

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



**JULY 16, 2017
Licensing and Examination
Committee Meeting**

**California Board of Barbering and Cosmetology
2420 Del Paso Road
Sequoia Room, 1st Floor
Sacramento, CA 95834**



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MEMBERS OF THE COMMITTEE
Polly Codorniz
Joseph Federico
Richard Hedges
Dr. Kari Williams

**LICENSING AND EXAMINATION
COMMITTEE MEETING**

July 16, 2017

Department of Consumer Affairs
2420 Del Paso Road
Sequoia Room
Sacramento, CA 95834

*Action may be taken on any item
listed on the agenda.*

AGENDA

12:00 PM or Upon Adjournment of Legislative
and Budget Committee –Until Completion of
Business

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Election of Committee Chairperson.
3. Public Comment on Items Not on the Agenda
The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))
4. Approval of Committee Minutes
 - November 14, 2016
5. Discussion and Recommendations to Board Regarding Proposed Regulatory Language to Implement BPC section 7402.5, Personal Service Permit (BPC § 7402.5).
6. Agenda Items for the Next Meeting
7. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chairperson and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

**Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).*

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

No Attachment

Draft
**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

**LICENSING AND EXAMINATION COMMITTEE MEETING
MINUTES OF NOVEMBER 14, 2016**

Department of Consumer Affairs
1747 North Market Blvd.
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

BOARD MEMBERS PRESENT

Joseph Federico, President
Mary Lou Amaro
Richard Hedges

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Rebecca Bon, Legal Counsel
Tami Guess, Board Project Manager
Marcene Melliza, Board Analyst

BOARD MEMBER ABSENT

Dr. Kari Williams

1. Agenda Item #1, CALL TO ORDER/ESTABLISHMENT OF A QUORUM

Joseph Federico, the Board President, called the meeting to order at approximately 1:00 p.m. and confirmed the presence of a quorum.

2. Agenda Item #2, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no questions or comments from the public.

3. Agenda Item #3, APPROVAL OF COMMITTEE MINUTES

MOTION: Mr. Hedges made a motion, seconded by Ms. Amaro, that the Board approves the April 24, 2016, Meeting Minutes as presented. Motion carried 3 yes, 0 no, 0 abstain per roll call vote.

The following Board Members voted "Yes": Amaro, Federico, and Hedges.

4. Agenda Item #4, DISCUSSION AND RECOMMENDATIONS TO BOARD REGARDING DRAFT REGULATORY LANGUAGE TO IMPLEMENT BPC, PERSONAL SERVICE PERMIT (BPC SECTION 7402.5)

Kristy Underwood, the Executive Officer, asked Committee Members to provide input on the Report on the Personal Service Permit Stakeholder Meetings, which was included in the meeting packet. Committee Members recommended the following:

- The regulations will limit the Personal Service Permit (PSP) to cutting and styling hair.

- The PSP will be tied to a licensed, working, brick-and-mortar establishment.
- The licensed establishment and PSP holder will provide proof of liability insurance.
- The number of PSP holders per establishment will be limited.
- A criminal background check will be part of the PSP licensing process.
- The regulations will stipulate how tools will be disinfected and transported. The clean, closed container language can be used and the PSP holder will also be required to carry a soiled container to bring back to the establishment to disinfect later.
- Spray-on disinfectants and wipes will be permitted in the field.
- The PSP holder will post their PSP and establishment licenses on any advertisement.
- A notice will be posted on the website to direct consumers to check license numbers online and verify the connection to an establishment.
- The PSP holder will be required to have a photo I.D. to show that they match the license number advertised.

Public Comment

Fred Jones, Legal Counsel for the Professional Beauty Federation of California (PBFC), referred Committee Members to his concerns about the PSP that are captured in the minutes of the last Board meeting and the stakeholder meetings – the pressures on establishments, the booth rental phenomenon, the code section that begins with “may” create a license instead of “shall,” and the difficulty of inspecting these services.

Mr. Jones spoke in favor of tying the PSP to a brick-and-mortar establishment so equipment can be inspected. He suggested that the following be included in the regulations:

- PSP holders must demonstrate, while at the licensed establishment, their protocols used when in someone’s home or place of business.
- The minimum liability insurance should be \$1 million. That amount should be specified in the regulations.
- Geographical boundary limitations per PSP holder should be limited, such as within X miles of the licensed establishment.
- PSP holders should be made employees of the establishment they are tied to.

Mr. Jones suggested that after the Licensing Committee is done, this issue should be sent to the Enforcement Committee to discuss application requirements, marketing, inspections of equipment and protocols used, and tracking services possibly in real-time through some sort of electronic medium, prior to bringing it before the Board.

5. Agenda Item #5, AGENDA ITEMS FOR NEXT MEETING

Mr. Federico asked Committee Members to email future agenda items to staff.

6. Agenda Item #6, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:30 p.m.



Board of Barbering and Cosmetology

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MEMORANDUM

TO: Members
Licensing and Examination Committee

Date: July 9, 2017

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Proposed Language for Implementation of a Personal Service Permit

The attached language is a draft proposal that takes into consideration previous comments from members, industry representatives and public comments. The committee should determine if this language, or modified language, should be presented to the full Board.

Personal Service Permit-Application Requirements

The Board shall issue a Personal Service Permit to a licensed individual who meets the following criteria:

- a) Be licensed as a cosmetologist, barber, manicurist, or esthetician with the Board and have taken and passed the written examination within the previous 2 years. Individuals who have taken the written examination more than two years prior to applying for a personal service permit shall take and pass the written examination.
- b) Maintain a valid personal license and not have any outstanding administrative fines or disciplinary actions.
- c) Maintain employment at a licensed establishment that does not have any outstanding administrative fines or prior disciplinary actions.
- d) The individual and establishment shall provide proof of liability insurance in the minimum amount of 1 million dollars respectively.
- e) Furnish the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal criminal offender record information search conducted through the Department of Justice.
- f) Submit the application (form XXX) accompanied by the required fee.

Criteria for Personal Service Permit

The following services shall be provided by each licensing category, when being performed outside of a licensed establishment and under a personal service permit:

Cosmetology

A licensed cosmetologist who has been issued a personal service permit shall provide the following services outside of a licensed establishment:

- a) Arranging, dressing, curling, cutting, non-chemical straightening, applying hair tonics to beautify the hair of any person.
- b) Giving facials, applying makeup, applying eyelashes and removing superfluous hair on the face, by the use of tweezers.
- c) Massaging, cleaning, beautifying or stimulating the face, neck, arms or upper part of the human body, by use of cosmetic cleansing preparations, antiseptics, tonics, lotions or creams.

- d) Cutting, trimming, polishing, tinting, coloring, cleansing or manicuring or pedicuring the nails of any person or massaging, cleansing, or beautifying from the elbow to the fingertips or the knee to the toes of any person.

A licensed Cosmetologist who has been issued a Personal Service Permit shall not provide the following services unless those services are performed in a licensed establishment:

- a) Any chemical hair services, including but not limited to: permanent waving, relaxing, coloring, chemical straightening or dyeing.
- b) Any exfoliation service, including but not limited to: chemical peels, microdermabrasion.
- c) Any form of artificial nail application or maintenance of artificial nails.

Barbering

A licensed barber who has been issued a personal service permit shall provide the following services outside of a licensed establishment:

- a) Shaving or trimming the beard or cutting the hair.
- b) Giving facial and scalp massages or treatment with oils, creams, lotions, or other preparations either by hand or mechanical appliances.
- c) Arranging, styling, dressing, curling, cutting the hair of any person.
- d) Applying cosmetic preparations, antiseptics, powders oils, clays or lotions to the scalp, face or neck.

A licensed Barber who has been issued a Personal Service Permit shall not provide the following services unless those services are performed in a licensed establishment:

- a) Any chemical hair services, including but not limited to: permanent waving, relaxing, coloring, chemical straightening or dyeing.
- b) Any exfoliation service, including but not limited to: chemical peels, microdermabrasion.

Manicuring

A licensed manicurist who has been issued a Personal Service Permit shall provide the following services outside of a licensed establishment:

- a) Cutting, trimming, polishing, tinting, coloring, cleansing or manicuring or pedicuring the nails of any person or massaging, cleansing, or beautifying from the elbow to the fingertips or the knee to the toes of any person.

A licensed manicurist who has been issued a personal service permit shall not provide the following services outside of a licensed establishment:

- a) Any form of artificial nail application or maintenance of artificial nails.

Esthetician

A licensed Esthetician who has been issued a Personal Service Permit shall provide the following services outside of a licensed establishment:

- a) Giving facials, applying makeup, applying eyelashes and removing superfluous hair on the face, by the use of tweezers.
- b) Massaging, cleaning, beautifying or stimulating the face, neck, arms or upper part of the human body, by use of cosmetic cleansing preparations, antiseptics, tonics, lotions or creams.

A licensed Esthetician who has been issued a Personal Service Permit shall not provide the following services outside of a licensed establishment:

- a) Any exfoliation service, including but not limited to: chemical peels and microdermabrasion.

Personal Service Permit Standards

The holder of a personal service permit shall:

- a) Provide each client with the Board's name, address and telephone number.
- b) Display both the individual license and the personal service permit at the location where services are being provided. The license and the permit must be in plain visible site for the consumer to easily view.
- c) Be subject to random inspections to verify compliance with health and safety laws and regulations.
- d) Adhere to all health and safety laws and regulations.
- e) Maintain a record of all services provided outside of a licensed establishment. Those records shall contain customers name, service provided, address where service was provided, and date of service. Records shall be maintained for a minimum of two years and may be subject to inspection by a Board representative.

Expiration of Personal Service Permit

The personal service permit shall be valid for two years, however, if employment changes a new personal service permit must be obtained under a new licensed establishment.