

NOTICE PUBLICATION/REGULATORY SUBMISSION

REGULAR

(See instructions on reverse.)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0415-01	REGULATORY ACTION NUMBER 2016-0301-01S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2016 MAR -1 A 11: 07  
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED  
in the office of the Secretary of State  
of the State of California

APR 04 2016  
3: 08 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY  
Board of Barbering and Cosmetology

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2015, 18-2	PUBLICATION DATE 5/1/2015

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Schedule of Administrative Fines	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
ACTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND Section 974 REPEAL
TITLE(S) 16	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal

<input checked="" type="checkbox"/> Other (Specify) Awet Kidane, Director, California Department of Consumer Affairs
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7. CONTACT PERSON Kevin Flanagan	TELEPHONE NUMBER (916) 575-7104	FAX NUMBER (Optional) (916) 928-6810	E-MAIL ADDRESS (Optional) kevin.flanagan@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Kristy Underwood</i>	DATE 3/1/16
TYPED NAME AND TITLE OF SIGNATORY Kristy Underwood, Executive Officer, Board of Barbering and Cosmetology	

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ENDORSED APPROVED

APR 04 2016

Office of Administrative Law

## BOARD OF BARBERING AND COSMETOLOGY

*Division 9, Title 16, of the California Code of Regulations.*

### ORDER OF ADOPTION

The Board Hereby Amends Section 974, of Article 11, as follows:

#### 974. Schedule of Administrative Fines

(a) An administrative fine may be assessed for violations of the specified sections of the Business and Professions Code and Division 9 of Title 16 of the California Code of Regulations as follows:

Section	1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation	Waivable
7313. Access to Establishment for Inspection	250	500	750	No
7317. Unlicensed Establishment	500	1,000	1,000	No
7317. Unlicensed Individual	1,000	1,000	1,000	No
7317. Expired Establishment License	250	300	500	No
7317. Expired Individual License	250	300	500	No
7317. Individual Working in an Expired Establishment	25	50	100	No
7317. Individual Working in an Unlicensed Establishment	250	300	500	No
7320. Practice of Medicine	1,000	1,000	1,000	No
7320.1. Use of Illegal Metal Instruments <del>Tools</del>	250	500	500	No
7320.2. Illegal Treatment Methods	500	500	500	No
7336. No Supervision of Apprentice	100	150	200	No
7348. No Licensee in Charge of Establishment	100	150	200	No
7349. Employing Unlicensed Persons	1,000	1,000	1,000	No
7349.1. Illegal Use of a Barber Pole	25	50	100	No
7350. Establishment – Residential Use/Entrance/Prohibited Use	50	100	150	No
7351. Restroom Requirement – Clean/Storage/Floor/Vented	50	100	150	No
7352. No Soap/Towels or Air Hand Dryers in Hand Washing Facilities	50	100	150	No
7358. No Licensee in Charge of Mobile Unit	100	150	200	No

7359. Employing Unlicensed Person in Mobile Unit	1,000	1,000	1,000	No
7360. Mobile Unit – Residential/Prohibited Use	50	100	150	No
7400. No Change of Address Notice Filed	50	100	150	No
7404(l). Interference with Inspection	200	300	500	No
904(d). No Photographic Identification Available	50	100	150	No
905. Consumer Info. Not Posted/Incorrect Size of Print (Health & Safety)	50	100	150	No
920. Apprentice Training Records Not Available/Incomplete	100	150	200	No
965. Display of Licenses	50	100	150	No
978(a)(1), (a)(2),(a)(3),(a)(4). Receptacles, Cabinets and Containers	50	100	150	No
978(a)(5). Insufficient Disinfectant in Container for Total Immersion	100	150	200	No
978(a)(6). No Steam/Dry Heat Sterilizer for Electrology <del>Instruments Tools</del>	500	1,000	1,500	No
978(b). No Disinfectant Solution Available for Use	250	300	500	No
978(c). No Manufacturer-Labeled Container for Disinfectant	250	300	500	No
979. Disinfecting Non-Electrical <del>Instruments Tools</del> and Equipment	100	250	500	No
980(a). Incorrect Disinfection of Electrical Items	100	250	500	No
980(b). Incorrect Storage of Electrical Disinfected Items	50	100	150	No
<u>980(c). Incorrect Storage of Soiled Electrical Tools</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
980.1. Incorrect Disinfection of Pedicure Spas (Per Chair)	500	500	500	No
980.1(c)(7). 980.1(d)(8). Incorrect/Missing Log 980.1(e)(4).	100	150	200	No
<u>980.1(g). Failure to List Chair as “Not in Service” in Log; No Sign Displayed on Chair</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
980.2. Incorrect Disinfection of “Pipeless” Footspas (Per Unit)	500	500	500	No
980.2(b)(7). 980.2(c)(6). Incorrect/Missing Log 980.2(d)(3).	100	150	200	No
<u>980.2(f). Failure to List Chair as “Not in Service” in Log; No Sign Displayed on Chair</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
980.3. Incorrect Disinfection of “Non-Whirlpool Foot Basin” (Per Unit)	100	150	200	No
980.3(b)(6). Incorrect/Missing Log	50	100	150	No
<u>980.3(e). Improper Storage of Basins or Tubs</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>

<u>980.4. Incorrect Disinfection of foot basin or tub after use of disposable liner</u>	<u>500</u>	<u>500</u>	<u>500</u>	<u>No</u>
<u>980.4(a)(2). Incorrect/Missing Log</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
<u>980.4(a)(4). Failure to Maintain Supply of Five (5) Disposable Liners per Foot Tub Basin</u>	<u>250</u>	<u>300</u>	<u>500</u>	<u>No</u>
981(a). No Disposal of Non-Disinfected Items	100	150	200	No
<u>981(b). Improper Storage of New Supplies and Disposable tools</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
<u>981(b-c). Carry Instruments Tools or Supplies in or on Garments</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
982. Incorrect Sterilization of Electrology Instruments Tools	100	150	200	No
983. Personal Cleanliness	50	100	150	No
984. Work on Person with Infectious/Communicable Disease	100	250	500	No
985. No Use of Neck Strips or Towel	50	100	150	No
986. Neck Dusters/Brushes Not Clean or Sanitary	50	100	150	No
987. Towels	50	100	150	No
988. Liquids, Creams, Powders and Cosmetics	50	100	150	No
989. Prohibited Hazardous Substance/Use of Product	500	500	500	No
990. Headrests and Treatment Tables	50	100	150	No
991. Performing Invasive Procedures	500	500	500	No
992. Performing Invasive Skin Peeling Exfoliation/Dermis	500	500	500	No
993. Prohibited Instruments Tools	300	400	500	No
994. Cleanliness and Repair	50	100	150	No
995(b),(c),(d),(e). Plumbing Standards	50	100	150	No

(b) A violation indicated in subdivision (a) as not waivable means that the Board, in its discretion, has determined that the violation cannot be corrected pursuant to Business and Professions Code Section 7407, and therefore that the fine for the first violation may not be avoided as provided for in Section 7409 of the Business and Professions Code.

*NOTE: Authority cited: Sections 7312, 7406 and 7407, Business and Professions Code. Reference: Sections 7406, 7407 and 7409, Business and Professions Code.*