



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

MEMORANDUM

TO: Members, Board of Barbering and Cosmetology Date: July 26, 2015

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Consumer Notice to be Posted in All Establishments

Background

Current regulations require that a poster be displayed in the reception area of all licensed establishments. This poster lists all of the Board's Health and Safety Regulations and a Notice to Consumers. This poster is rarely read by a consumer and therefore the most important aspect (the Notice to Consumers) is not being displayed or being observed by consumers.

In addition, the Board would spend approximately \$90,000 to provide all licensed establishment with a new poster as well as maintain a supply to be provide to newly licensed establishments. This cost is not beneficial if most consumers are not reading the notice.

Recommendation

Staff recommends a regulation change that would require establishments to only post the Notice to Consumers. The revised notice would now be on a 8 ½ X 11" piece of paper (with a specified font) and would include the Board's website and contact number. The notice would be available for download on the Board's website and would be the establishment's owners responsibility to print it and display it.

Action Needed and Attachments

- Attachment 1: Proposed regulatory language to CCR sections 904 and 905. Should the Board agree with the staff recommendation a motion is needed to approve the draft language and then the regulatory process will begin.
- Attachment 2: Sample of proposed Notice to Consumers
- Attachment 3: Sample of existing Health and Safety Poster

904. Enforcement

~~(a) A copy of the board's Health and Safety Rules, as specified in Article 12 of the Rules and Regulations, shall be conspicuously posted in:~~

- ~~(1) Reception areas of both schools and establishments, and~~
- ~~(2) Theory rooms of schools.~~

~~(a) (b)~~ The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall be responsible for implementing and maintaining the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

~~(b) (c)~~ All licensed barbers, cosmetologists, estheticians, manicurists, electrologists, instructors, or apprentices shall be held individually responsible for implementation and maintenance of the Health and Safety Rules.

~~(c) (d)~~ All persons performing acts of a barber, cosmetologist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the board, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

~~(d) (e)~~ Failure to present valid proof of identification shall be grounds for disciplinary action.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312, 7313, 7317 and 7404, Business and Professions Code.

905. Posting of Consumer Information Message

~~(a) The following consumer information message shall be included at the bottom of the front page of the copy of the Health and Safety Rules, which must be conspicuously posted in reception areas of both schools and establishments, accordance with Section 904, in all establishments:~~

MESSAGE TO THE CONSUMER

This establishment is licensed by the California State Board of Barbering and Cosmetology. The board can address the following problems:

- Health and Safety (including unsanitary conditions and failure to disinfect instruments after each use)
- Incompetence and Negligence
- Misrepresentation or False Advertising of Services
- Unlicensed Practice of Barbering, Cosmetology, Manicuring, Esthetics or Electrology.

To file a complaint please contact the Board at www.barbercosmo.ca.gov or (800) 952-5210.

~~(b) The heading of the consumer information message, "Message to the Consumer," shall be printed in at least 36 point boldface type. The body of the consumer information message must be printed in at least 44 20 point boldface type. The notice shall be printed on paper that measures 8 ½ X 11 inches.~~

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 129(e), and 7404(b), Business and Professions Code.

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