess the equipment and floor space necessary for comprehensive instruction of 25 cosmetology students or the number of students enrolled in the course, whichever is greater. – Business and Professions Code section 7362.1(a)
- The minimum floor space in any school of cosmetology premises shall be 3,000 square feet (279 m²), not less than 2,000 square feet (185.8 m²) of which shall be provided for the working, practice and classroom areas. – California Building Code section 1253.1.1

How many students are enrolled? _____



RECOMMENDED BARBER SCHOOL EQUIPMENT LIST AND REQUIREMENTS

RECOMMENDED EQUIPMENT FOR SCHOOLS OF BARBERING

- **10 Mannequins (with full head of hair)**
- **1 Time clock**
- **3 Shampoo bowls** – (when the average daily attendance exceeds 15 students, additional bowls shall be added at the ratio of one for each 5 students in average daily attendance in excess of 15)
- **15 Barber chairs** – Chairs shall be spaced at least 4½ feet from center to center (when the average daily attendance exceeds 15 students, additional barber chairs shall be added at the ratio of one for each student in average daily attendance in excess of 15)
- **Workstations** – One workstation for each barber chair. Workstations having a wood surface shall be covered with a hard-based paint or some other nonabsorbent washable material.
- **Wet sterilizer** – One for each barber chair for individual use of each student.
- **2 Closed receptacles** – For each barber chair, one for disposal of used papers and the other for used linens.
- **Classrooms** – Equipped with either armchairs suitable for students taking notes, or regular school desks.

Thermal Hair Straighteners

- **1 Electric curling iron**

TEXT AND REFERENCE BOOKS FOR STUDENTS – California Code of Regulations (CCR) section 961

Each student shall possess the following: – CCR 961(b)

- At least one (1) of the textbooks approved by the board.** – CCR 961(b)(1)
- The Barbering and Cosmetology Act and the Rules and Regulations.** – CCR 961(b)(3)

There shall be available for the use of students in the school: – CCR 961(c)

- A list of the text and reference books approved by the board.** – CCR 961(c)(1)
- Any two approved texts other than the one text possessed by the student.** – CCR 961(c)(2)

BUILDING STANDARDS – CCR 995

- Ventilation** – Establishments and schools shall have a system of adequate ventilation. – CCR 995(a)
- Water** – A supply of hot and cold running water shall be provided. – CCR 995(b)
- Potable Drinking Water** – Establishments and schools shall supply potable drinking water. – CCR 995(c)
- Hand Washing Facilities** – Establishments and schools shall provide hand washing facilities. – CCR 995(d)
- Restrooms** – Establishments and schools shall provide public toilet rooms. – CCR 995(e)

BUILDING REQUIREMENTS

- A school of barbering approved by the board shall possess the equipment and floor space necessary for comprehensive instruction of 15 barber students or the number of students enrolled in the course, whichever is greater. – Business and Professions Code section 7362.2(a)
- Floors of barber colleges shall be covered with hardwood, linoleum, asphalt tile or some other washable and nonporous material other than paint. – California Building Code section 1252.1
- In a college of barbering, the room for practical work and demonstrations shall be at least 14 feet (4267 mm) wide for one row of barber chairs and shall be at least 20 feet (6096 mm) wide for two rows of chairs. – California Building Code section 1252.5

How many students are enrolled? _____