



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
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CIRCULAR LETTER #14/10

DATE: DECEMBER 18, 2014

TO: ALL SCHOOLS OF BARBERING, COSMETOLOGY, AND ELECTROLOGY

**FROM: KRISTY UNDERWOOD, EXECUTIVE OFFICER
BOARD OF BARBERING AND COSMETOLOGY**

SUBJECT: WAGES FOR STUDENTS

The Board of Barbering and Cosmetology (Board) has recently been asked if students can or should be paid for performing beauty services, i.e. practical operations on paying patrons while working on the "clinic floor" of the approved school they are attending.

Statutory Background

Business and Professions Code (BPC) section 7317 states:

Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the Board, or in an establishment or mobile unit other than one licensed by the Board, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are licensed. Any violation of this section is subject to an administrative fine and may be subject to a misdemeanor.

BPC section 7320.3 states:

Persons who are not licensed to perform all of the practices of a cosmetologist may not represent themselves as a cosmetologist.

BPC section 7320.4 states:

Persons who are not licensed as barbers in this state may not represent themselves as barbers.

BPC section 7319.5 states:

Students engaged in performing services on the public while enrolled in a school approved by the Board shall not be required to be licensed under this chapter if they perform those services at the approved school in which they are enrolled.

BPC section 7395.1 states in part:

(a) A student who is enrolled in a school of cosmetology approved by the Bureau for Private Postsecondary and Vocational Education in a course approved by the Board may, upon completion of a minimum of 60 percent of the clock hours required for graduation in the course, work as an unpaid extern in a cosmetology establishment participating in the educational program of the school of cosmetology.

(g) (1) It is the purpose of the externship program authorized by this section to provide students with skills, knowledge, and attitudes necessary to acquire employment in the field for which they are being trained, and to extend formalized classroom instruction.

(g)(3) An extern may perform only acts listed within the definition of the practice of cosmetology as provided in Section 7316, if a licensee directly supervises those acts, except that an extern may not use or apply chemical treatments unless the extern has received appropriate training in application of those treatments from an approved cosmetology school. An extern may work on a paying client only in an assisting capacity and only with the direct and immediate supervision of a licensee.

BPC section 7368 states:

7368. No school shall advertise barbering, cosmetology or electrolysis services to the public through any medium unless those services are expressly designated as student work.

BPC section 7349 states:

It is unlawful for any person, firm, or corporation to hire, employ, or allow to be employed, or permit to work, in or about an establishment, any person who performs or practices any occupation regulated under this chapter and is not duly licensed by the bureau, except that a licensed cosmetology establishment may utilize a student extern, as described in Section 7395.1.

Any person violating this section is subject to a citation and fine pursuant to Section 7406 and is also guilty of a misdemeanor.

Board's Interpretation

The Board believes that if a student earns a wage while in their approved school or working as a student-extern in a qualified establishment, they are in direct violation of Section 7317. Students are only allowed to perform services on consumers because they are exempt from the licensure requirement. However, once the student starts receiving compensation for their services, they are required to be licensed.

While receiving their practical training and experience under the direction of a school approved by the Board, students are in a learning environment and are not licensed. An individual who accepts wages for services, and who is not licensed, is misleading California consumers by representing him/herself as a licensee pursuant to Section 7317.