

## TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

### INITIAL STATEMENT OF REASONS

Hearing Date: August 9, 2016

**Subject Matter of Proposed Regulations:** Health and Safety Poster

Sections Affected:

1. Amend Sections 904 and 905, Division 9 of Title 16, California Code of Regulations.

Specific Purpose of amendments:

1. Problem being addressed:

The Board's regulations currently require all barbering and cosmetology establishments hang a poster in their lobby that details the Board's health and safety regulations (Article 12 of Division 9 of Title 16 of the California Code of Regulations), as well as a "Message to the Consumer" that alerts the public to the Board's enforcement function with regard to the barbering and cosmetology industry. The poster is produced by the Board but appears to be rarely read by consumers.

2. Anticipated benefits from this regulatory action:

By removing the text of Article 12 from the poster, the Board's "Message to the Consumer" will be seen more easily by consumers and the Board will save production, printing and distribution costs because it will no longer need to produce the poster itself. Establishments would instead be required to post only a "Message to the Consumers" notice in a format each establishment can easily produce and/or print out on its own on an 8 1/2" by 11" sheet of regular paper. The message has also been simplified to invite consumers to contact the Board without having to evaluate whether their complaint falls under the Board's jurisdiction. The proposed text of the poster directs consumers to visit the Board's Web site for the full text of the Board's rules and regulations. Consumers may also contact the Board for a copy of those laws.

Factual Basis/Rationale

The health and safety poster is lengthy, typographically dense, and rarely, if ever, read by the consumer during the course of a visit to a salon. This means that the "Message to the Consumer" portion of the poster – which the Board believes to be the most important section for consumers – goes largely unnoticed by the public. Moreover, each time the Board's health and safety regulations change — as they recently did on July 1, 2015 — a new poster must be produced and distributed to all of the state's approximately 40,000 licensed establishments at a considerable expense to the Board. This regulatory change will eliminate that expense while still fulfilling the mandate of Section 129(e) of the Business and Professions Code which requires that the Board "take whatever action it

deems necessary ... to inform the public of its functions under this section.”

#### Underlying Data

1. Sample of existing health and safety poster
2. Sample of proposed “Message to the Consumer”

#### Business Impact

This regulation will not have a significant adverse economic impact on businesses because the poster can be reproduced on an 8 1/2” by 11” sheet of regular paper and as a result, no significant economic or fiscal cost is associated with this proposal.

#### Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California, or create new business or eliminate existing business, or affect the expansion of businesses currently operating in the State of California. This is because there is no significant cost or savings to businesses associated with producing the poster.
- It does not significantly affect the health and welfare of California residents but will help to make the public more aware of the Board’s enforcement function with regard to the barbering and cosmetology industry. This could indirectly help protect the health and welfare of Californians.
- This regulatory proposal does not significantly affect worker safety, because workers are already familiar with Article 12 of the Board’s regulations regarding health and safety, having studied the subject at barbering and cosmetology school as part of the Board’s licensing requirements. Removing the text of Article 12 from the poster will not affect their understanding of those rules.
- This regulatory proposal does not affect the state’s environment because the poster does not address environmental issues.

#### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

#### Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative

was rejected:

- Maintaining the status quo: The Board has determined that failure to make the proposed changes will contribute to the public's ignorance of the Board's enforcement function and cause a largely unnecessary expense for the Board.