

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



**MAY 25TH, 2021
Board Meeting**

**PUBLIC
TELECONFERENCE**



**CALIFORNIA BOARD OF
BARBERING AND
COSMETOLOGY
BOARD MEETING NOTICE AND
AGENDA**

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

BOARD MEMBERS:

Steve Weeks,
President
Calimay Pham,
Vice-President
Jacquelyn Crabtree
Andrew Drabkin
Tonya Fairley
Derick Matos
Christie Tran

**PUBLIC TELECONFERENCE
MEETING**

**May 25, 2021
9:00am - Until Completion of
Business**

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below.

Important Notices to the Public: The Board of Barbering and Cosmetology will hold a public meeting via a Webex Events. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ef6fc93ad4a45e13ca8aad771c40e9ca6>

Event number: 187 934 4082
Event password: BBC05252021

Instructions to connect to the meeting can be found at:

https://www.barbercosmo.ca.gov/about_us/meetings/how_to_join_webex_event.pdf

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period; members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at

<https://thedcapage.wordpress.com/webcasts/>.

AGENDA

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 Board President 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.

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum (**Mr. Steve Weeks**)
2. Legislative Update, Discussion and Possible Action on Proposed Bill:
 - a. SB 803 (Roth) – Barbering and Cosmetology
3. Public Comment on Items Not on the Agenda
Note: 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, 1125.7(a))
4. Adjournment

Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>.

*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 being held via Webex Events. 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.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
 DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Roth

Subject: Barbering and cosmetology

Bill Number: SB 803

Version: May 11, 2021

Overview:

7303

Existing law requires the Board of Barbering and Cosmetology to be composed of 9 members composed of 5 public members and 4 professional members.

This bill would increase the total number of board members to 13, with 7 public members and 6 professional members (a cosmetologist, barber, esthetician, electrologist, manicurist, and an establishment owner). This bill would also provide a per diem to each board member.

This amendment will increase the number of board members to ensure all aspects of the industry that are licensed by the Board are represented. The Board would have a minor operational impact of updating the website and informational materials. The 4 additional members would have an estimated fiscal impact of \$5,000 per member annually for a \$20,000 annual increase of costs. In addition, this amendment adds a technical clean-up for Board members to receive per diem.

7313

Existing law prohibits the Board from reducing the number of employees assigned to perform various inspections relating to field operations below the level funded by the annual Budget Act and as described and would prohibit the redirection of funds or personnel years allocated to those inspection and investigation purposes to other purposes.

This bill would remove the prohibition to not reduce the number of employees assigned to perform random inspections, targeted inspections, and investigations relating to field operations below the level funded by the annual Budget Act and described in supporting budget documents and shall not redirect funds or personnel-years allocated to those inspection and investigation purposes to other purposes.

The amendment removes the language stating that inspector positions (PY's) cannot be redirected. Removing the inspection language allows the Board more flexibility in the hiring process. This language currently restricts the re-classification of the required civil-servant

inspector positions. The removal of this statute would allow the flexibility for the Board to determine if other classifications can be utilized to better serve the enforcement process.

7314.3

Existing law establishes a Health and Safety Advisory Committee to provide the Board with advice and recommendations on health and safety issues.

This bill would remove the July 1, 2019 operative date and provide a per diem to each health and safety committee member.

The amendment is a technical change. Providing all Health and Safety Advisory Committee members with a per diem is positive as members would be compensated for their time and effort to prepare for and attend meetings. Committee member composition is subject to change every year. On average, 12 committee members meet twice a year, so this would be a \$2,400 annual increase of costs.

7316

Existing law describes the practice of barbering, cosmetology, skin care and nail care specialties within cosmetology, and nail care.

This amendment makes changes to the existing scopes of practices as follows:

Barbering:

- Removes cutting the hair, singeing, shampooing, arranging, dressing, curling, and waving.
- Removes hairstyling.

Cosmetology:

- Removes arranging, dressing, curling, waving, machineless permanent waving, cleansing, cutting, shampooing, and singeing.

Esthetics:

- Removes applying makeup.
- Clarifies that services cannot result in the ablation or destruction of live skin.
- Adds tinting and perming of eyelashes and brows.
- Adds sugaring to hair removal.
- Clarifies that hair removal can be done by nonprescription chemicals.

This amendment also specifically exempts cutting, cleansing, shampooing, arranging, dressing, curling, waving, blow-drying, or non-chemical straightening.

It is assumed that these changes are proposed because they provide minimal consumer harm. While, even with this exemption, a student would likely still learn these services, there is no proven harm directly related to most of these services.

The Board may want to recommend that hair cutting be maintained in the scope of barbering and cosmetology as there could be potential harm if shears are not disinfected properly. The Board may also want to recommend that the esthetician and cosmetology scope maintain eyelash extensions as this service does pose a threat to consumer safety.

The Board would need to determine how to implement a modified scope of practice. This would require updating the website and informational materials. The Board may also need to update regulations to clarify how and when to cite licensees for violations depending on whether they are providing services within the updated scope. Lastly, the Board's inspection program would need new procedures for how to inspect establishments that may employ both licensed and unlicensed individuals.

7320

Existing law provides that it confers no authority to practice medicine or surgery.

The bill would prohibit the practice of medicine from being performed by, or offered by, a licensee under the act without being authorized and licensed to perform that act pursuant to a license obtained in accordance with some other provision of law.

The Board already prohibits licensees from practicing medicine or surgery, but this bill clarifies that licensees may not perform or offer these services unless they are licensed under another provision of law. This a minor change would allow the Board to cite licensees for offering out of scope services without observing them being provided.

7331

Existing law requires the Board to grant a license to practice to an applicant if the applicant submits a completed application form and all required fees and proof of a current license issued by another state that has been active for 3 of the last 5 years.

This bill would remove the 3-year out-of-state licensure requirement for an applicant to receive a license to practice from the Board.

Removing the requirement for applicants to be licensed 3 of the last 5 years for an endorsement license would allow licensees to obtain a California license more easily. The Board would have a minor operational impact of updating the website, forms, and internal procedures. There could still be issues with endorsement licenses if other states do not have the same licensing categories as California or if their scope of practice differs, however, this will ease the requirements for individuals who have already been tested in another state to quickly gain employment in California.

7334

Existing law requires all persons making application as an apprentice to complete at least 39 hours of pre-apprentice training in a facility approved by the Board prior to serving the general public.

This bill would require apprentice applicants to complete pre-apprentice training administered by the Board.

The Board would need to develop the pre-apprentice training course and obtain assistance from the Department of Consumer Affairs on how to allow applicants to access the course and obtain proof that it was completed. This would be a positive change as the Board would have control over the information provided to prospective apprentices and ensure apprentices fully understand their responsibilities and what to expect from the apprenticeship program.

7337.5

Existing law requires the Board to adopt regulations regarding the examination of students or apprentices, sets forth certain timelines for conducting the licensing examination, and describes preapplications for licensing examinations.

This bill would remove the preapplication requirements and timeline requirements for conducting the licensing examination.

This amendment removes the language for the pre-application process. This language is tied to the removal of the practical examination. Without the practical examination there is no longer a need for the pre-application process. The pre-application process allows a school to submit applications for examination prior to the students' graduation. This requires the Board to schedule the candidate as close as possible to their anticipated graduation date.

The pre-application process is a manual process that must be completed by staff. The Board currently has issues with not receiving preapplications timely and not receiving Proof of Training documents. Removing the option for preapplications would streamline processing examination applications for the licensing unit. The Board estimates this reduction of the \$9.00 pre-app fee would result in a \$207,000 loss of incoming revenue (23,000 applications received annually).

7338

Existing law sets requirements for the examination of applicants for a license.

The bill would recast the examination requirements to remove the practical examination and require a written examination that evaluates competency in protecting the health and safety of consumers of the services provided by licensees and written tests to determine the applicant's skill in, and knowledge of, the practice of the occupation for which a license is sought.

This amendment removes the practical portion of the examination. The practical examination currently requires an examiner to observe 8 individuals perform various services. The services are often testing technique and not health and safety. For example, a candidate must cut 1 inch off the hair of a mannequin head and the examiner evaluates if that is completed. Candidates must assemble or rent supply kits that are pre-labeled and contain everything needed for the examination. The Board maintains two examination facilities that are operated fully by Board staff.

There are other states that do not have practical examinations and some states are currently looking to remove their examination. Pennsylvania eliminated its practical examination in 2014, Kansas is in the process of transitioning away from a practical examination, and Minnesota requires the practical examination at the school level. There are several other states that are in discussion on eliminating the practical examination.

Elimination of the practical examination would allow the written portion of the examination to be administered via the computer-based testing vendor at locations throughout California. This would significantly reduce the processing times for candidates, allowing employment to be gained quicker. In addition, this would decrease costs to the Board and likely reduce the application and examination fees for candidates.

7347

Existing law requires any person, firm, or corporation desiring to operate an establishment to make an application to the bureau for a license accompanied by the fee.

This bill would change the word “bureau” to “board.”

Changing the word “bureau” to “board” is non-substantive and would have no operational or fiscal impact.

7353

Existing law requires the Board to inspect establishments within 90 days after issuance of an establishment license and maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws. Existing law prohibits the Board from reducing the number of employees assigned to perform various inspections relating to field operations below the level funded by the annual Budget Act and as described and would prohibit the redirection of funds or personnel years allocated to those inspection and investigation purposes to other purposes.

Like 7313 above, this bill section would remove the prohibition to not reduce the number of employees assigned to perform random inspections, targeted inspections, and investigations relating to field operations below the level funded by the annual Budget Act and described in supporting budget documents, and shall not redirect funds or personnel-years allocated to those inspection and investigation purposes to other purposes. It would also eliminate the requirement of an initial inspection of an establishment within 90 days.

Removing the requirement to inspect all establishments within 90 days of license issuance is a benefit to the Board. The Board is currently unable to inspect all establishments within 90 days of issuance, so removing this language is a necessary change. Also, eliminating the personnel requirement allows the Board more flexibility in the hiring process. This language currently restricts the re-classification of the required civil-servant inspector positions. The removal of this statute would allow the flexibility for the Board to determine if other classifications can be utilized to better serve the enforcement process.

7354-7357

Existing law regulates the operation of mobile units, which is defined as any self-contained, self-supporting, enclosed mobile unit that meets certain size requirements, that is licensed as an establishment for the practice of any occupation licensed by the Board, and that meets other specified requirements.

This bill would modify the definition of mobile unit to remove the 24 feet length requirement and to instead require licensing as a mobile unit rather than as an establishment. It would remove several requirements, such as a 100-gallon potable water tank, toilet, and split lead generator. The bill would modify requirements for submitting applications for a mobile unit and compliance with certain system requirements.

These amendments greatly update the requirements for a mobile unit. Like AB 817 that the Board supported in 2019-2020, removing the specified mobile unit requirements and application requirements is a positive change that would allow more applicants to obtain a

mobile unit license and expand their business options. This would require the Board to update the website, application, and California Code of Regulations section 937.

7362

Existing law requires the Board to determine by regulation the required subjects of instruction to be completed in all approved courses provided by Board-approved schools.

This bill would remove the requirement of the Board to determine the subjects of instruction to be completed in all approved courses provided by Board-approved schools.

This change will remove the requirement for the Board to approve curriculum and will instead establish the curriculum requirements in statute. The current curriculum is very specific in regulation and allows schools to simply copy the curriculum from regulations and submit to the Board for approval. In addition, the Board only approves the curriculum and not the full educational program, which is approved by the Bureau for Private Post-Secondary Education (BPPE). This change will require schools to develop a curriculum with minimum requirements as opposed to simply copying the regulations. The bill is unclear if the new curriculum would need to be re-approved by the Board or by the BPPE.

7362.5-7365

Existing law sets forth specific practical training and technical instruction hour requirements for barbering, cosmetology, skin care, and nail care courses.

This bill would reduce barbering and cosmetology courses to 1,000 hours of practical and technical instruction. This bill would clarify that a course in skin care shall consist of 600 hours and a course in nail care shall consist of 400 hours. This bill also clarifies how many hours shall be taught in the specific subjects.

This section changes the minimum number of hours for a barber from 1500 to 1000 and for a cosmetologist from 1600 to 1000. This section also states the minimum requirements that are to be included in a course curriculum. This is a significant change to the industry and one that has been discussed in the last two sunset reviews.

The education requirement for the barbering and cosmetology industry has been a topic of national discussion for many years. There are questions whether the education requirement creates a barrier to entry into the profession as well as whether the costs involved of attending the required educational programs are too burdensome.

Currently, four states have their cosmetology hours set at 1,000 (New York, Massachusetts, Vermont, and Texas who changed to 1,000 in May 2020). The remaining states range from 1,200 to 2,100 with the most common being 1,500.

7401

Existing law requires individual licensees to identify, at the time of license renewal, on the application as an employee, independent contractor or booth renter, or a salon owner. Existing law also requires establishment licensees to identify whether they have an independent contractor or booth renter operating in their establishment.

This bill would remove references to booth renters in the renewal application survey and requires establishment licensees to identify whether they have an independent contractor operating in their establishment.

This change would require the Board update the survey that collects practice status data at the time of renewal. The survey is conducted through Survey Monkey and existing staff are responsible for updates, so the operational impact would be minimal.

7402

Existing law makes it a misdemeanor for any person, firm, association, or corporation to violate any provision of the act that does not impose a specific penalty.

The bill would remove the imposition of a misdemeanor for violations of any provision of the act that does not impose a specific penalty.

The Board does not currently utilize this section, so removal would have no impact on the Board's operations.

7407

Existing law requires the Board to establish by regulation a schedule of administrative fines for violations of the act.

This bill would require the administrative fines to be for violations of the act that directly impact consumer safety.

This change would require the Board to re-evaluate its administrative fine schedule to only cite and fine for violations that impact consumer safety. The Board currently has 68 violations that carry an administrative fine. While the citation and fine process serves as an effective deterrent to creating a violation, there are violations that have no bearing on a consumer's safety. For example, a clean towel must be stored in a closed cabinet, yet there has never been any evidence that a towel has caused harm to a consumer. This change allows the board to focus on the violations that truly protect consumers.

The Board would need to update inspection reports, update inspection procedures, train staff on the changes, and update regulations. The Board would see a reduction of violations and therefore would see a reduction in the fine amounts. The Board issues approximately \$5,147,934 in fines on an annual basis. It is assumed this amendment would reduce that amount by \$702,000.

Recommendations for Amendments to the Bill:

Staff recommend the following changes to SB 803:

- For Section 7303, extend the Board's sunset date from January 1, 2022 to January 1, 2024.
- Delay implementation of some of the amendments.

AMENDED IN SENATE MAY 11, 2021

SENATE BILL

No. 803

Introduced by Senator Roth

February 19, 2021

An act to amend ~~Section 7320~~ Sections 7303, 7313, 7314.3, 7316, 7320, 7331, 7334, 7338, 7347, 7354, 7355, 7356, 7357, 7362, 7362.5, 7364, 7365, 7401, and 7407 of, and to repeal ~~Section 7303.2~~ Sections 7303.2, 7337.5, 7353, and 7402 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 803, as amended, Roth. Barbering and cosmetology.

Existing

(1) *Existing* law, the Barbering and Cosmetology Act provides for the licensure and regulation of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. ~~The Existing law requires the board to be composed of 9 members composed of 5 public members and 4 professional members. Existing law also establishes a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues, as described.~~

This bill would increase the total number of members to 13, with 7 public members and 6 professional members, comprised as specified. The bill would provide a per diem to each board and committee member, as specified.

(2) *The act requires the board to conduct certain reviews and report its findings and recommendations as prescribed by November 1, 2018. The act provides that it confers no authority to practice medicine or surgery.*

This bill would delete that obsolete report requirement. The bill would prohibit the practice of medicine from being performed by, or offered by, a licensee under the act without being authorized and licensed to perform that act pursuant to a license obtained in accordance with some other provision of law.

(3) The act requires the board to maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments. The act prohibits the board from reducing the number of employees assigned to perform various inspections relating to field operations below the level funded by the annual Budget Act and as described and would prohibit the redirection of funds or personnel years allocated to those inspection and investigation purposes to other purposes.

This bill would remove those prohibitions.

Existing law also requires the board to inspect licensed establishments, as described.

This bill would remove this requirement.

(4) Existing law describes the practice of barbering, cosmetology, skin care and nail care specialties within cosmetology, and nail care.

This bill would modify those descriptions.

(5) Existing law requires the board to grant a license to practice to an applicant if the applicant submits a completed application form and all required fees and proof of a current license issued by another state. Existing law requires that license to have been active for 3 of the last 5 years, as described.

This bill would remove that requirement for such an applicant to receive a license to practice from the board.

(6) Existing law requires all persons making application as an apprentice in barbering to complete at least 39 hours of preapprentice training in a facility approved by the board prior to serving the general public.

This bill would instead require those persons to complete training administered by the board.

(7) Existing law requires the board to determine by regulation the required subjects of instruction to be completed in all approved courses provided by board-approved schools. Existing law also sets forth specific practical training and technical instruction hour requirements for barbering and cosmetology courses, among others.

This bill would remove that requirement and instead set forth specific curriculum requirements for barbering, cosmetology, skin care, and nail care courses. The bill would also revise the number of practical and technical instruction hours required for these courses.

(8) Existing law requires the board to adopt regulations regarding the examination of students or apprentices, sets forth certain timelines for conducting the licensing examination, and describes preapplications for licensing examinations. Existing law also sets forth requirements for the examination.

This bill would remove the above-described requirements on the board and timelines and preapplications for licensure. The bill would also recast the examination requirements to require a written examination that evaluates competency in protecting the health and safety of consumers of the services provided by licensees and written tests to determine the applicant's skill in, and knowledge of, the practice of the occupation for which a license is sought, as described.

(9) Existing law regulates the operation of mobile units, which is defined as any self-contained, self-supporting, enclosed mobile unit that meets certain size requirements, that is licensed as an establishment for the practice of any occupation licensed by the board, and that meets other specified requirements.

This bill would modify the definition of mobile unit to remove the size requirements and to instead require licensing as a mobile unit rather than as an establishment. The bill would modify requirements for submitting applications for a mobile unit and compliance with certain system requirements.

(10) Existing law requires individual licensees to identify, at the time of license renewal, on the application as an employee, independent contractor or booth renter, or a salon owner. Existing law also requires establishment licensees to identify whether they have an independent contractor or booth renter operating in their establishment.

This bill would remove references to booth renters in these provisions.

(11) The act requires the board to establish by regulation a schedule of administrative fines for violations of the act. The act also makes it a misdemeanor for any person, firm, association, or corporation to violate any provision of the act that does not impose a specific penalty.

This bill would require the administrative fines to be for violations of the act that directly impact consumer safety. The bill would also remove the imposition of a misdemeanor for violations of any provision of the act that does not impose a specific penalty.

This bill would also make technical changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *It is the intent of the Legislature to provide safe*
2 *harbor from the changes made by this act to Sections 7334, 7362,*
3 *7362.5, 7364, and 7365 of the Business and Professions Code to*
4 *persons who have commenced preapprentice training pursuant to*
5 *Section 7334 of the Business and Professions Code and to students*
6 *who are currently enrolled in board-approved courses and schools.*
7 SEC. 2. *Section 7303 of the Business and Professions Code is*
8 *amended to read:*
9 7303. (a) Notwithstanding Article 8 (commencing with Section
10 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
11 Government Code, there is in the Department of Consumer Affairs
12 the State Board of Barbering and Cosmetology in which the
13 administration of this chapter is vested.
14 (b) (1) The board shall consist of ~~nine~~ 13 members. ~~Five~~ Seven
15 members shall be public members, and ~~four~~ six members shall
16 represent the professions. ~~The~~
17 (2) The Governor shall appoint ~~three~~ five of the public members
18 and the ~~four~~ six professional members. ~~The~~ The six professional
19 members shall be comprised as follows:
20 (A) A cosmetologist.
21 (B) A barber.
22 (C) An esthetician.
23 (D) An electrologist.
24 (E) A manicurist.
25 (F) An establishment owner.
26 (3) The Senate Committee on Rules and the Speaker of the
27 Assembly shall each appoint one public member. ~~Members~~
28 (4) Members of the board shall be appointed for a term of four
29 years, except that of the members appointed by the Governor, two
30 of the public members and two of the professions members shall
31 be appointed for an initial term of two years. No board member
32 may serve longer than two consecutive terms.
33 (5) Each member of the board shall receive a per diem pursuant
34 to Section 103.

1 (c) The board may appoint an executive officer who is exempt
2 from civil service. The executive officer shall exercise the powers
3 and perform the duties delegated by the board and vested in the
4 executive officer by this chapter. The appointment of the executive
5 officer is subject to the approval of the director. In the event that
6 a newly authorized board replaces an existing or previous bureau,
7 the director may appoint an interim executive officer for the board
8 who shall serve temporarily until the new board appoints a
9 permanent executive officer.

10 (d) The executive officer shall provide examiners, inspectors,
11 and other personnel necessary to carry out the provisions of this
12 chapter.

13 (e) This section shall remain in effect only until January 1, 2022,
14 and as of that date is repealed. Notwithstanding any other law, the
15 repeal of this section renders the board subject to review by the
16 appropriate policy committees of the Legislature.

17 **SECTION 1.**

18 *SEC. 3.* Section 7303.2 of the Business and Professions Code
19 is repealed.

20 *SEC. 4.* *Section 7313 of the Business and Professions Code is*
21 *amended to read:*

22 7313. (a) (1) To ensure compliance with the laws and
23 regulations of this chapter, the board's executive officer and
24 authorized representatives shall, except as provided by Section
25 159.5, have access to, and shall inspect, any establishment or
26 mobile unit during business hours or at any time in which
27 barbering, cosmetology, or electrolysis are being performed. It is
28 the intent of the Legislature that inspections be conducted on
29 Saturdays and Sundays as well as weekdays, if collective
30 bargaining agreements and civil service provisions permit.

31 (2) The board shall maintain a program of random and targeted
32 inspections of establishments to ensure compliance with applicable
33 laws relating to the public health and safety and the conduct and
34 operation of establishments. The board or its authorized
35 representatives shall inspect establishments to reasonably determine
36 compliance levels and to identify market conditions that require
37 targeted enforcement. ~~The board shall not reduce the number of~~
38 ~~employees assigned to perform random inspections, targeted~~
39 ~~inspections, and investigations relating to field operations below~~
40 ~~the level funded by the annual Budget Act and described in~~

1 ~~supporting budget documents, and shall not redirect funds or~~
2 ~~personnel years allocated to those inspection and investigation~~
3 ~~purposes to other purposes.~~

4 (b) To ensure compliance with health and safety requirements
5 adopted by the board, the executive officer and authorized
6 representatives shall, except as provided in Section 159.5, have
7 access to, and shall inspect the premises of, all schools in which
8 the practice of barbering, cosmetology, or electrolysis is performed
9 on the public. Notices of violation shall be issued to schools for
10 violations of regulations governing conditions related to the health
11 and safety of patrons. Each notice shall specify the section violated
12 and a timespan within which the violation must be corrected. A
13 copy of the notice of violation shall be provided to the Bureau for
14 Private Postsecondary Education.

15 (c) With prior written authorization from the board or its
16 executive officer, any member of the board may enter and visit,
17 ~~in his or her~~ *their* capacity as a board member, any establishment,
18 during business hours or at any time when barbering, cosmetology,
19 or electrolysis is being performed. The visitation by a board
20 member shall be for the purpose of conducting official board
21 business, but shall not be used as a basis for any licensing
22 disciplinary action by the board.

23 (d) The board shall adopt a protocol for inspecting
24 establishments when an inspector has difficulty understanding or
25 communicating with the owner, manager, or employees of the
26 establishment due to language barriers. The board shall evaluate
27 the protocol every two years to ensure the protocol remains current.

28 *SEC. 5. Section 7314.3 of the Business and Professions Code*
29 *is amended to read:*

30 7314.3. (a) The board shall establish a Health and Safety
31 Advisory Committee to provide the board with advice and
32 recommendations on health and safety issues before the board that
33 impact licensees, including how to ensure licensees are aware of
34 basic labor laws and how to ensure licensees have awareness about
35 physical and sexual abuse their clients may be experiencing.

36 (b) For purposes of this section, basic labor laws include, but
37 are not limited to, all of the following:

38 (1) Key differences between the legal rights, benefits, and
39 obligations of an employee and an independent contractor.

40 (2) Wage and hour rights of an hourly employee.

1 (3) Antidiscrimination laws relating to the use of a particular
2 language in the workplace.

3 (4) Antiretaliation laws relating to a worker’s right to file
4 complaints with the Department of Industrial Relations.

5 (5) How to obtain more information about state and federal
6 labor laws.

7 (c) For purposes of this section, physical and sexual abuse
8 includes, but is not limited to, the following:

9 (1) Domestic violence.

10 (2) Sexual assault.

11 (3) Human trafficking.

12 (4) Elder abuse.

13 ~~(d) This section shall become operative on July 1, 2019.~~

14 *(d) Members of the committee shall receive a per diem pursuant*
15 *to Section 103.*

16 *SEC. 6. Section 7316 of the Business and Professions Code is*
17 *amended to read:*

18 7316. (a) The practice of barbering is all or any combination
19 of the following practices:

20 (1) Shaving or trimming the ~~beard or cutting the hair.~~ *beard.*

21 (2) Giving facial and scalp massages or treatments with oils,
22 creams, lotions, or other preparations either by hand or mechanical
23 appliances.

24 ~~(3) Singeing, shampooing, arranging, dressing, curling, waving,~~
25 ~~chemical~~ *Chemical* waving, hair relaxing, or dyeing the hair or
26 applying hair tonics.

27 (4) Applying cosmetic preparations, antiseptics, powders, oils,
28 clays, or lotions to scalp, face, or neck.

29 ~~(5) Hairstyling of all textures of hair by standard methods that~~
30 ~~are current at the time of the hairstyling.~~

31 (b) The practice of cosmetology is all or any combination of
32 the following practices:

33 ~~(1) Arranging, dressing, curling, waving, machineless permanent~~
34 ~~waving, permanent~~ *Permanent* waving, ~~cleansing, cutting,~~
35 ~~shampooing,~~ relaxing, ~~singeing,~~ bleaching, tinting, coloring,
36 *chemical* straightening, dyeing, *or* applying hair tonics ~~to,~~
37 ~~beautifying, or otherwise treating by any means, to~~ the hair of any
38 person.

39 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
40 arms, or upper part of the human body, by means of the hands,

1 devices, apparatus or appliances, with or without the use of
2 cosmetic preparations, antiseptics, tonics, lotions, or creams.

3 (3) Beautifying the face, neck, arms, or upper part of the human
4 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
5 or creams.

6 (4) Removing superfluous hair from the body of any person by
7 the use of depilatories or by the use of tweezers, chemicals, or
8 preparations or by the use of devices or appliances of any kind or
9 description, except by the use of light waves, commonly known
10 as rays.

11 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
12 or manicuring the nails of any person.

13 (6) Massaging, cleansing, treating, or beautifying the hands or
14 feet of any person.

15 ~~(e) Within the practice of cosmetology there exist the specialty~~
16 ~~branches of skin care and nail care.~~

17 ~~(1) Skin care is any one or more of the following practices:~~

18 ~~(c) The practice of skin care is all or any combination of the~~
19 ~~following practices:~~

20 ~~(A)~~

21 ~~(1) Giving facials, applying makeup, giving skin care, removing~~
22 ~~superfluous hair from the body of any person by the use of~~
23 ~~depilatories, tweezers or waxing, or applying eyelashes to any~~
24 ~~person. massaging, stimulating, exfoliating, cleansing, or~~
25 ~~beautifying the face, scalp, neck, or body by the use of hands,~~
26 ~~esthetic devices, cosmetic products, antiseptics, lotions, tonics, or~~
27 ~~creams that do not result in the ablation or destruction of the live~~
28 ~~tissue.~~

29 ~~(B) Beautifying the face, neck, arms, or upper part of the human~~
30 ~~body, by use of cosmetic preparations, antiseptics, tonics, lotions,~~
31 ~~or creams.~~

32 ~~(C) Massaging, cleaning, or stimulating the face, neck, arms,~~
33 ~~or upper part of the human body, by means of the hands, devices,~~
34 ~~apparatus, or appliances, with the use of cosmetic preparations,~~
35 ~~antiseptics, tonics, lotions, or creams.~~

36 ~~(2) Tinting and perming of the eyelashes and brows.~~

37 ~~(3) Removing superfluous hair from the body of any person by~~
38 ~~use of depilatories, tweezers, sugaring, nonprescription chemical,~~
39 ~~or waxing, or by the use of devices and appliances of any kind or~~

1 *description, except by the use of lasers or light waves, which are*
2 *commonly known as rays.*

3 ~~(2) Nail~~

4 *(d) The practice of nail care is the practice of cutting, all or a*
5 *combination of trimming, polishing, coloring, tinting, cleansing,*
6 *manicuring, or pedicuring the nails of any person or massaging,*
7 *cleansing, or beautifying from the elbow to the fingertips or the*
8 *knee to the toes of any person.*

9 ~~(d)~~

10 *(e) The practice of barbering and the practice of cosmetology*
11 *do not include any of the following:*

12 *(1) The mere sale, fitting, or styling of wigs or hairpieces.*

13 *(2) Natural hair braiding. Natural hair braiding is a service that*
14 *results in tension on hair strands or roots by twisting, wrapping,*
15 *weaving, extending, locking, or braiding by hand or mechanical*
16 *device, provided that the service does not include haircutting or*
17 *the application of dyes, reactive chemicals, or other preparations*
18 *to alter the color of the hair or to straighten, curl, or alter the*
19 *structure of the hair.*

20 *(3) Threading. Threading is a technique that results in removing*
21 *hair by twisting thread around unwanted hair and pulling it from*
22 *the skin and the incidental trimming of eyebrow hair.*

23 *(4) Cutting, cleansing, shampooing, arranging, dressing,*
24 *curling, waving, blow-drying, or nonchemically straightening the*
25 *hair of any person.*

26 ~~(e)~~

27 *(f) Notwithstanding paragraph (2) of subdivision ~~(d)~~, (e), a*
28 *person who engages in natural hairstyling, which is defined as the*
29 *provision of natural hair braiding services together with any of the*
30 *services or procedures defined within the regulated practices of*
31 *barbering or cosmetology, is subject to regulation pursuant to this*
32 *chapter and shall obtain and maintain a barbering or cosmetology*
33 *license as applicable to the services respectively offered or*
34 *performed.*

35 ~~(f)~~

36 *(g) (1) Electrolysis is the practice of removing hair from, or*
37 *destroying hair on, the human body by the use of an electric needle*
38 *only.*

39 ~~“Electrolysis”~~

1 (2) “*Electrolysis*” as used in this chapter includes electrolysis
2 or thermolysis.

3 ~~SEC. 2.~~

4 *SEC. 7.* Section 7320 of the Business and Professions Code is
5 amended to read:

6 7320. This chapter confers no authority to practice medicine
7 or surgery. The practice of medicine shall not be performed by, or
8 offered by, a licensee under this chapter without being authorized
9 and licensed to perform that act pursuant to a license obtained in
10 accordance with some other provision of law.

11 *SEC. 8.* Section 7331 of the Business and Professions Code is
12 amended to read:

13 7331. The board shall grant a license to practice to an applicant
14 if the applicant submits all of the following to the board:

15 (a) A completed application form and all fees required by the
16 board.

17 (b) Proof of a current license issued by another state to practice
18 that meets ~~at~~ both of the following requirements:

19 (1) It is not revoked, suspended, or otherwise restricted.

20 (2) It is in good standing.

21 ~~(3) It has been active for three of the last five years, during
22 which time the applicant has not been subject to disciplinary action
23 or a criminal conviction.~~

24 *SEC. 9.* Section 7334 of the Business and Professions Code is
25 amended to read:

26 7334. (a) The board may license as an apprentice in barbering,
27 cosmetology, skin care, or nail care any person who has made
28 application to the board upon the proper form, has paid the fee
29 required by this chapter, and who is qualified as follows:

30 (1) Is over 16 years of age.

31 (2) Has completed the 10th grade in the public schools of this
32 state or its equivalent.

33 (3) Is not subject to denial pursuant to Section 480.

34 (4) Has submitted evidence acceptable to the board that any
35 training the apprentice is required by law to obtain shall be
36 conducted in a licensed establishment and under the supervision
37 of a licensee approved by the board.

38 (b) The board may license as an apprentice in electrolysis any
39 person who has made application to the board upon the proper

1 form, has paid the fee required by this chapter, and who is qualified
2 as follows:

- 3 (1) Is not less than 17 years of age.
- 4 (2) Has completed the 12th grade or an accredited senior high
5 school course of study in schools of this state or its equivalent.
- 6 (3) Is not subject to denial pursuant to Section 480.
- 7 (4) Has submitted evidence acceptable to the board that any
8 training the apprentice is required by law to obtain shall be
9 conducted in a licensed establishment and under the supervision
10 of a licensee approved by the board.

11 (c) All persons making application as an apprentice in barbering
12 shall also complete a minimum of 39 hours of preapprentice
13 training in a facility approved by the board prior to serving the
14 general public. *that is administered by the board.*

15 (d) All persons making application as an apprentice in
16 cosmetology, skin care, nail care, or electrology shall also complete
17 minimum preapprentice training for the length of time established
18 by the board in a facility approved by the board prior to serving
19 the general public.

20 (e) Apprentices may only perform services on the general public
21 for which they have received technical training.

22 (f) Apprentices shall be required to obtain at least the minimum
23 hours of technical instruction and minimum number of practical
24 operations for each subject as specified in board regulations for
25 courses taught in schools approved by the board, in accordance
26 with Sections 3074 and 3078 of the Labor Code.

27 *SEC. 10. Section 7337.5 of the Business and Professions Code*
28 *is repealed.*

29 ~~7337.5.—(a) The board shall adopt regulations providing for~~
30 ~~the submittal of applications for admission to examination of~~
31 ~~students of approved cosmetology, electrology, or barbering~~
32 ~~schools who have completed at least 75 percent of the required~~
33 ~~course clock hours and curriculum requirements (60 percent for~~
34 ~~students of the manicurist course), or any person licensed as an~~
35 ~~apprentice in barbering, cosmetology, skin care, or nail care who~~
36 ~~has completed at least 75 percent of the required apprenticeship~~
37 ~~training hours. The regulations shall include provisions that ensure~~
38 ~~that all proof of qualifications of the applicant is received by the~~
39 ~~board before the applicant is examined.~~

1 ~~(b) An application for examination submitted by a student of~~
 2 ~~an approved cosmetology, electrology, or barbering school under~~
 3 ~~this section shall be known as a “school preapplication” and an~~
 4 ~~additional preapplication fee may be required.~~

5 ~~(c) An application for examination submitted by a person~~
 6 ~~licensed as an apprentice in barbering, cosmetology, skin care, or~~
 7 ~~nail care shall be known as an “apprenticeship preapplication” and~~
 8 ~~an additional fee may be required.~~

9 ~~(d) The board shall administer the licensing examination not~~
 10 ~~later than 10 working days after graduation from an approved~~
 11 ~~cosmetology, electrology, or barbering school to students who~~
 12 ~~have submitted an application for admission for examination under~~
 13 ~~the preapplication procedure, or not later than 10 working days~~
 14 ~~after completion of an approved barbering, cosmetology, skin care,~~
 15 ~~or nail care apprenticeship program for a person licensed as an~~
 16 ~~apprentice.~~

17 *SEC. 11. Section 7338 of the Business and Professions Code*
 18 *is amended to read:*

19 7338. (a) The examination of applicants for a license shall
 20 include both a practical demonstration and a written test and shall
 21 embrace the subjects typically taught in a program approved by
 22 the board: *consist of a written examination that evaluates*
 23 *competency in protecting the health and safety of consumers of*
 24 *the services provided by licensees.*

25 ~~The examination shall not be confined to any particular system~~
 26 ~~or method. It shall be consistent in both practical and technical~~
 27 ~~requirements, and of sufficient thoroughness to satisfy the board~~
 28 ~~as to the applicant’s skill in, and knowledge of, the practice of the~~
 29 ~~occupation or occupations for which a license is sought.~~

30 ~~In the conduct and grading of examinations, practical~~
 31 ~~demonstrations shall prevail over written tests.~~

32 ~~The scope of examinations shall be consistent with the definition~~
 33 ~~of the activities licensed under this chapter, and shall be as the~~
 34 ~~board, by regulation, may require to protect the health and safety~~
 35 ~~of consumers of the services provided by licensees.~~

36 ~~The board’s examinations shall be limited to clearly job-related~~
 37 ~~questions, activities, and practical services. Examinations~~

38 ~~(b) The examination shall also include written tests to determine~~
 39 ~~the applicant’s skill in, and knowledge of, the practice of the~~
 40 ~~occupation for which a license is sought and shall include written~~

1 tests in antiseptics, disinfection, ~~sanitation,~~ and the use of
2 mechanical apparatus and electricity as applicable to the practice
3 of ~~barbering, cosmetology, or electrolysis.~~ They may include other
4 demonstrations and tests as the board, in its discretion, may require.
5 *for which the applicant has applied for licensure.*

6 SEC. 12. Section 7347 of the Business and Professions Code
7 is amended to read:

8 7347. (a) Any person, firm, or corporation desiring to operate
9 an establishment shall make an application to the ~~bureau~~ board
10 for a license accompanied by the fee prescribed by this chapter.
11 The application shall be required whether the person, firm, or
12 corporation is operating a new establishment or obtaining
13 ownership of an existing establishment. The application shall
14 include a signed acknowledgment that the applicant understands
15 that establishments are responsible for compliance with any
16 applicable labor laws of the state and that the applicant understands
17 the informational materials on basic labor laws, as specified in
18 Section 7314.3, the applicant is provided by the board with the
19 application. Every electronic application to renew a license shall
20 include a signed acknowledgment that the renewal applicant
21 understands that establishments are responsible for compliance
22 with any applicable labor laws of the state and that the applicant
23 understands the informational materials on basic labor laws, as
24 specified in Section 7314.3, that the renewal applicant is provided
25 by the board with the renewal application. If the applicant is
26 obtaining ownership of an existing establishment, the board may
27 establish the fee in an amount less than the fee prescribed by this
28 chapter. The applicant, if an individual, or each officer, director,
29 and partner, if the applicant is other than an individual, shall not
30 have committed acts or crimes which are grounds for denial of
31 licensure in effect at the time the new application is submitted
32 pursuant to Section 480. A license issued pursuant to this section
33 shall authorize the operation of the establishment only at the
34 location for which the license is issued. Operation of the
35 establishment at any other location shall be unlawful unless a
36 license for the new location has been obtained upon compliance
37 with this section, applicable to the issuance of a license in the first
38 instance.

39 (b) The amendments made to this section by the act adding this
40 subdivision shall become operative on July 1, 2017.

1 *SEC. 13. Section 7353 of the Business and Professions Code*
2 *is repealed.*

3 ~~7353. (a) (1) Within 90 days after issuance of the~~
4 ~~establishment license, the board or its agents or assistants shall~~
5 ~~inspect the establishment for compliance with the applicable~~
6 ~~requirements of this chapter and the applicable rules and~~
7 ~~regulations of the board adopted pursuant to this chapter.~~

8 ~~(2) The board may inspect the establishment for which a license~~
9 ~~application has been made prior to the issuance of the license.~~

10 ~~(b) The board shall maintain a program of random and targeted~~
11 ~~inspections of establishments to ensure compliance with applicable~~
12 ~~laws relating to the public health and safety and the conduct and~~
13 ~~operation of establishments.~~

14 ~~(c) The board or its authorized representatives shall inspect~~
15 ~~establishments to reasonably determine compliance levels and to~~
16 ~~identify market conditions that require targeted enforcement.~~

17 ~~(d) The board shall not reduce the number of employees assigned~~
18 ~~to perform random inspections, targeted inspections, and~~
19 ~~investigations relating to field operations below the level funded~~
20 ~~by the annual Budget Act and described in supporting budget~~
21 ~~documents, and shall not redirect funds or personnel-years allocated~~
22 ~~to those inspection and investigation purposes to other purposes.~~

23 *SEC. 14. Section 7354 of the Business and Professions Code*
24 *is amended to read:*

25 7354. For purposes of this article, “mobile unit” means any
26 self-contained, self-supporting, enclosed mobile unit which is at
27 least 24 feet in length which is licensed as an establishment a
28 *mobile unit* for the practice of any occupation licensed by the board
29 and which complies with this article and all health and safety
30 regulations established by the board.

31 *SEC. 15. Section 7355 of the Business and Professions Code*
32 *is amended to read:*

33 7355. (a) Any person, firm, or corporation desiring to operate
34 a mobile unit shall make an application to the board for a license
35 containing the information and data set forth in subdivision (b).
36 The applicant, if an individual, or each officer, director, and partner,
37 if the applicant is other than an individual, shall not have committed
38 acts or crimes which are grounds for denial of licensure pursuant
39 to Section 480. ~~A license issued pursuant to this section shall~~
40 ~~authorize the operation of the unit only within those geographical~~

1 boundaries designated by the board. Operation of the unit outside
2 of the geographical boundaries for which the license is issued shall
3 be unlawful, unless a license for the expanded geographic area has
4 been obtained upon compliance with this article applicable to the
5 issuance of a license in the first instance.

6 (b) Each application shall include the following:

7 (1) A detailed floor plan showing the ~~location of doors,~~
8 ~~windows, restroom facilities, sinks, lift or ramps, ventilation,~~
9 ~~equipment, and dimensions of the mobile unit in compliance with~~
10 ~~this article.~~ *layout and dimensions of the mobile unit and all*
11 *necessary systems and equipment contained therein.*

12 (2) Proof of purchase or lease of the mobile ~~unit and shop~~
13 ~~equipment.~~ *unit.*

14 (3) The required fee.

15 (4) ~~Copies of applicable county and city licenses or permits to~~
16 ~~provide the mobile barbering, cosmetology, or electrolysis services~~
17 ~~in each county and city of operation and the locations therein where~~
18 ~~the services will be offered.~~

19 (5) ~~Proof of compliance with applicable city, county, and state~~
20 ~~plumbing, electrical, and fire laws.~~

21 (6)

22 (4) Proof of a valid California driver's license issued to an
23 officer or employee responsible for driving the mobile unit.

24 (7)

25 (5) A permanent base address from which the mobile unit shall
26 operate.

27 (c) After initial approval of the floor plan and application has
28 been granted, the applicant shall schedule an appointment to show
29 the mobile unit to the board, or representative of the board, for
30 final approval.

31 *SEC. 16. Section 7356 of the Business and Professions Code*
32 *is amended to read:*

33 7356. An application to transfer ownership or control of an
34 existing licensed mobile unit shall be filed by the purchaser or
35 lessor with the board within 10 days after purchase. Each
36 application shall include the following:

37 (a) A detailed floor plan showing the ~~location of doors, windows,~~
38 ~~restroom facilities, sinks, lift or ramps, ventilation, equipment, and~~
39 ~~dimensions of the mobile unit.~~ *layout and dimensions of the mobile*
40 *unit and all necessary systems and equipment contained therein.*

1 (b) Bills of sale or lease documents proving purchase or lease
2 of existing equipment and the mobile unit.

3 (c) The existing mobile unit license.

4 (d) The required fee.

5 ~~(e) Copies of applicable city and county licenses or permits to
6 provide the mobile services in each county and city of operation
7 issued in the new owner's name.~~

8 ~~(f) Proof of compliance with applicable city, county, and state
9 plumbing, electrical, and fire laws.~~

10 ~~(g)~~

11 (e) Proof of a valid California driver's license issued to an
12 officer or employee responsible for driving the mobile unit.

13 *SEC. 17. Section 7357 of the Business and Professions Code*
14 *is amended to read:*

15 7357. (a) Mobile units shall comply with regulations adopted
16 by the board that assure that the unit shall be kept clean, in good
17 repair, and in compliance with this article.

18 (b) Each mobile unit shall be equipped with each of the
19 following functioning systems:

20 (1) A self-contained, potable water supply. ~~The potable water
21 tanks shall be not less than 100 gallons, and the holding tanks shall
22 be of adequate capacity. In the event of depletion of potable water,
23 operation shall cease until the supply is replenished. supply if
24 shampooing services are offered.~~

25 (2) Continuous, on-demand hot water tanks which shall be not
26 less than six-gallon capacity.

27 ~~(3) A self-contained, recirculating, flush chemical toilet with
28 holding tank.~~

29 ~~(4) A covered galvanized, stainless steel, or other noncorrosive
30 metal container for purposes of depositing hair clippings, refuse,
31 and other waste materials.~~

32 ~~(5) A split-lead generator with a remote starter, muffler, and a
33 vent to the outside.~~

34 ~~(6) A sealed combustible heater with an outside vent.~~

35 (3) *A system of adequate ventilation.*

36 *SEC. 18. Section 7362 of the Business and Professions Code*
37 *is amended to read:*

38 7362. (a) A school approved by the board is one that is first
39 approved by the board and subsequently approved by the Bureau
40 for Private Postsecondary Education or is a public school in this

1 state, and provides a course of instruction approved by the board.
2 However, notwithstanding any other law, both the board and the
3 Bureau for Private Postsecondary Education may simultaneously
4 process a school's application for approval.

5 ~~(b) The board shall determine by regulation the required subjects~~
6 ~~of instruction to be completed in all approved courses, including~~
7 ~~the minimum hours of technical instruction and minimum number~~
8 ~~of practical operations for each subject, and shall determine how~~
9 ~~much training is required before a student may begin performing~~
10 ~~services on paying patrons.~~

11 (e)

12 (b) Notwithstanding any other law, the board may revoke,
13 suspend, or deny approval of a school, in a proceeding that shall
14 be conducted in accordance with Chapter 5 (commencing with
15 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
16 Code, when an owner or employee of the school has engaged in
17 any of the acts specified in paragraphs (1) to (8), inclusive.

18 (1) Unprofessional conduct which includes, but is not limited
19 to, any of the following:

20 (A) Incompetence or gross negligence, including repeated failure
21 to comply with generally accepted standards for the practice of
22 barbering, cosmetology, or electrology, or disregard for the health
23 and safety of patrons.

24 (B) Repeated similar negligent acts.

25 (C) Conviction of any crime substantially related to the
26 qualifications, functions, or duties of the owner of an approved
27 school, in which case, the records of conviction or a certified copy
28 thereof shall be conclusive evidence of the conviction.

29 (2) Repeated failure to comply with the rules governing health
30 and safety adopted by the board and approved by the State
31 Department of Public Health, for the regulation of board-approved
32 schools.

33 (3) Repeated failure to comply with the rules adopted by the
34 board for the regulation of board-approved schools.

35 (4) Continued practice by a person knowingly having an
36 infectious or contagious disease.

37 (5) Habitual drunkenness, or habitual use of, or addiction to the
38 use of, any controlled substance.

1 (6) Obtaining or attempting to obtain practice in any occupation
2 licensed and regulated under this chapter, or money, or
3 compensation in any form, by fraudulent misrepresentation.

4 (7) Refusal to permit or interference with an inspection
5 authorized under this chapter.

6 (8) Any action or conduct that would have warranted the denial
7 of a school approval.

8 *SEC. 19. Section 7362.5 of the Business and Professions Code*
9 *is amended to read:*

10 7362.5. (a) A course in barbering or cosmetology established
11 by a school shall consist of ~~not less than 1,500~~ 1,000 hours of
12 practical ~~training~~ and technical instruction in the practice of
13 barbering or cosmetology, as defined in Section 7316.

14 ~~(b) A course in cosmetology established by a school shall consist~~
15 ~~of not less than 1,600 hours of practical training and technical~~
16 ~~instruction in the practice of cosmetology as defined in Section~~
17 ~~7316, except as provided in this chapter.~~

18 (b) *The curriculum for a barbering course shall consist of*
19 *technical and practical instruction in the following areas:*

20 (1) *One hundred hours in health and safety, which includes*
21 *hazardous substances, chemical safety, safety data sheets,*
22 *protection from hazardous chemicals, preventing chemical injuries,*
23 *health and safety laws and regulations, and preventing*
24 *communicable diseases.*

25 (2) *One hundred hours in disinfection and sanitation, which*
26 *includes disinfection procedures to protect the health and safety*
27 *of consumers as well as the technician and proper disinfection*
28 *procedures for equipment used in establishments.*

29 (3) *Two hundred hours in chemical hair services, which includes*
30 *coloring, straightening, waving, bleaching, hair analysis,*
31 *predisposition and strand tests, safety precautions, formula mixing,*
32 *and the use of dye removers.*

33 (4) *Two hundred hours in shaving and trimming of the beard,*
34 *which includes preparing the client's hair for shaving, assessing*
35 *the condition of the client's skin, performing shaving techniques,*
36 *applying aftershave antiseptic following facial services, and*
37 *massaging the face and rolling cream massages.*

38 (c) *The curriculum for a cosmetology course shall consist of*
39 *technical and practical instruction in the following areas:*

1 (1) One hundred hours in health and safety, which includes
2 hazardous substances, chemical safety, safety data sheets,
3 protection from hazardous chemicals, preventing chemical injuries,
4 health and safety laws and regulations, and preventing
5 communicable diseases.

6 (2) One hundred hours in disinfection and sanitation, which
7 includes disinfection procedures to protect the health and safety
8 of consumers as well as the technician and proper disinfection
9 procedures for equipment used in establishments.

10 (3) Two hundred hours in chemical hair services, which includes
11 coloring, straightening, waving, bleaching, hair analysis,
12 predisposition and strand tests, safety precautions, formula mixing,
13 and the use of dye removers.

14 (4) One hundred hours in skin care services, which includes
15 chemical and manual facials and massaging, stimulating,
16 exfoliating, cleansing, or beautifying the face, scalp, neck, or body
17 by the use of hands, esthetic devices, cosmetic products, antiseptics,
18 lotions, tonics, or creams that do not result in the ablation or
19 destruction of the live tissue.

20 (5) Fifty hours in hair removal and lash and brow beautification,
21 which includes tinting and perming eyelashes and brows and
22 includes removing superfluous hair from the body of any person
23 by use of depilatories, tweezers, sugaring, nonprescription
24 chemicals, or waxing, or by the use of devices and appliances of
25 any kind or description, except by the use of lasers or light waves,
26 which are commonly known as rays.

27 (6) One hundred hours in manicure and pedicure, which
28 includes water and oil manicures, hand and arm massage, foot
29 and ankle massage, nail analysis, and artificial nail services,
30 including, but not limited to, acrylic, liquid and powder brush-ons,
31 dip, tips, wraps, and repairs.

32 SEC. 20. Section 7364 of the Business and Professions Code
33 is amended to read:

34 7364. (a) A course in skin care course established by a school
35 shall consist of ~~not less than~~ 600 hours of practical training and
36 technical instruction in accordance with a curriculum established
37 ~~by board regulation.~~ instruction.

38 (b) The curriculum for a skin care course shall consist of
39 technical and practical instruction in the following areas:

1 (1) One hundred hours in health and safety, which includes
2 hazardous substances, chemical safety, safety data sheets,
3 protection from hazardous chemicals, preventing chemical injuries,
4 health and safety laws and regulations, and preventing
5 communicable diseases.

6 (2) One hundred hours in disinfection and sanitation, which
7 includes disinfection procedures to protect the health and safety
8 of consumers as well as the technician and proper disinfection
9 procedures for equipment used in establishments.

10 (3) Three hundred fifty hours in skin care, which includes
11 chemical and manual facials and massaging, stimulating,
12 exfoliating, cleansing, or beautifying the face, scalp, neck, or body
13 by the use of hands, esthetic devices, cosmetic products, antiseptics,
14 lotions, tonics, or creams that do not result in the ablation or
15 destruction of the live tissue.

16 (4) Fifty hours in hair removal and lash and brow beautification,
17 which includes tinting and perming eyelashes and brows and
18 includes removing superfluous hair from the body of any person
19 by use of depilatories, tweezers, sugaring, nonprescription
20 chemicals, or waxing, or by the use of devices and appliances of
21 any kind or description, except by the use of lasers or light waves,
22 which are commonly known as rays.

23 SEC. 21. Section 7365 of the Business and Professions Code
24 is amended to read:

25 7365. (a) A nail care course established by a school shall
26 consist of ~~not less than 350~~ 400 hours of practical ~~training~~ and
27 technical ~~instruction in accordance with a curriculum established~~
28 ~~by board regulation.~~ instruction.

29 (b) The curriculum for a nail care course shall consist of the
30 technical and practical instruction in the following areas:

31 (1) One hundred hours in health and safety, which includes
32 hazardous substances, chemical safety, safety data sheets,
33 protection from hazardous chemicals, preventing chemical injuries,
34 health and safety laws and regulations, and preventing
35 communicable diseases.

36 (2) One hundred hours in disinfection and sanitation, which
37 includes disinfection procedures to protect the health and safety
38 of consumers as well as the technician and proper disinfection
39 procedures for equipment used in establishments.

1 (3) *One hundred fifty hours in manicure and pedicure, which*
2 *includes water and oil manicures, hand and arm massage, complete*
3 *pedicures, foot and ankle massage, nail analysis, nail repairs, and*
4 *application of artificial nails, liquid, gel, powder brush-ons, dip,*
5 *nail tips, and wraps.*

6 *SEC. 22. Section 7401 of the Business and Professions Code*
7 *is amended to read:*

8 7401. (a) An individual licensed pursuant to Section 7396
9 shall report to the board at the time of license ~~renewal, his or her~~
10 *renewal their* practice status, designated as one of the following:

- 11 (1) Full-time practice in California.
- 12 (2) Full-time practice outside of California.
- 13 (3) Part-time practice in California.
- 14 (4) Not working in the industry.
- 15 (5) Retired.
- 16 (6) Other practice status, as may be further defined by the board.

17 (b) An individual licensed pursuant to Section 7396 shall, at the
18 time of license renewal, identify ~~himself or herself~~ *themselves* on
19 the application as one of the following:

- 20 (1) Employee.
- 21 (2) ~~Independent contractor or booth renter.~~ *contractor.*
- 22 (3) Salon owner.

23 (c) An individual licensed pursuant to Section 7347 shall report
24 to the board at the time of license ~~renewal, renewal~~ whether ~~either~~
25 ~~of the following is applicable to him or her:~~ *they have an*
26 *independent contractor operating in the establishment.*

- 27 (1) ~~He or she has a booth renter operating in the establishment.~~
- 28 (2) ~~He or she has an independent contractor operating in the~~
29 ~~establishment.~~

30 *SEC. 23. Section 7402 of the Business and Professions Code*
31 *is repealed.*

32 ~~7402. Any person, firm, association or corporation violating~~
33 ~~this chapter, for which violation there is no specific penalty~~
34 ~~otherwise provided, is guilty of a misdemeanor and subject to a~~
35 ~~fine not to exceed two thousand five hundred dollars (\$2,500) or~~
36 ~~imprisonment in the county jail not to exceed six months, or both~~
37 ~~a fine and imprisonment.~~

38 *SEC. 24. Section 7407 of the Business and Professions Code*
39 *is amended to read:*

1 7407. The board shall establish by regulation a schedule of
2 administrative fines for violations of this ~~chapter~~. *chapter that*
3 *directly impact consumer safety*. All moneys collected under this
4 section shall be deposited in the board's contingent fund.

5 The schedule shall indicate for each type of violation whether,
6 in the board's discretion, the violation can be corrected. The board
7 shall ensure that it and the Bureau for Private Postsecondary
8 Education do not issue citations for the same violation.

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