

## TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

### NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held from 9.a.m.-12 p.m., April 10, 2014 in the Sequoia Room at the Board's offices at 2420 Del Paso Road, Sacramento, California, 95834. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its offices not later than 5:00 p.m. on April 10, 2014 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7312 and 7362 of the Business and Professions Code, and to implement, interpret or make specific Section 7367 of the Business and Professions Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST

A. Informative Digest

#### **Repeal Sections 950.8 and 950.9**

Section 7312 of the Business and Professions Code grants the Board the authority to conduct and administer licensing examinations; Section 7362 of the Business and Professions Code authorizes the Board to set the school curriculums for barbering and cosmetology students; Section 7367 of the Business and Professions Code defines how much credit the Board should give to students transferring from one course of study to another. This regulatory proposal would repeal the crossover courses that are now required for barbers to become cosmetologists and cosmetologists to become barbers because those courses in effect give applicants less credit for coursework than the Board is required to give under Section 7367 and conflicts with another section of the California Code of Regulations, Section 950.10(a)(2).

B. Policy Statement Overview/Anticipated Benefits of Proposal

This proposed regulatory action brings the Board's regulations into compliance with Section 7367 of the Business and Professions Code. This will benefit barbers who want to become cosmetologists and vice-versa, by making it easier and less time consuming for them to learn the necessary skills. It may also make it easier for schools to cross-train cosmetologists and barbers because they no longer need to set up a special curriculum. Currently, only about one-quarter of the state's 278 approved barbering and cosmetology schools offer either the barber or cosmetology crossover courses.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review of regulations relating to school credit, the Board has determined that this regulatory proposal is not inconsistent or incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not affect small businesses because they are revisions to educational requirements that have no associated economic cost.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will not significantly benefit the health and welfare of California residents, worker safety, or the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Contact Person named below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

## CONTACT PERSON

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

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

The backup contact person is:

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

Website Access: Materials regarding this proposal can be found at  
[http://www.barbercosmo.ca.gov/laws\\_reqs/prop\\_reqs.shtml](http://www.barbercosmo.ca.gov/laws_reqs/prop_reqs.shtml)