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MEMBERS OF THE COMMITTEE
Andrew Drabkin(Chairperson)
Bobbie Jean Anderson
Jacquelyn Crabtree
Steve Weeks

**LEGISLATIVE AND BUDGET
COMMITTEE MEETING
January 22, 2018**

*Action may be taken on any item
listed on the agenda.*

**Department of Consumer Affairs
1747 North Market Blvd.
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834**

AGENDA

11:00 AM Or Upon Completion of the
Enforcement and Inspections Committee
Meeting

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Public Comment on Items Not on the Agenda
The Board may not discuss or take any action on any item 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, 1125.7(a))
3. Approval of Committee Minutes
July 16, 2017
4. Past Legislation Progress Report
5. Discussion on Legislation Best Practices
6. Discussion of Legislative Priorities
7. Agenda Items for the Next Meeting
8. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chairperson and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

**Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).*

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.



DRAFT
CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY

LEGISLATIVE AND BUDGET COMMITTEE MEETING
MINUTES OF JULY 16, 2017

Department of Consumer Affairs
2420 Del Paso Road
Sequoia Room, 1st Floor
Sacramento, CA 95834

COMMITTEE MEMBERS PRESENT

Andrew Drabkin, Chair
Jacquelyn Crabtree
Richard Hedges

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Tami Guess, Board Project Manager
Kurt Heppler, Legal Counsel
Marcene Melliza, Board Analyst

COMMITTEE MEMBER ABSENT

Bobbie Jean Anderson

1. Agenda Item #1, CALL TO ORDER/ ROLL CALL/ ESTABLISHMENT OF QUORUM

Richard Hedges called the meeting to order at approximately 11:15 a.m. and confirmed the presence of a quorum.

2. Agenda Item #2, ELECTION OF COMMITTEE CHAIRPERSON

MOTION: Mr. Hedges made a motion, seconded by Ms. Crabtree, to elect Andrew Drabkin as chairperson of the Legislative and Budget Committee for 2017. Motion carried 3 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee members voted "Yes": Crabtree, Drabkin, and Hedges.

3. Agenda Item #3, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No members of the public addressed the Committee.

4. Agenda Item #4, APPROVAL OF COMMITTEE MINUTES

- April 20, 2015

MOTION: Mr. Hedges made a motion, seconded by Ms. Crabtree, that the Committee approves the April 20, 2015, Meeting Minutes as presented. Motion carried 3 yes, 0 no, 0 abstain per roll call vote as follows:

The following Committee members voted "Yes": Crabtree, Drabkin, and Hedges.

5. Agenda Item #5, DISCUSS AND MAKE RECOMMENDATIONS TO THE BOARD REGARDING PROPOSED AMENDMENTS TO TITLE 16, CCR SECTIONS 910, 919, 931, AND 937, TO UPDATE APPLICATION FORMS

Kristy Underwood, the Executive Officer, summarized the form updates, which were included in the meeting packet. She stated the need to reference all forms in regulation.

Mr. Hedges asked for verification that Section 919, Board Approved Trainers and Establishments, maintains that apprentices must agree in writing to work at multiple locations. Ms. Underwood affirmed that it would remain the same.

Mr. Hedges referred to Section 931, Interpreter and Interpreter/Model, and stated the need to ensure that the interpreters do not teach examination materials. Ms. Underwood stated there are safeguards in place.

Public Comment

Jaime Schrabec, of Precision Nails, asked if re-approval of the regulations is required for form updates and if Board approval is separate. Kurt Heppler, Legal Counsel, stated the Board approves Board forms, updates to them, and the regulations.

MOTION: Ms. Crabtree made a motion, seconded by Mr. Hedges, that the Committee approves the proposed revisions to Sections 910, 919, 931, and 937 of the California Code of Regulations as presented. Motion carried 3 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Committee members voted "Yes": Crabtree, Drabkin, and Hedges.

6. Agenda Item #6, DISCUSS AND MAKE RECOMMENDATIONS TO THE BOARD REGARDING PROPOSED AMENDMENTS TO TITLE 16, CCR SECTION 904, ENFORCEMENT, TO ADD DEFINITIONS

Ms. Underwood summarized the proposed update to Section 904, which was included in the meeting packet. She stated the need to include a more detailed definition of the term "access."

Mr. Heppler stated "including, but not limited to" is too broad. He suggested changing the language of the proposed Section 904(e) to "For the purposes of Section 7313 of the Business and Professions Code, any establishment, mobile unit, or school shall make available to the Executive Officer and authorized Board representatives for inspection any room where barbering, cosmetology, or electrolysis services are being provided or taught and any drawer, closet, cabinet, or container where the chemicals, tools, or equipment needed for these services is stored."

Mr. Drabkin questioned how this language would work when services are rendered in office buildings.

Mr. Hedges stated break rooms are also not mentioned.

Mr. Drabkin stated limiting inspections to areas where services are practiced provides the opportunity for illegal items to be hidden in areas where services are not practiced.

Mr. Hedges stated services are being practiced under that roof. Anywhere under that roof should be open to inspection.

Mr. Heppler suggested taking out "including, but not limited to." Committee Members agreed.

Mr. Heppler suggested changing the phrase "ability of the executive officer" to "authority of the executive officer" in Section 904(e).

Public Comment

Ms. Schrabec asked for a restatement of the proposed revisions to Section 904(e). She asked what will happen if inspectors encounter evidence of criminal activity.

Ms. Underwood stated there is a process in place for that.

Ms. Schrabec asked about booth renters who may not wish to comply.

Mr. Hedges stated the regulations and safety to public supersede contracts.

Wendy Jacobs, California Aesthetic Alliance (CAA), asked to open the discussion about individual establishment permits and estheticians who work part-time and share a back room. She stated estheticians are often 1099'd illegally and are not under contract.

Mr. Hedges stated Board Members support individual establishment permits if done correctly, but more inspectors are required before that can be implemented.

MOTION: Mr. Hedges made a motion, seconded by Ms. Crabtree, that the Committee approves the proposed revisions to Section 904 of the California Code of Regulations as revised. Motion carried 3 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Committee members voted "Yes": Crabtree, Drabkin, and Hedges.

7. Agenda Item #7, AGENDA ITEMS FOR THE NEXT MEETING

Mr. Hedges suggested a report on legislation.

Mr. Drabkin asked to have dialog with authors of legislation on why they tend not to accept Board suggestions.

Ms. Crabtree suggested strategizing about legislation and how to leverage the individuals who want to do what is best for the industry.

8. Agenda Item #8, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:45 a.m.



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MEMORANDUM

TO: Legislative and Budget Committee Members **Date:** January 4, 2018
 Board of Barbering and Cosmetology

FROM: Tami Guess, Board Project Manager
 Board of Barbering and Cosmetology

SUBJECT: Legislative Update

The following bills have been signed by Governor Edmund G. Brown Jr. in 2017 and have become law. Below is a brief summary of the law, the law's effective date and an update on the Board's implementation plan/progress.

1. AB 326 (Salas)

This bill authorizes the Board to promote physical and sexual abuse awareness. It requires the Board update its Health and Safety Training course to include a section on physical and sexual abuse awareness. It allows the Health and Safety Advisory Committee to advise the Board on ways to promote this awareness. Effective: January 1, 2019

Implementation Update: Section 10 (Physical and Sexual Abuse) of the Health and Safety Training Course is currently being written and will be presented to the Members for adoption at the May 20, 2018 Board meeting. Upon adoption by the Members, the Health and Safety Training course will be pilot tested with a small group of select school instructors. An instructional video will be created and will be posted to the Board's website. The instructional video will be designed to prepare school instructors to effectively use the course. At the February 12, 2018 Board meeting, the compilation of the Health and Safety Advisory committee will need to be reassessed with the intent to include additional members with a background in domestic/sexual abuse prevention education and educational consulting. With the assistance of DCA, staff has begun developing and implementing a consumer domestic/sexual abuse awareness campaign. Proposed Regulatory changes to Sections 917, 921, 921.1, 921.2, 950.1, 950.2, 950.3, 950.4, 950.5, and 950.12 of the California Code of Regulations are under development.

2. AB 1516 (Cunningham)

Made non-substantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature. In part, as pertaining to the Board of Barbering and Cosmetology (Board), amends the California Health and Safety Code § 25257.2 (g), and clarifies that a recognized Healthy Nail Salon must be in compliance with Article 12 commencing with Section 977 of Division 9 of Title 16 of the California Code of Regulations. Effective: January 1, 2018

Implementation Update: This law merely clarifies the portion of Article 12 of the California Code of Regulations applicable to the requirement of maintaining the status of being a recognized Healthy Nail Salon participant. No action is required by the Board.

3. **AB 1615 (Eduardo Garcia)**

Requires the Board to include an informational pamphlet (created by the Department of Consumer Affairs) that explains the Gender Tax Repeal Act of 1995, to establishments at the time the establishment applies for or renews a license. Requires that inspectors provide the pamphlet to establishments when performing an inspection. Effective: January 1, 2019

Implementation Update: Staff is currently receiving monthly updates regarding the creation of the pamphlet from the Departments staff. Staff has initiated BreZE work order tickets to ensure timely online implementation. Once the Board receives the pamphlet, staff will hold Inspector meetings to ensure all Inspectors realize their role in the distribution process.

4. **SB 490 (Bradford)**

Requires commission wages paid to any employee who is licensed under the Barbering and Cosmetology Act to be due and payable at least twice during each calendar month on a day designated in advance by the employer as the regular payday and would authorize the employee and employer to agree to a commission in addition to the base hourly rate (least 2 times the state minimum wage rate in addition to commissions paid). Effective: January 1, 2018.

Implementation Update: This law is written within the Labor Code, BBC does not enforce the Labor Code. There are no fiscal enforcement impacts.

5. **SB 547 (Hill)**

This bill defines the term “under the supervision of a licensee” for these provisions to mean a person supervised at all times by a licensee while performing services in a licensed establishment. The bill also prohibits an apprentice from being the only person working in an establishment and deems an apprentice who is not being supervised by a licensee to be practicing under the act without a license. Effective: January 1, 2018.

Implementation Update: The Board currently operates its enforcement unit under these established specifications.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF BARBERING AND COSMETOLOGY
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Legislative Tracking Best Practices

The legislative analyst will conduct research to identify bills that may impact the BBC.

Bill information will be recorded on BBC's yearly Legislative Tracking log. The log will be updated daily and provided on a weekly basis (via email) to BBC's Executive team, management team and budget analyst.

A bill file will be compiled which will contain, a bill worksheet, bill status, history, author's information, bill, any bill amendments, analysis, research and budgetary information.

Legislative Analysis Best Practices

The Legislative analyst will complete BBC's analysis template. Research should be conducted in addition to information the analyst may have received from the author's office.

Upon completion of the analysis, it will be forwarded to the Executive Officer for review and approval.

Legislative Communication Best Practices

When a bill is identified that impacts the Board of Barbering and Cosmetology (BBC) an email shall be sent to the legislative staff member requesting any available background information. The email should indicate that the bill *may* be of interest to the BBC.

Once the decision is made to place the bill on the Board's Budgets and Legislative Committee agenda or Board meeting agenda, a follow up email will be sent to the author's office providing notification the bill will be discussed, including the meeting date, location and time. A courtesy phone call shall be made as well if acknowledgement to the email is not received.

The BBC staff analysis on the bill will be sent to the author's office electronically once it is prepared.

Following the BBC taking a position, a communication will be sent directly to the author, as well as a cc to the chair of the respective committee where the bill will be heard next. The communication will reference the next BBC meeting date should a legislative staff member wish to attend.

All communication will express BBC's willingness to meet and discuss the bill. Efforts should be made to set up a meet and greet with the staff and Executive Officer of any author's office whose bill significantly impacts the BBC.

All communication will be documented on the bill's internal worksheet.

A yearly meet and greet shall be scheduled (January or February) by the legislative analyst with the staff of the Assembly and Senate Business and Professions Committees and the Board's

President, Vice President and Executive Officer. Talking points will be developed by the Executive Officer and provided to the Board President and Vice President.

Legislative Committee Hearings Best Practices

Record all dates, time and location of the bill's committee hearing on the Board's Legislative Tracking Log and prepare the Committee Hearing Schedule. Update and provide the Legislative Tracking Log and Hearing Schedule to the Executive Officer on a weekly basis.

If the BBC is a sponsor of a bill, contact the Board President to see if he/she would like to testify at the committee hearing and prepare appropriate testimony.

The legislative analyst will attend all hearings the BBC has taken a position on, regardless of the bill being on the consent calendar. If the Board has taken a Watch position on a bill, the legislative analyst may either watch the hearing on the internet, if available, or attend the hearing on a case by case basis.

Legislative Implementation Plan Best Practices

Once a bill has been signed by the Governor and has become law, the legislative analyst will thoroughly review the bill to determine the bill's effective date and the fiscal and workload impact of the bill to the Board.

The legislative analyst will schedule a meeting with the Executive Officer, Assistant Executive Officer, Board Managers and the Board Budget Analyst to establish a draft implementation plan.

The legislative analyst will create a finalized implementation plan, complete with staff assignments and due dates and will submitted the plan to the Executive Officer for approval. Upon plan approval, the implementation plan will be distributed to the assigned staff via email by the legislative analyst.

The legislative analyst is responsible for monitoring all due dates and will monthly, via email, update the Executive Officer on the status of the implementation plan.

Upon completion of the implementation plan, the legislative analyst will apprise the Executive Officer via email.

Updated: 8/31/17