

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 hearings to be held at the following times, dates and locations:

Wednesday, July 17, 2013
10:00 a.m.
Board of Barbering and Cosmetology
Sequoia Room
2420 Del Paso Road
Sacramento, California 95834

Monday, July 22, 2013
10:00 a.m.
Paul Mitchell – the School
3309 Hyland Avenue
Suite J
Costa Mesa, CA 92626

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 office not later than 5:00 p.m. on Monday, July 22, 2013, or must be received by the Board at one of the hearings. 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 7406 of the Business and Professions Code, and to implement, interpret or make specific Sections 7312(e), 7316, 7320, 7320.1 of said 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

Adopt Section 977.

Section 7312 of the Business and Professions Code requires the Board adopt rules governing sanitary conditions and precautions that are reasonably necessary to protect the public health in barbering and cosmetology establishments and schools, and in the practice of the professions regulated by the Board. This regulatory proposal would add a section of definitions to Article 12, Division 9 of Title 16 of the California Code of Regulations.

Adopt Section 980.4.

Section 7312 of the Business and Professions Code requires the Board adopt rules

governing sanitary conditions and precautions that are reasonably necessary to protect the public health in barbering and cosmetology establishments and schools, and in the practice of the professions regulated by the Board. This regulatory proposal would add regulations regarding the use of pedicure foot spa liners to Article 12, Division 9 of Title 16 of the California Code of Regulations.

Amend Sections 978, 979, 980, 980.1, 980.2, 980.3, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993 and 994.

Section 7312 of the Business and Professions Code requires the Board adopt rules governing sanitary conditions and precautions that are reasonably necessary to protect the public health in barbering and cosmetology establishments and schools, and in the practice of the professions regulated by the Board. These regulatory proposals would update, clarify and strengthen the Board's existing health and safety regulations, as well as, require, under the proposed amendments to Section 982, that electrolysis needles be single-use and disposable.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Under Section 7303.1, the Board is mandated to make protection of the public its highest priority. The primary method by which the Board achieves this goal is by following its mandate under Section 7312 of the Business and Professions Code to formulate and enforce health and safety regulations. This regulatory action furthers that goal by updating, clarifying and strengthening existing regulations and adopting new regulations to reflect practical changes in the barbering and cosmetology industry.

C. Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is neither inconsistent nor 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:

This regulatory proposal would require that single-use, disposable electrolysis needles be used by electrologists. These types of needles cost approximately 50 cents each. The Board has determined that the practical impact of these requirements will be negligible because of the needles' low cost and because most of the State's approximately 1,600 licensed electrologists already use these implements, which are recommended by the American Electrology Association, the electrologists' professional organization.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not have a negative effect on small businesses because these regulatory proposals are mostly updates or clarifications of existing rules that have no associated economic cost. While there is a small cost associated with the requirements that electrologists use single-use, disposable electrolysis needles, the Board has determined the practical impact on small business will be minor because the requirements mirror the recommendations of the American Electrology Association, which are already widely followed in the industry.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any 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 have the following benefits to the health and welfare of California residents, worker safety and the state's environment:

By clarifying and updating its health and safety regulations to reflect changes in the Barbering and Cosmetology industry, the Board enhances its primary mission of protecting the public.

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 hearings.

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_regs/prop_regs.shtml.