

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



**JULY 26, 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
Megan Ellis
Tonya Fairley
Derick Matos
Christie Tran

**PUBLIC TELECONFERENCE
MEETING**

July 26, 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/j.php?MTID=mb6e4ea5ab3e1a204f945e433be4a0e52>

Event number: 146 592 2341

Event password: BBC07262021 (22207262 from phones)

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. Board President's Opening Remarks (**Mr. Steve Weeks**)
3. Board Member Remarks – Informational only
4. Discussion and Possible Approval Board Meeting Minutes for the following dates:
 - April 26, 2021
 - May 25, 2021
 - June 4, 2021
5. Executive Officer's Report (**Kristy Underwood**)
 - Licensing Statistics
 - Examination Statistics
 - Disciplinary Review Committee Statistics
 - Enforcement Statistics
 - Budget Updates
 - Outreach Updates
 - Practice Status Survey Results
6. Legislative Update, Discussion and Possible Action on Proposed Bills:
 - a. AB 29 (Cooper) – State bodies: meetings
 - b. AB 107 (Salas) – Licensure: veterans and military spouses
 - c. AB 231 (Nguyen) – Worker classification: licensed manicurists
 - d. AB 492 (Patterson) – Cosmetology students: externships
 - e. SB 607 (Min and Roth) – Professions and vocations
 - f. SB 803 (Roth) – Barbering and Cosmetology
7. Regulations Status Update:
 - a. Rulemaking Proposal to Amend Title 16, California Code of Regulations (CCR) sections 900, 965.2, 998 (Personal Service Permit)
 - b. Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
 - c. Rulemaking Proposal to Amend Title 16, CCR, section 950.10 (Transfer of Credit or Training)
 - d. Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)
 - e. Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)

Regulations Status Update (Continued)

- f. Rulemaking Proposal to Amend Title 16, CCR sections 970 and 971 (Substantial Relationship Criteria, Criteria for Rehabilitation)
 - g. Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
 - h. Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)
8. Discussion and Possible Action to Amend or Adopt Changes to Title 16, CCR sections 962, 962.1, and 962.2 (Externs)
9. 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))
10. Suggestions for Future Agenda Items
11. 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.

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

BOARD TELECONFERENCE MEETING

MINUTES OF APRIL 26, 2021

BOARD MEMBERS PRESENT

Dr. Kari Williams, Vice President
Jacquelyn Crabtree
Andrew Drabkin
Calimay Pham
Christie Tran
Steve Weeks

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Allison Lee, Board Project Manager
Marcene Melliza, Board Analyst

BOARD MEMBERS ABSENT

Derick Matos

[Note: Agenda Item 11 was taken out of order. These minutes reflect these Agenda Items as listed on the agenda and not as taken in chronological order.]

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

Dr. Kari Williams, Board Vice President, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

2. Agenda Item #2, BOARD VICE PRESIDENT'S OPENING REMARKS

Dr. Williams thanked the Executive Officer and staff for their hard work during this time and Board Member Steve Weeks for attending the Sunset Hearing with the Executive Officer.

3. Agenda Item #3, ANNUAL ELECTION OF OFFICERS

Dr. Williams asked for nominations for President of the Board for 2021.

Ms. Crabtree nominated Steve Weeks for President of the Board for 2021.

Dr. Williams seconded.

Public Comment

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), spoke in strong support of the nomination of Steve Weeks as Board President for 2021.

Wendy Cochran, Founder, California Aesthetic Alliance, spoke on behalf of estheticians and cosmetologists practicing skin care across the state of California in support of the nomination of Steve Weeks as Board President for 2021.

MOTION: Ms. Crabtree made a motion, seconded by Dr. Williams, to elect Steve Weeks as President of the Board for 2021. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Pham, Tran, Weeks, and Williams.

Dr. Williams asked for nominations for Vice President of the Board for 2021.

Ms. Crabtree nominated Calimay Pham for Vice President of the Board for 2021.

Dr. Williams seconded.

Public Comment

Wendy Cochran stated, although it would be interesting to have an industry member as part of the leadership of the Board, the speaker spoke in support of the nomination of Calimay Pham as Board Vice President for 2021.

MOTION: Ms. Crabtree made a motion, seconded by Dr. Williams, to elect Calimay Pham as Vice President of the Board for 2021. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Pham, Tran, Weeks, and Williams.

4. Agenda Item #4, BOARD MEMBER REMARKS

Mr. Weeks thanked everyone for electing him as Board President for this year. He especially thanked Lisa Thong and Dr. Kari Williams for their strong leadership over the past few years. He stated the strength of the Board is that all Board Members are involved and committed. Last year was a tragedy for licensees due to the COVID-19 pandemic, but this year will be a recovery year and will present the Board with more challenges than has been seen in many years, but this Board is up to meeting those challenges.

5. Agenda Item #5, DISCUSSION AND POSSIBLE APPROVAL OF JANUARY 25, 2021, BOARD MEETING MINUTES

MOTION: Ms. Crabtree moved to approve the January 25, 2021, California State Board of Barbering and Cosmetology Meeting Minutes as presented. Mr. Weeks seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Pham, Tran, Weeks, and Williams.

6. Agenda Item #6, EXECUTIVE OFFICER'S REPORT

- **Licensing Statistics**
- **Examination Statistics**
- **Disciplinary Review Committee Statistics**
- **Enforcement Statistics**
- **Budget Updates**
- **Outreach Updates**
- **Practice Status Survey Results**
- **COVID-19 Update and Impact of Board Operations**

Kristy Underwood, Executive Officer, provided a brief update:

- The Sunset Review went well. Nothing unexpected came out in the report, which will be discussed later today.
- Exam sites were closed during the COVID-19 pandemic, which has caused a significant backlog of students waiting to be tested. All backlogged candidates have been scheduled to take the exam. Exam sites are now working at full capacity and should be caught up around July.
- Ms. Underwood has been asked to be a part of a national committee that has been formed to work with the Council of State Governments on a two-year project to look at compact licensing for this industry.

Ms. Underwood reviewed the statistics and update reports, which were included in the meeting packet. Board Members asked clarifying questions.

Public Comment

Wendy Cochran stated they recently posted a question to the over 6,500 estheticians and students in California that are a part of their group and learned that the average waiting period for the exam is seven months. Their members are concerned about passing the exam due to lack of practice during the COVID-19 shutdowns and, if they fail, waiting another seven months for a retake. A temporary license for candidates who pass the written exam or a suspension of the practical exam is a solution. Also, licensed estheticians who moved to California from other states are waiting in the same seven-month queue.

7. Agenda Item #7, DISCUSSION, REVIEW, AND POSSIBLE APPROVAL OF THE BOARD'S FINAL RESPONSES TO THE SUNSET REVIEW BACKGROUND PAPER ISSUES

Ms. Underwood summarized the Sunset Review Background Paper and Issues (Background Paper) from the Sunset Review Committee, which was included in the meeting packet. The packet also included responses to the 18 issues contained in the Background Paper for Board review, but noted that some of the 18 issues were recommended by staff. She asked for a motion to approve the responses.

Questions and Discussion

Mr. Weeks highlighted areas that Committee members focused on during the Sunset Review Hearing:

- The relationship between the cost of education compared to average earnings after education. He stated the Board has no control over what schools charge for education or what licensees charge for their services. The Committee quoted statistics that licensees make approximately \$600 per week. He noted that 30 percent of licensees self-identify as being parttime only. This topic was a precursor to the next area of focus - the hours of training and the examination, which are viewed as barriers to entry.
- Mandating too many hours of training and education. The Board's response was that the number of hours has to do with consumer protection and health and safety. He stated the need to prepare for pushback in this area.
- The possible elimination of the practical exam. He stated the Committee seemed to want to see some sort of tiering of licenses. He stated the Board addressed this area last year by approving the hairdressing license, caused a tiering effect and an effect on the number of hours of education.

Mr. Weeks stated the need for open communication with the Committee. The Background Paper responses are a good start.

Dr. Williams stated the responses are detailed, especially when it comes to deregulating the license and the importance of keeping the Act in place and being open to discussions, knowing that the industry is constantly evolving, in order to protect the health and safety of the public. She spoke in support of the staff responses.

Mr. Drabkin asked about the arguments being made by the Legislature to eliminate the practical exam.

Ms. Underwood stated there is concern about practical exams in general. The thought is that practical exams for Boards, including this industry, may not be as relevant as they once were.

Ms. Pham agreed with the response to the Legislature's question about considering removing certain practices from the definition of barbering and cosmetology. She asked about complications this would cause for inspections and enforcement.

Ms. Underwood stated the entire inspections program would need to be updated if this were to go through to ensure consumer safety.

Ms. Pham agreed with the Legislature's recommendation that the Board should be increased to represent all licensee categories. More perspectives to draw upon would be a benefit. She asked about the timeline for implementation.

Ms. Underwood stated recommendations are typically implemented on January 1st of the following year but implementation considerations may be added to this recommendation.

Dr. Williams moved to approve the Board's Final Responses to the Sunset Review Background Paper Issues.

Ms. Crabtree seconded.

Public Comment

Wendy Cochran cautioned the Board against using the word “master” when discussing this topic. Master indicates that licensees have gone through an additional 600 hours, depending on license type, and an additional exam and licensure.

Wendy Cochran stated most estheticians do not work for someone unless they work for a larger corporation.

Wendy Cochran stated hair stylist or manicurist licenses are not part of a tiered structure but are smaller in scope and are independent licenses. Tiers are under the masters’ structure.

Fred Jones stated there is a high degree of ignorance about what schooling and the industry are all about. This is a dexterity, hands-on industry of creative artists. If student hours were cut so students had less opportunity to work on patrons on the clinic floor and if the practical exam was removed, there would be students fixated on computers and focused on theory so they could pass a truncated licensing exam that has no hands-on competencies but is a computer-based written exam.

MOTION: Dr. Williams made a motion, seconded by Ms. Crabtree, that the Board approves the Final Responses to the Sunset Review Background Paper Issues. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Pham, Tran, Weeks, and Williams.

8. **Agenda Item #8, UPDATE ON THE FEBRUARY 18, 2021, APPRENTICESHIP TASK FORCE MEETING**

a. Discussion and Possible Action Regarding Recommended Amendments to Title 16, California Code of Regulations (CCR), Article 3, Apprenticeships, sections 913-926

Ms. Underwood reviewed the Staff Memo on the February 18, 2021, Apprenticeship Task Force Meeting and summarized the Task Force’s recommended changes to Title 16, CCR, Article 3, Apprenticeships, sections 913-926, which were included in the meeting packet. She stated the proposed changes are meant to help strengthen the Apprenticeship Program and improve the apprenticeship exam pass rates.

Staff recommendations:

- The Board approves the proposed text for a 45-day public comment period.
- The Board delegates to the Executive Officer the authority to adopt the proposed regulatory changes, if there are no adverse comments received during the public comment period, with all established procedures and processes in doing so.

- The Board delegates to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Comments and Discussion

Mr. Weeks asked about the Board changes made to the Apprenticeship Program at the December Board meeting.

Ms. Underwood stated the Board recommendations were accepted by the Apprenticeship Task Force. She referred to 919(a)(6) and stated the Division of Apprenticeship Standards (DAS) does not allow establishment owners to be apprentices since the Apprenticeship Program is intended for an employer/employee relationship. This was a difficult area for the Task Force. More discussion is required.

Ms. Crabtree stated the need for more clarity on this based on what is seen in the Disciplinary Review Committee (DRC) hearings and apprenticeships working without their supervisors.

Ms. Underwood stated staff's recommended language for 919(a)(6) is "the apprentice many not hold ownership in the establishment where they are seeking approval for," based on DAS guidance, although the Task Force Members were not in full agreement on this language. She recommended the proposed language. An apprentice should not work for themselves. It is a conflict of interest.

Board Members agreed.

Mr. Drabkin asked about putting an establishment under their spouse's name or into a trust while the owner is working on their apprenticeship.

Ms. Underwood stated staff will look into this but it seems that changing the structure of ownership into a corporation or under another person's name could allow owners to be considered an apprentice.

Mr. Weeks stated a blind trust would not work because the individual would still have ownership. He agreed that putting ownership under the spouse's name may work.

Dr. Williams moved the staff recommendations.

Mr. Drabkin seconded.

Public Comment

Jaime Schrabek, Ph.D., Owner, Precision Nails, asked about actions the Board would take, based on the poor performance of students in the Apprenticeship Program, if the Apprenticeship Program represented one school.

MOTION: Dr. Williams moved to approve proposed text for a 45 day public comment period and delegate to the Executive Officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period, to follow established procedures and processes in doing so, and also delegate to the Executive Officer the authority to make any technical and non-

substantive changes that may be required in completing the ruling making file. Mr. Drabkin seconded.

Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Drabkin, Pham, Tran, Weeks, and Williams.

9. Agenda Item #9, UPDATE ON THE APRIL 19, 2021, HEALTH AND SAFETY ADVISORY COMMITTEE MEETING

a. Discussion and Possible Action Regarding Recommended Amendments to Title 16, CCR, Article 12, Health and Safety, sections 977-995

Ms. Underwood stated the Health and Safety Advisory Committee met on April 19th but requires further discussion prior to presenting their recommendations to the Board.

10. Agenda Item #10, LEGISLATIVE UPDATE, DISCUSSION, AND POSSIBLE ACTION ON PROPOSED BILLS:

Ms. Underwood summarized the Bill Analysis, which was included in the meeting packet, for the following bills:

a. AB 29 (Cooper) – State bodies: meetings

The Board agreed with the staff recommendation to continue to watch this bill.

b. AB 54 (Kiley) - COVID-19 emergency order violation: license revocation

Mr. Drabkin moved that the Board take an oppose position on this bill.

Ms. Crabtree seconded.

Public Comment

Wendy Cochran spoke in support of the Board's motion to take an oppose position on this bill.

MOTION: Mr. Drabkin moved that the Board take an oppose position on Assembly Bill 54. Ms. Crabtree seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Drabkin, Pham, Tran, Weeks, and Williams.

c. AB 107 (Salas) – Licensure: veterans and military spouses

The Board agreed with the staff recommendation to continue to watch this bill.

Public Comment

Wendy Cochran spoke in support of AB 107.

d. AB 225 (Gray, Gallagher, and Patterson) – DCA boards: veterans and military spouses licenses

The Board agreed with the staff recommendation to continue to watch this bill.

e. AB 231 (Nguyen) – Worker classification: licensed manicurists

Mr. Weeks moved that the Board take a support position on this bill.

Mr. Drabkin seconded.

Public Comment

Fred Jones spoke in support of the Board's motion to take a support position on this bill.

Wendy Cochran spoke in support of the Board's motion to take a support position on this bill.

Dr. Schrage spoke in support of the Board's motion to take a support position on this bill.

MOTION: Mr. Weeks moved that the Board take a support position on Assembly Bill 231. Mr. Drabkin seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Drabkin, Pham, Tran, Weeks, and Williams.

f. AB 339 (Lee and Garcia) – State and local government: open meetings

The Board agreed with the staff recommendation to continue to watch this bill.

g. AB 492 (Patterson) – Cosmetology students: externships

Ms. Crabtree moved that the Board take an oppose position on this bill.

Mr. Weeks seconded.

Mr. Drabkin asked if the Board could take a support unless amended position.

Ms. Knight stated the Board could take an oppose unless amended position, a support if amended, or direct staff to contact the author's office to discuss possible amendments to protect consumers.

Public Comment

Fred Jones spoke in opposition of the Board's motion to take an oppose position on this bill. The speaker stated the PBFC is the sponsor of AB 492. This is not a piecemeal bill; it amends an existing law that was established in the mid-1990s. The intent is to address the barriers to entry concern that most of the members of the Sunset Review Committee expressed during the Sunset Review Hearing. The speaker clarified externship requirements that will be put into place as part of this bill.

Wendy Cochran spoke in support of the Board's motion to take an oppose position on this bill.

MOTION: Ms. Crabtree moved that the Board take an oppose position on Assembly Bill 492. Mr. Weeks seconded. Motion carried 4 yes, 1 no, and 1 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Pham, Weeks, and Williams.

The following Board Member voted “No”: Tran.

The following Board Member abstained: Drabkin

h. SB 49 (Umberg) – Income taxes: credits: California Fair Fees Tax Credit

The Board agreed with the staff recommendation to continue to watch this bill.

i. SB 102 (Melendez) – COVID-19 emergency order violation: license revocation

Mr. Drabkin moved that the Board take an oppose position on this bill.

Dr. Williams seconded.

Public Comment

Wendy Cochran spoke in support of the Board’s motion to take an oppose position on this bill.

Fred Jones expressed frustration on behalf of the over 500,000 licensees and 50,000 licensed establishment owners for the three unjustified lockdowns of this industry over the past 13 months. Save the health care sector, this industry is the among the safest sector of the economy as the data proves.

MOTION: Mr. Drabkin moved that the Board take an oppose position on Senate Bill 102. Dr. Williams seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Pham, Tran, Weeks, and Williams.

j. SB 772 (Ochoa Bogh) – Professions and vocations: citations: minor violations

The Board agreed with the staff recommendation to continue to watch this bill.

k. SB 803 (Roth) – Barbering and Cosmetology

The Board agreed with the staff recommendation to continue to watch this bill.

[Note: Agenda Item 11 was taken out of order and was heard after Agenda Item 12.]

11. Agenda Item #11, DISCUSSION AND POSSIBLE ACTION REGARDING COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD REGARDING RULEMAKING PROPOSAL TO ADD TITLE 16, CCR SECTION 985.2 (PERSONAL SERVICE PERMIT)

Discussion on this agenda item was included in Agenda Item 12.

12. Agenda Item #12, REGULATION STATUS UPDATE

- a. Rulemaking Proposal to Amend Title 16, CCR sections 970 and 971 (Substantial Relationship Criteria, Criteria for Rehabilitation)
- b. Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
- c. Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)
- d. Rulemaking Proposal to Amend Title 16, CCR, section 950.10 (Transfer of Credit or Training)
- e. Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)
- f. Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)
- g. Rulemaking Proposal to Amend Title 16, CCR sections 965.2 (Personal Service Permit)

Ms. Underwood reviewed the Staff Memo on the regulation updates for the above rulemaking packages, which was included in the meeting packet. She stated no action is required for the above regulatory packages (a) through (f).

Ms. Underwood stated, regarding regulatory package (g), one public comment was received during the 15-day public comment period for the Personal Service Permit.

Staff recommendations for regulatory package (g):

- The Board directs staff to reject the public comment received during the 15-day public comment period.
- The Board delegates to the Executive Officer the authority to provide the response to the comment as directed in the meeting materials.
- The Board delegates to the Executive Officer the authority to complete the regulatory process, with all established procedures and processes in doing so.
- The Board delegates to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

MOTION: Dr. Williams moved to direct staff to reject the public comment received during the 15-day public comment period, delegate to the Executive Officer the authority to provide the response to the comment as directed in the meeting materials, delegate to the Executive Officer the authority to complete the regulatory process, with all established procedures and processes in doing so, and delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Drabkin, Pham, Tran, Weeks, and Williams.

13. Agenda Item #13, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No members of the public addressed the Board.

14. Agenda Item #14, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Ms. Crabtree asked for an update on hiring new inspectors.

Ms. Underwood stated five inspectors were hired to cover Northern California and two inspectors were hired to cover Southern California. Additional vacancies will soon be filled.

15. Agenda Item #15, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:30 a.m.

DRAFT
CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY

BOARD TELECONFERENCE MEETING

MINUTES OF MAY 25, 2021

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Jacquelyn Crabtree
Andrew Drabkin
Tonya Fairley
Derrick Matos

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Allison Lee, Board Project Manager
Marcene Melliza, Board Analyst

BOARD MEMBERS ABSENT

Christie Tran

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

Steve Weeks, Board President, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

Mr. Weeks welcomed new Board Member Tonya Fairley. He thanked Ms. Crabtree for accepting to act as Board Mentor to Ms. Fairley to help her learn how the Board operates and about the administrative things centered around the Board.

2. Agenda Item #2, LEGISLATIVE UPDATE, DISCUSSION, AND POSSIBLE ACTION ON PROPOSED BILL:

a. SB 803 (Roth) – Barbering and Cosmetology

Mr. Weeks stated Senate Bill (SB) 803 was introduced by Senator Roth as a result of the Board's Sunset Review process. He asked the representative from the Senate Business and Professions Committee to provide an overview of the bill.

Sarah Mason, Consultant for the Senate Standing Committee on Business, Professions, and Economic Development, provided an overview of the role of the Committee, Sunset Review Oversight process, and SB 803 timeline, changes, provisions, and myths. She noted that SB 803 is not sponsored by corporations but comes directly from the Sunset Review Oversight process.

Ms. Mason stated SB 803 is in the first steps of the legislative process and will continue to take shape throughout the next number of months. The bill language is open for discussion and feedback from valuable industry partners, licensees, and the Board. This

is critical to determining the next steps in the path forward for the Board. She stated appreciation for the Board's partnership in having those conversations and stated she looked forward to working together moving forward.

Mr. Weeks stated the bill has been broken up into meaningful sections in the Bill Analysis to help facilitate the discussion. He asked staff to lead the Board through the Bill Analysis, which was included in the meeting materials.

Kristy Underwood, Executive Officer, reviewed each section of SB 803 in the Bill Analysis.

Board Members provided the following feedback:

Section 7303

- It is a good idea to represent every area of the industry on the Board.
- Agreed. Expanding the Board increases the Board's ability to serve the public, serve on the Disciplinary Review Committee, and provide diverse perspectives.

Section 7313

No Board Member comments were offered.

Section 7314.3

No Board Member comments were offered.

Section 7316

- Retain the scopes of practice for licensees such as cutting hair from a consumer protection and enforcement standpoint. The practices intertwine with each other. Removing certain practices causes more danger than anything.
- Support adding to the scope of practice for estheticians.
- It is important that unlicensed individuals not be part of the salon, even if they only wash hair. It will create safety and enforcement problems.

Section 7320

No Board Member comments were offered.

Section 7331

- Removing a barrier to entry to work in California is a positive change.

Section 7334

- This is a positive change that addresses some of the issues experienced historically with the apprenticeship program.
- Consider who bears the responsibility – the apprentice, the employer, or both.

Section 7337.5

- This section is based on the Board's opinion of Section 7338.

Section 7338

- Retain the practical exam, although it should be updated. It takes away from demonstrating what a person can do with regard to the health and safety of clients. Removing the practical exam is not beneficial to the public.
- Retain the practical exam. It is important for someone to prove they can perform services safely rather than prove that they can regurgitate language.
- Retain the practical exam and weight it as a way to improve the language barrier to help pass rates or make it an alternative way to pass the exam.
- Removing the practical exam creates more of a hurdle to enter into the industry.
- Removing the practical exam will not change the fact that many individuals fail the written exam.
- Demonstrating health and safety does not necessarily mean that individuals comprehend it in language and understanding the force behind it.
- The other side of the coin is that a heavier written exam can be less of a barrier to entry since individuals do not have to wait to take their practical.
- Practical exams are subjective. Verify skills through the schools.
- Design a written exam that gets to the heart of what is trying to be seen in a practical exam.
- Do not ignore that other industries and states are moving away from practical exams. The Board needs to learn what this new era and new written exam might look like.
- California can lead rather than follow and does not necessarily need to do what other states do.

Tracy Montez, Ph.D., Division Chief, Programs and Policy Review, Department of Consumer Affairs (DCA), the testing experts for the Department, affirmed that many of the Board Member comments are concerns that are expressed in many boards. She responded to Board Member comments as follows:

- The Board's focus is on entry-level competence and ensuring that candidates and licensees are aware of California's health and safety protocols.
- Boards are moving away from practical, oral, performance-type exams across the nation because not only are they expensive to administer but they are full of errors.
- Every hurdle or requirement to get licensed needs to be robust. The tendency is to use the exam as the one, catch-all hurdle when every component of the process is important – the training, the schools, and the exam.
- Schools are doing a good job of training candidates. Practical skills learned in school can be assessed through a written exam.
- Written licensing exams are not easy multiple-choice tests. There is a whole methodology based on science of how to develop a good multiple-choice test.

Those questions or items are changing to be scenario-based, where application of knowledge can be tested.

- The DCA would like to assist the Board in developing or working with a vendor to develop a written test that would focus on those critical health and safety issues in more scenario-based-type questions.
- The DCA would ensure that the reading level is appropriate for entry-level students by running checks through licensees.
- Another option is to increase the time for students who may be struggling with taking a test.
- The DCA recommends removing the practical exam, having a more robust but fair written test, and creating a situation where candidates can get through the training, the education, sit through the exam that focuses on health and safety, pass it, and move on into the field.

Section 7347

No Board Member comments were offered.

Section 7353

No Board Member comments were offered.

Sections 7354 – 7357

No Board Member comments were offered.

Section 7362

- Authorize the Executive Officer to work with legislative staff on this section.

Sections 7362.5 – 7365

- The reduction of hours and focused exams for the career choice makes sense.
- Agreed. It would be nice to have a hair-only license.
- It takes approximately ten months to get through school full-time. Is there a way to shorten downtime when students are waiting for the next service?
- Agreed that many hours are spent on things that are irrelevant to students' eventual careers. A hair-only license would focus on one aspect and reduce the required number of hours.
- Safety and sanitation hours can be increased or more detailed.
- The reduction of hours is probably necessary; however, not for the sake of just reducing the hours, but for adding detail for finetuning where those hours are spent in the scope of work. Discussion on that finetuning is necessary.
- Cutting hours by one-third does not mean that school costs will decrease. The state should look into opportunities for schooling without having to go through private postsecondary schools, which are expensive.

- Putting the curriculum into statute will require a legislative process for future changes.
- The breakdown of hours in every section of cosmetology needs further discussion.
- Learn about the experiences of the Texas Cosmetology Board. It is important to look at the Texas model.
- Changes must be made in order to move forward in this industry. Part of that is the reduction of hours but in a way that makes sense and does not cut out necessary curriculum.

Section 7401

No Board Member comments were offered.

Section 7402

No Board Member comments were offered.

Section 7407

No Board Member comments were offered.

Suggested Amendments to SB 803

Mr. Weeks moved that the Board support Senate Bill 803 with amendments.

Ms. Crabtree seconded.

Mr. Weeks asked the Board to make suggested amendments for each section of the bill. Board Members provided the following feedback:

Section 7303

- Extend the Board's sunset date to January 1, 2026.

Section 7313

No amendments were offered.

Section 7314.3

No amendments were offered.

Section 7316

- Maintain the existing statute – no changes to the scope of practice for barbering and cosmetology.
- Support adding to the scope of practice for estheticians, including lash extensions.
- Allow for a hair cutting license with reduced educational hours. Testing to be determined by the Board.

- Delegate to the Executive Officer and legislative staff the authority to determine the areas in statute that will be affected by adding a hair cutting license.
- Maintain lash extensions in the esthetician and cosmetology scopes of practice.
- Establish a hair stylist license at a reduced number of hours with the Executive Officer working with legislative staff to determine the number of hours.

Section 7320

No amendments were offered.

Section 7331

No amendments were offered.

Section 7334

No amendments were offered.

Section 7337.5

No amendments were offered.

Section 7338

- Support the reduction of hours of barbering and cosmetology to 1,000, and authorize the Executive Officer to work with legislative staff to clarify what those hours would consist of and the requirements specifically listed under those sections.
- Include flexibility so the hours could be above 1,000 should the need arise upon review. It is good to have a safety net to include hours for industry trends or other items that may need a few additional hours.

Section 7347

No Board Member comments were offered.

Section 7353

No Board Member comments were offered.

Sections 7354 – 7357

No Board Member comments were offered.

Section 7362

- Authorize the Executive Officer to work with legislative staff on this section.

Sections 7362.5 – 7365

No amendments were offered.

Section 7401

No amendments were offered.

Section 7402

No amendments were offered.

Section 7407

No amendments were offered.

Public Comment

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), stated the PBFC is disappointed that the author ignored the PBFC's input, including creating a hair stylist license, shifting BPPE oversight to the Board, increasing the externship program for students, extending Assembly Bill (AB) 5 protections to manicurists, and going back to aggregate scoring to help pass rates. The PBFC is concerned that the bill is leveraging the sunset of this Board for these rather radical sweeping reforms. A 1,200-hour hair stylist license is a good way to address the barriers to entry concern without reducing the master cosmetologist license.

Wendy Cochran, Founder, California Aesthetic Alliance, and Founder, California Estheticians – Esthetician Advocacy, spoke on behalf of over 6,500 members in support of SB 803, if amended, especially the changes made to the esthetician scope of practice.

Jessica Cantrell-Goldstein, Esthetician and Manicurist, spoke in support of SB 803.

Karie Bennett, Cosmetologist and Salon Owner, asked that hair cutting remain in the scope of practice.

Melissa West Durfey spoke in support of SB 803, if amended.

Jennifer Vartanian, Esthetician, spoke in support of SB 803, if amended.

Claudia, Cosmetologist and Instructor, spoke in support of SB 803, if amended. The speaker spoke against removing the practical exam.

Tori Garcia, Cosmetology Student pending licensure, spoke against removing the practical exam. The speaker spoke in support of a reduction of hours but stated 500 seems like too much.

Alejandro Cuadra, Urban Barber College, stated this is not the right time to make drastic changes in the industry, due to the COVID-19 pandemic.

Tracy Jackson, Small Business Owner, spoke in support of the reduction in the number of hours and the removal of the practical exam.

Tiffany Royes (phonetic), asked for clarification on Section 7334. The speaker asked if the Board will be giving the health and safety course and if it will be online. The speaker spoke against removing the practical exam. The speaker spoke in support of reducing the number of hours.

Jennifer Charm, Salon Owner and Esthetician, spoke in support of SB 803, if amended. The speaker spoke against cutting the practical exam. The speaker spoke in support of reducing the number of hours. Everyone can do post-

educational training. The speaker spoke in support of keeping the industry educated and intelligent.

Ryan, Barber, asked that hair cutting remain in the scope of practice. The speaker stated the language in Section 7347 is confusing and asked if it should state any licensed individual in cosmetology, barbering, etc., because it seems that anyone could own an establishment. The speaker referred to Section 7334 and stated maturity comes with the skill of each trade not necessarily at 16 years of age or 12th grade.

Ashley Storm stated the need to retain the practical exam and to update it to include how to make necessary disinfectants. Having only a written test would limit the individuals who want to be in this field who are often hands-on learners.

Mercedes Hong, Spot Apprentice Academy, spoke against a hair cutting license because there will be too many loopholes such as that it does not stop the individual who gets the hair cutting license from doing other procedures when no one is watching. Also, consumers would not know that they are not licensed to do other procedures. A 39-hour online course will not help the students because they can be distracted and be doing other things simultaneously. It needs to be taught in-person.

Angela Green, Esthetician and Manicurist, spoke in support of SB 803, if amended.

Rachel Galati, Cosmetologist, spoke in support of the expansion of the Board for better representation of the different licenses. The speaker spoke against eliminating the practical exam. The speaker spoke in support of a shorter number of hours, if skin and nail care are separated from hair care. Hair dressers do not do skin or nail care; therefore, training hours are wasted. Hopefully, shorter courses will reduce the cost of training to be more accessible and not require students to seek financial aid. Do not remove regulations on hair cutting. California has always upheld the highest license standards. Out-of-state licensees should meet those standards. Comparing hours to other vocational license programs that should require more hours is not a good argument to reduce training.

Kevin Henkel, Employer, spoke in support of reducing the number of hours for licensing. True skill training happens more on-the-job.

Kellie Swallow, Esthetician, Instructor, and Establishment Owner, spoke in support of SB 803, if amended, to support the change in the esthetician scope of practice. The speaker strongly opposed removing hair cutting and styling from licensure. The speaker spoke against removing the practical exam. They gave the example that reading about how to drive a car is completely different than driving a car. The speaker suggested focusing on improving and expanding the education in both schools and continuing education and not be regulating and devaluing education or licenses.

Omar Monzon, Owner, Master Academy, and Barber, spoke against removing the practical exam. Updating and improving it is a better idea. Maintaining licensed hair cutting and hair styling is a crucial part of this industry.

Lila Castellanos, Small Business Owner and Esthetician, spoke in support of SB 803, if amended.

Mikel Robles, San Bernardino Cuts Apprenticeship Barbering and Cosmetology Academy, spoke in opposition to SB 803. One of the reasons is there is no requirement to disinfect mobile units. The speaker asked, if the state will take over the 39 hours of training, who will take over the RSI hours that are put in place by the Department. The speaker asked about apprentices who are currently in school. There is a less expensive way to get these students jobs. The speaker asked for clarification on Section 7334. He asked about grandfathering in to a postsecondary facility to educate existing apprenticeship programs.

Fernando Lynn, Owner, Learning Institute of Southern California, and Barber, agreed with some of the amendments to SB 803 suggested by the Board. The speaker spoke against removing hair cutting from the scope of practice. The speaker spoke in support of the reduced hours for schooling; although, it might be catastrophic for some schools. The speaker disagreed with a previous comment that barbers do not specialize in skin care. The speaker's academy has graduated several barbers who have specialized in skin care. Also, mobile units will take away resources. The speaker spoke against the removal of the practical exam.

Roxanna Sanchez, Cosmetology and Barbering Instructor, spoke in opposition to SB 803. More than just lashes need to be included in the esthetician license. They do more services than that that need to be integrated into their licenses. The speaker spoke against the removal of the practical exam. This is a hands-on career. That aspect needs to be checked. The speaker spoke against removing hair cutting and styling from the barbering and cosmetology scope of practice. The speaker spoke against the reduction of hours. This needs to be double-checked. The drastic change of hours will diminish the standards of education.

Patrick Thompson, President, Aveda Institute – Los Angeles, spoke in strong opposition to SB 803. The speaker stated they might support a 1,000-hour hair stylist license but that is not in the bill. The speaker stated the bill in its current form creates four unintended consequences:

- It will foreclose students from pursuing salon ownership directly out of cosmetology school and leave students seeking to open their own businesses unprepared for success in their career.
- It will increase the training burden on small businesses already struggling to recover from the devastating impacts of the COVID-19 pandemic, particularly those smaller salons that now have to pick up the additional training hours.
- It will increase the debt burden on students and reduce the amount of grant dollars available to those most truly in need.

- It will benefit large-chain salon corporations and their franchisees instead of small and independent business operators.

Christy, Esthetician, spoke in support of SB 803, if amended.

Ron Chamberlain, Salon Owner, spoke in support of SB 803 and the reduction of hours to help get stylists to work. The speaker spoke in support of the removal of the practical exam and to only have a written exam. Technology will allow testing to be done efficiently.

Amanda Reuther, Cosmetologist and Establishment Owner, spoke in support of SB 803, if amended regarding the deregulation of hair cutting for barbering and cosmetology. This would negatively impact consumer safety.

Allison Metchikoff, Instructor, Cosmetologist, and Barber, spoke in opposition to SB 803 without modifications. Modifications are required for Section 7316 and the scope of practice for cosmetologists. If hair cutting and styling are removed, consumers and licensees will be harmed. Standards should remain high. The speaker also opposed the removal of the pre-application process, which would cause students to wait months for exams. This inhibits students from entering the workforce. The speaker also opposed Section 7338. The practical exam is vital to the success of ESL students and vital to consumer safety as well as the safety of licensed professionals.

Dolores, Barber and Cosmetologist, Educator, spoke in opposition to SB 803 because it deregulates everything and destroys the industry.

Alicia Orabella, Cosmetologist, Salon Owner, and Founder of #probeautyinside, spoke in support of SB 803, if amended. The speaker stated removing hair cutting and styling from barbering and cosmetology is risky. Where is consumer protection without licensure? The speaker spoke in support of the new scope of practice for estheticians and a hair-styling license. Removing the practical exam is long overdue. It does not represent simple safety or competency. If individuals cannot explain in writing what they are doing, perhaps they should not be doing it.

Cynthia James, Cosmetologist and Community College Cosmetology Instructor, agreed with the increased scope of practice for estheticians. With a limited license in hair cutting or styling, how will consumers differentiate between full cosmetology licenses versus limited licenses? It will be more of a barrier to cosmetologists to parse out licensing instead of preparing them to work fully in the field as they desire. Having to return to school to expand opportunities is also a barrier. The Legislature may better serve the industry by investing in students who want to attend school and ensuring that schools comply with adequate training standards versus teaching to the test. Reducing hours may also have a backlash with newly-licensed stylists not working in the field as they feel they are ill-prepared to work independently in a salon if they cannot secure a job in a salon with additional training and support. The speaker disagreed with eliminating the practical exam. Having experts examining procedures for consumer safety and correct application should never be discarded. The equity

gap could be bridged with grants, paying students while they are in school, and creating pipelines from schools to salon placement.

Z. H., Cosmetologist and Instructor, agreed with some of what is proposed in the bill and totally disagreed with other aspects of the bill. Estheticians definitely need to be leveled-up. It is not smart to remove a practical exam from a hands-on industry. Changing hours is a good idea to ensure individuals can get out in the field sooner. The speaker stated they got their cosmetology education for less than \$10,000 and now teaches at institutions that charge \$40,000 for the same training. The speaker suggested looking at schools, how students are being trained, and ensuring that students are charged properly. Removing hair cutting makes no sense since that is the industry. Focus on education to ensure that individuals are competent in this field for a higher standard.

Linda Lamb, Educator, ASEL Beauty College, spoke in opposition to SB 803. The speaker suggested creating a 1,100-hour hair stylist license but retaining the full cosmetology license as an option for students who want to do the full scope of practice. The speaker spoke in opposition to removing the practical exam. It is vital to focus on putting good licensed professionals out in the field. Eliminating the practical exam poses a danger. The written test should be updated to make it a health and safety, communicable disease, and business administration test. Give responsibility to schools to test on hair coloring, waving, cutting, and styling.

Summary of Suggested Amendments to SB 803

Section 7303

- Extend the Board's sunset date to January 1, 2026.

Section 7316

- Maintain the existing statute – no changes to the scope of practice for barbering and cosmetology.
- Support adding to the scope of practice for estheticians, including lash extensions.
- Allow for a hair cutting license with reduced educational hours. Testing to be determined by the Board.
 - Delegate to the Executive Officer and legislative staff the authority to determine the areas in statute that will be affected by adding a hair cutting license.
- Maintain lash extensions in the esthetician and cosmetology scopes of practice.
- Establish a hair stylist license at a reduced number of hours with the Executive Officer working with legislative staff to determine the number of hours.

Section 7338

- Support the reduction of hours of barbering and cosmetology to 1,000, and authorize the Executive Officer to work with legislative staff to clarify what those

hours would consist of and the requirements specifically listed under those sections.

- Include flexibility so the hours could be above 1,000 should the need arise upon review. It is good to have a safety net to include hours for industry trends or other items that may need a few additional hours.

Section 7362

- Authorize the Executive Officer to work on this language.

MOTION: Mr. Weeks moved that the Board support Senate Bill 803 with amendments as discussed. Ms. Crabtree seconded. Motion carried 5 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Fairley, Matos, Pham, and Weeks.

3. Agenda Item #3, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Rachel Galati asked about COVID-19 guidelines for reopening June 15th for the state of California.

Ms. Underwood stated guidelines are anticipated and will be posted to the website and Facebook page when they are received.

Omar Monzon asked what would happen if the author’s office does not choose to work with staff on the recommended changes to SB 803.

Tiffany Roys asked when Section 7334 will be clarified.

4. Agenda Item #4, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:00 p.m.

DRAFT

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD TELECONFERENCE MEETING

MINUTES OF JUNE 4, 2021

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Jacquelyn Crabtree
Andrew Drabkin
Derick Matos

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Danielle Rogers, Board Regulations Attorney
Allison Lee, Board Project Manager

BOARD MEMBERS ABSENT

Christie Tran
Tonya Fairley

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

Steve Weeks, Board President, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

2. Agenda Item #2, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF SECOND MODIFIED TEXT, TITLE 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 900, 965.2, 998 (PERSONAL SERVICE PERMIT)

Kristy Underwood, Executive Officer, thanked the board members for attending at a short notice. She explained that changes were made to the proposed text after receiving feedback from the Office of Administrative Law and the final language needs board approval. Ms. Underwood directed members to the second modified text in the meeting materials along with the Order of Adoption, which shows the final language without the markups. Ms. Underwood asked for approval of the second modified text.

Ms. Crabtree moved to:

- Approve the proposed text of Section 900, of Article 1, Division 9, section 965.2, of Article 9, Division 9, and 998, of Article 12, Division 9, Title 16 of the California Code of Regulations (CCR) and the form therein incorporated by reference, which was originally noticed on March 12, 2020, modified and noticed first on June 29, 2020, and next modified and noticed on April 1, 2021;

- Authorize the Executive Officer to take all steps necessary to complete the rulemaking process and make any non-substantive or technical changes that may be required in completing the rulemaking file.

Mr. Drabkin seconded. Motion carried 5 yes, 0 no, 0 abstain, per roll call vote as follows:

The following Board members voted “Yes”: Weeks, Pham, Crabtree, Drabkin, Matos.

Public Comment

Wendy Cochran, Founder of California Aesthetic Alliance, raised concerns of how enforcement of the Personal Service Permit will happen when many of the services, such as haircutting, shampooing, hairstyling, and lash extension, will potentially be deregulated by Senate Bill 803.

3. Agenda Item #3, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No members of the public addressed the Board.

4. Agenda Item #4, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 9:09 a.m.

Quarterly Applications Received Fiscal Year 20/21

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Establishment	1,654	1,714	1,412	1,996	6,776
Mobile Unit	7	5	3	3	18
Barber					
Pre-App	137	185	195	254	771
Initial Application	251	340	264	411	1,266
Re-Exam	327	366	229	399	1,321
Sub-Total	715	891	688	1,064	3,358
Reciprocity	32	26	18	43	119
Apprentice	201	253	260	323	1,037
Cosmetology					
Pre-App	455	475	409	578	1,917
Initial Application	542	703	640	932	2,817
Re-Exam	869	821	468	941	3,099
Sub-Total	1,866	1,999	1,517	2,451	7,833
Reciprocity	224	189	239	295	947
Apprentice	137	160	120	241	658
Electrology					
Pre-App	5	5	5	14	29
Initial Application	4	3	--	8	15
Re-Exam	--	1	7	3	11
Sub-Total	9	9	12	25	55
Reciprocity	1	2	--	--	3
Apprentice	--	--	--	--	
Esthetician					
Pre-App	445	676	774	930	2,825
Initial Application	564	607	607	984	2,762
Re-Exam	341	429	309	557	1,636
Sub-Total	1,350	1,712	1,690	2,471	7,223
Reciprocity	71	71	63	112	317
Manicurist					
Pre-App	273	420	331	496	1,520
Initial Application	389	575	495	755	2,214
Re-Exam	484	525	243	515	1,767
Sub-Total	1,146	1,520	1,069	1,766	5,501
Reciprocity	73	75	74	102	324
Total	7,486	8,621	7,162	10,889	34,169

Practical Exam Results April 1, 2021 - June 30, 2021

Administered	Passed	Failed	Total	Pass Rate
Barber	554	274	828	67%
Cosmetologist	1,081	613	1,694	64%
Electrologist	7	--	7	100%
Esthetician	1,153	335	1,488	77%
Manicurist	641	452	1,093	59%
Total	3,436	1,674	5,110	67%

Written Exam Results April 1, 2021 - June 30, 2021

Barber	Passed	Failed	Total	Pass Rate
English	493	276	769	64%
Korean	3	4	7	43%
Spanish	30	121	151	20%
Vietnamese	8	4	12	67%
Total	534	405	939	57%

Cosmo	Passed	Failed	Total	Pass Rate
English	843	486	1,329	63%
Korean	27	5	32	84%
Spanish	131	246	377	35%
Vietnamese	59	29	88	67%
Total	1,060	766	1,826	58%

Electrologist	Passed	Failed	Total	Pass Rate
English	7	4	11	64%

Esthetician	Passed	Failed	Total	Pass Rate
English	1,038	335	1,373	76%
Korean	12	--	12	100%
Spanish	11	11	22	50%
Vietnamese	123	26	149	83%
Total	1,184	372	1,556	76%

Manicurist	Passed	Failed	Total	Pass Rate
English	299	66	365	82%
Korean	2	1	3	67%
Spanish	19	18	37	51%
Vietnamese	451	137	588	77%
Total	771	222	993	78%

**Practical Exam Results April 1, 2021 - June 30, 2021
Comparison of Schools, Apprentice Programs, and Out of Country**

Practical Exam Results - Apprentice Program

License Type	Passed	Failed	Total	Pass Rate
Barber	131	92	223	59%
Cosmetologist	111	112	223	50%
Total	242	204	446	54%

Practical Exam Results - Out of Country

License Type	Passed	Failed	Total	Pass Rate
Barber	16	12	28	57%
Cosmetologist	59	42	101	58%
Esthetician	5	11	16	31%
Manicure	4	6	10	40%
Total	75	54	129	58%

Written Exam Results - Apprentice Program

License Type	Passed	Failed	Total	Pass Rate
Barber	118	127	245	48%
Cosmetologist	104	167	271	38%
Total	222	294	516	43%

Written Exam Results - Out of Country

License Type	Passed	Failed	Total	Pass Rate
Barber	12	35	47	26%
Cosmetologist	43	93	136	32%
Esthetician	4	10	14	29%
Manicure	2	8	10	20%
Total	55	128	183	30%

Practical Exam Results - School Program

License Type	Passed	Failed	Total	Pass Rate
Barber	407	170	577	71%
Cosmetologist	911	459	1,370	66%
Electrologist	7	0	7	100%
Esthetician	1,148	324	1,472	78%
Manicurist	636	446	1,082	59%
Total	3,109	1,399	4,508	69%

Written Exam Results - School Program

License Type	Passed	Failed	Total	Pass Rate
Barber	404	243	647	62%
Cosmetologist	913	506	1,419	64%
Electrologist	7	4	11	64%
Esthetician	1,180	362	1,542	77%
Manicurist	769	214	983	78%
Total	3,273	1,329	4,602	71%

**Written Exam Results by Language April 1, 2021 - June 30, 2021
Comparison of Schools, Apprentice Programs, and Out of Country**

Apprentice Programs

Barber	Passed	Failed	Total	Pass Rate
English	108	83	191	57%
Spanish	10	44	54	19%
Total	118	127	245	48%

Cosmo	Passed	Failed	Total	Pass Rate
English	32	42	74	43%
Spanish	71	125	196	36%
Vietnamese	1	0	1	100%
Total	104	167	271	38%

Out of Country Candidates

Barber	Passed	Failed	Total	Pass Rate
English	6	8	14	43%
Spanish	7	27	34	21%
Total	13	35	48	27%

Cosmo	Passed	Failed	Total	Pass Rate
English	12	42	54	22%
Korean	3	1	4	75%
Spanish	23	48	71	32%
Vietnamese	5	2	7	71%
Total	43	93	136	32%

Esthetician	Passed	Failed	Total	Pass Rate
English	2	9	11	18%
Korean	1	0	1	100%
Spanish	1	1	2	50%
Total	4	10	14	29%

Manicurist	Passed	Failed	Total	Pass Rate
English	2	5	7	29%
Spanish	0	2	2	0%
Vietnamese	0	1	1	0%
Total	2	8	10	20%

School Programs

Barber	Passed	Failed	Total	Pass Rate
English	379	185	564	67%
Korean	3	4	7	43%
Spanish	13	50	63	21%
Vietnamese	8	4	12	67%
Total	403	243	646	62%

Cosmo	Passed	Failed	Total	Pass Rate
English	799	402	1,201	67%
Korean	24	4	28	86%
Spanish	37	73	110	34%
Vietnamese	53	27	80	66%
Total	913	506	1,419	64%

Esthetician	Passed	Failed	Total	Pass Rate
English	1,036	326	1,362	76%
Korean	11	0	11	100%
Spanish	10	10	20	50%
Vietnamese	123	26	149	83%
Total	1,180	362	1,542	77%

Manicurist	Passed	Failed	Total	Pass Rate
English	297	61	358	83%
Korean	2	1	3	67%
Spanish	19	16	35	54%
Vietnamese	451	136	587	77%
Total	769	214	983	78%

Electrologist	Passed	Failed	Total	Pass Rate
English	7	4	11	64%
Korean	0	0	0	N/A
Spanish	0	0	0	N/A
Vietnamese	0	0	0	N/A
Total	7	4	11	64%

Licenses Issued Fiscal Year 20/21

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Barber	328	240	127	390	1,085
Barber Apprentice	168	216	205	285	874
Cosmetology	982	736	434	1,001	3,153
Cosmetology Apprentice	110	143	119	212	584
Electrology	1	0	16	9	26
Electrology Apprentice	0	0	0	0	0
Esthetician	607	691	524	1,065	2,887
Manicurist	496	620	324	625	2,065
Establishment	1,658	1,731	1,200	1,713	6,302
Mobile Unit	0	0	0	0	0
Totals	4,350	4,377	2,949	5,300	16,976

Licenses Issued Last 5 Years

License Type	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Barber	2,189	2,259	1,966	1,691	1,085
Barber Apprentice	665	885	854	810	874
Cosmetology	8,389	7,085	6,468	4,810	3,153
Cosmetology Apprentice	793	727	842	642	584
Electrology	26	22	31	30	26
Electrology Apprentice	0	1	0	0	0
Esthetician	4,818	4,007	4,890	3,699	2,887
Manicurist	6,550	3,787	4,414	3,437	2,065
Establishment	6,875	7,609	7,706	6,937	6,302
Mobile Unit	7	2	0	0	0
Totals	30,312	26,384	27,171	22,056	16,976

License Population

Barber	32,781
Barber Apprentice	1,712
Cosmetology	303,984
Cosmetology Apprentice	1,313
Electrology	1,579
Electrology Apprentice	-
Esthetician	91,372
Manicurist	126,452
Establishment	54,954
Mobile Unit	54
Total	614,201

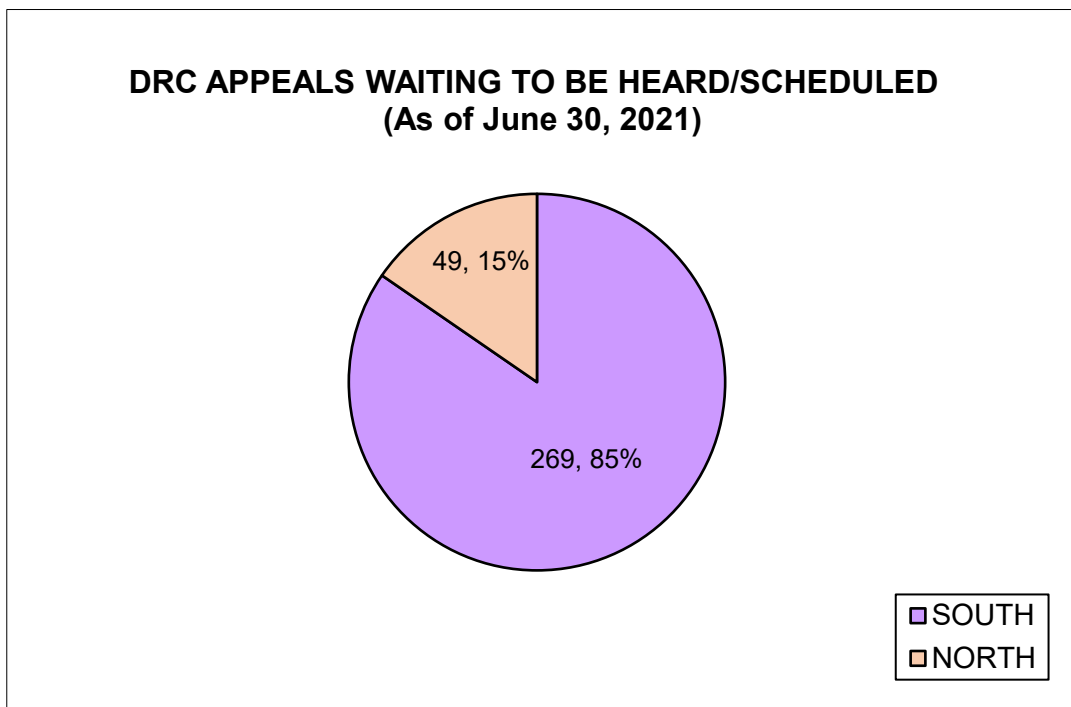
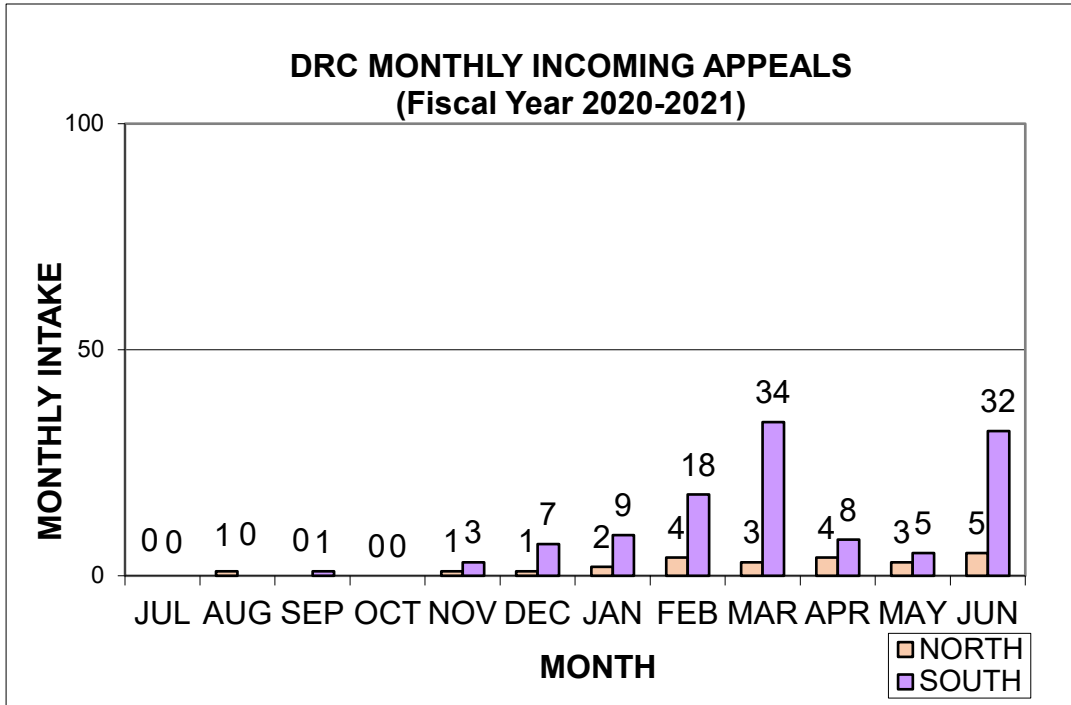
Disciplinary Review Committee Appeals Fiscal Year 20/21

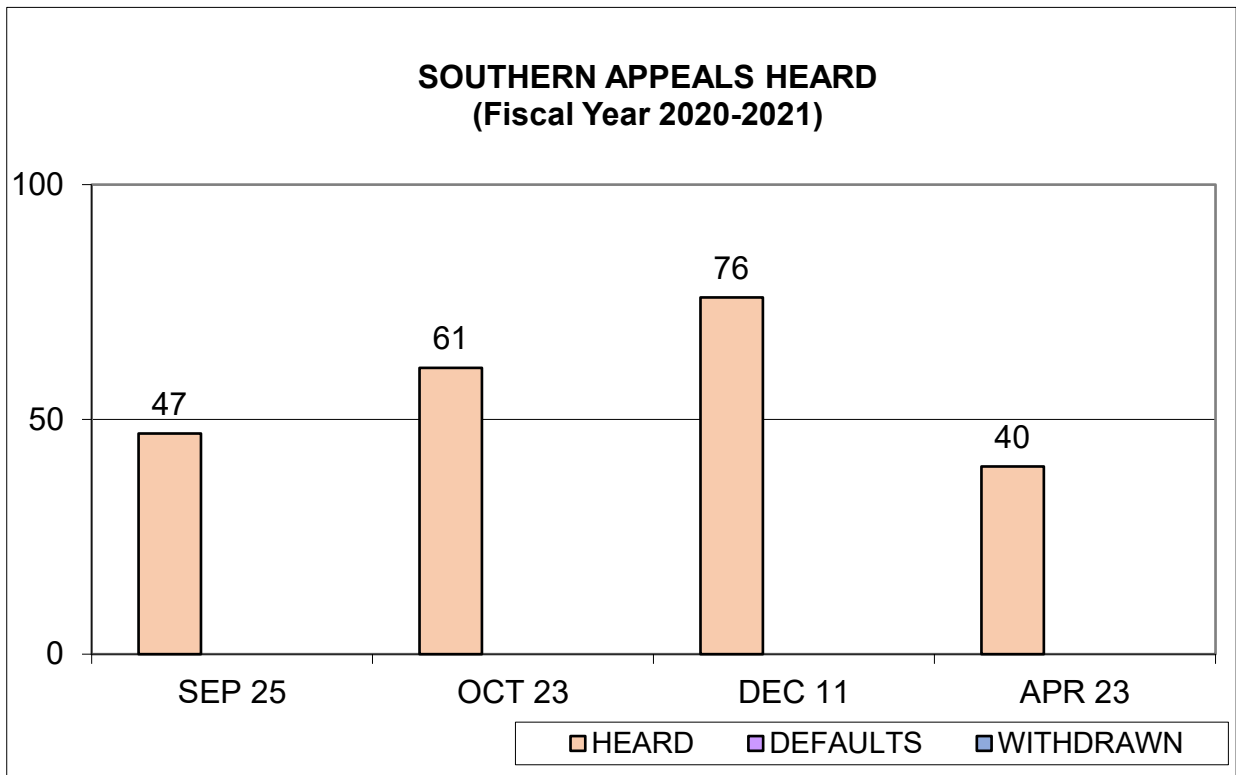
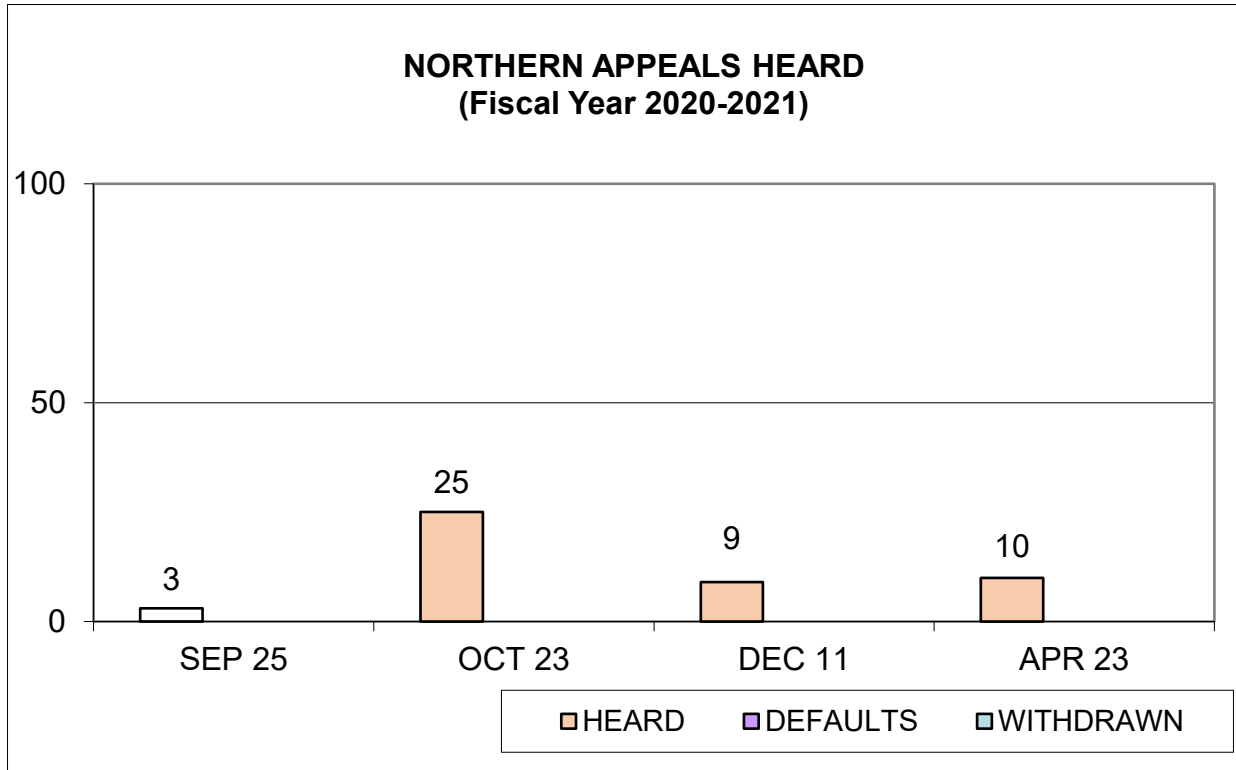
Northern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	3	34	0	10	47
Received	1	2	9	12	24
Pending ¹	74	42	51	49	49 ²

Southern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	47	137	0	40	224
Received	1	10	61	45	117
Pending ¹	328	202	261	269	269 ²

¹Pending refers to the number of appeals received but not yet heard by DRC.

²Figure represents number of pending requests as of report date 06/30/2021.





Quarterly Enforcement Statistics Fiscal Year 20/21

COMPLAINTS	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Complaints Received	2924	1453	1256	1073	6706
Referred to DOI	0	0	4	2	6
Complaints Closed	2427	1560	2069	1222	7278
Total Complaints Pending	2328	2171	1493	1335	1335
Average Days to Close	37	77	118	169	100

APPLICATION INVESTIGATIONS*	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Received	0	2	4	1	7
Pending	2	4	5	9	9
Closed	1	0	3	4	8

ATTORNEY GENERAL	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Referred	6	9	4	2	21
Accusations Filed	13	4	3	2	22
Statement of Issues Filed	0	0	2	1	3
Total Pending	47	48	29	26	26

DISCIPLINARY PROCESS	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Proposed Decisions	1	0	6	1	8
Default Decision	7	1	5	1	14
Stipulation	3	6	7	4	20

DISCIPLINARY OUTCOMES	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Revocation	10	2	11	4	27
Revoke, Stay, Probation	0	3	4	0	7
Revoke, Stay, Suspend/Prob	5	3	4	4	16
Revocation, Stay w/ Suspend	0	0	0	0	0
Probation Only	0	0	0	0	0
Suspension Only	0	0	0	0	0
Suspension & Probation	0	0	0	0	0
Suspension, Stay, Probation	0	0	1	0	1
Surrender of License	1	3	3	2	9
Public Reprimands	0	0	0	0	0
License Denied	0	0	0	0	0
Other	0	0	1	0	1
Total	16	11	24	10	61

PROBATION	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Active	123	113	115	107	107

CITATIONS	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Establishments	18	148	136	332	634
Barber	0	8	0	26	34
Barber Apprentice	0	3	9	5	17
Cosmetologist	0	8	5	93	106
Cosmetologist Apprentice	0	1	2	1	4
Electrologist	0	0	0	0	0
Electrologist Apprentice	0	0	0	0	0
Manicurist	0	1	6	53	60
Esthetician	0	0	5	21	26
Unlicensed Est.	10	65	41	65	181
Unlicensed Individual	0	14	16	53	83
Total	28	248	220	649	1145

INSPECTIONS	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun*	YTD
Establishments w/ violations	92	246	237	228	803
Establishments w/o violations	7	0	4	2	13
Total	99	246	241	230	816

*Inspections Conducted Through May 2021

Complaints Received April - June 2021

Complaint Type	Anonymous	Internal	Public	Totals
Fraud	2	2	0	4
Health & Safety	392	16	89	497
Non-Jurisdictional	33	0	32	65
Incompetence/Negligence	2	0	101	103
Other	5	1	25	31
Personal Conduct	0	1	1	2
Unlicensed Activity	94	73	25	192
App Investigation	0	6	0	6
Total	528	99	273	900

Complaints Received Last 5 Fiscal Years

Category	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21
Fraud	61	84	86	50	20
Health & Safety	1616	1604	1637	3462	4976
Non-Jurisdictional	284	319	354	643	337
Incompetence/Negligence	270	438	407	258	124
Other	35	19	39	80	95
Personal Conduct	20	6	2	2	2
Unlicensed Activity	1817	1555	1841	1791	809
App Investigation	0	1061	194	12	12
Total	4103	5086	4560	6298	6413

Board of Barbering and Cosmetology
Fiscal Year 2020/21
Projected Expenditures 05/30/2021

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,917,000	4,009,865	907,135
Temporary	587,000	568,738	18,262
Per Diem, Overtime & Lump Sum	0	105,636	(105,636)
Salary Savings	0	0	0
Total Salary & Wages	5,504,000	4,684,239	819,761
Net Salary & Wages	5,504,000	4,684,239	819,761
Staff Benefits	2,953,000	2,660,001	292,999
Total of Personnel Services	8,457,000	7,344,240	1,112,760
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	191,000	64,898	126,102
Printing	275,000	706,390	(431,390)
Communication	41,000	47,683	(6,683)
Postage	283,000	14,431	268,569
Insurance	4,000	9,189	(5,189)
Travel In State	83,000	17,897	65,103
Travel, Out-of-State	0	0	0
Training	11,000	5,000	6,000
Facilities Operations	1,022,000	1,051,293	(29,293)
Attorney General, OAH, C&P Services Interdepar	1,672,000	957,624	714,376
Consultant & Professional Svs. - External	1,696,000	2,358,783	(662,783)
DCA Pro Rata	6,150,000	6,151,500	(1,500)
Interagency Services	1,000	141,350	(140,350)
Consolidated Data Center	68,000	48,561	19,439
Information Technology	38,000	27,672	10,328
Equipment	144,000	82,069	61,931
Other Items of Expense & Vehicles	43,000	65,199	(22,199)
Special Items and Expenses	0	0	0
Total Operating Expenses & Equipment	11,722,000	11,749,539	(27,539)
Total Expenses	20,179,000	19,093,779	108,520
Schedule Reim. Other			
Net Appropriation	20,179,000	19,093,779	108,520

0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition
(Dollars in Thousands) 2021-22 Governor's Budget

	PY 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$21,596	\$46,274	\$40,953	\$40,596
Prior Year Adjustment	\$778	\$0	\$0	\$0
Adjusted Beginning Balance	\$22,374	\$46,274	\$40,953	\$40,596
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4121200 - Delinquent fees	\$1,270	\$1,095	\$1,332	\$1,332
4127400 - Renewal fees	\$11,907	\$9,308	\$12,600	\$12,600
4129200 - Other regulatory fees	\$3,792	\$1,072	\$4,006	\$4,006
4129400 - Other regulatory licenses and permits	\$3,363	\$2,873	\$3,569	\$3,569
4143500 - Miscellaneous Services to the Public	\$14	\$19	\$0	\$0
4150500 - Interest from interfund loans	\$3,213	\$0	\$0	\$0
4163000 - Income from surplus money investments	\$869	\$149	\$291	\$590
4171400 - Escheat of unclaimed checks and warrants	\$13	\$6	\$12	\$12
4172500 - Miscellaneous revenues	\$8	\$14	\$8	\$8
Totals, Revenues	\$24,449	\$14,536	\$21,818	\$22,117
Transfers and Other Adjustments	\$21,000	-\$25,000	\$0	\$0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$45,449	-\$10,464	\$21,818	\$22,117
TOTAL RESOURCES	\$67,823	\$35,810	\$62,771	\$62,713

	PY 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
EXPENDITURES AND EXPENDITURE ADJUSTMENTS				
Expenditures:				
1111 Program Expenditures (State Operations)	\$20,047	\$19,026	\$20,670	\$21,290
8880 Financial Information System for California (State Operations)	-\$3	\$0	\$0	\$0
9892 Supplemental Pension Payments (State Operations)	\$316	\$316	\$316	\$316
9900 Statewide Pro Rata	\$1,189	\$1,115	\$1,189	\$1,189
Less funding provided by the General Fund (State Operations)	\$0	-\$25,600	\$0	\$0
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$21,549	-\$5,143	\$22,175	\$22,795
FUND BALANCE				
Reserve for economic uncertainties	\$46,274	\$40,953	\$40,596	\$39,918
Months in Reserve	27.1	22.2	21.4	20.4

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.

Expenditure growth projected at 3% beginning BY +1.

Assumes interest rate at 1.5%.



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MEMORANDUM

DATE July 26, 2021

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Outreach Update

Safe Sandal Season

The 8th annual Safe Sandal Season outreach campaign launched in May. The Board worked with the Department of Consumer Affairs Public Affairs Office on a new video, pedicure safety tip flyer, and social media campaign. The campaign educates consumers and licensees on the importance of safe practices when getting a pedicure. Information and helpful resources, including the new video can be found on the Board's Safe Sandal Season webpage at <https://safesandalseason.dca.ca.gov>. The campaign will continue through Labor Day.

School Outreach

On May 24, 2021 the Board held a virtual school outreach event for schools and apprentice sponsors. Examination Unit Manager Melanie Allen presented information to help students be more successful when taking the examination. Topics included the updated esthetics and manicurist examinations that took effect July 1, 2021. We were able to answer numerous questions and the event was a success.

Senior Outreach

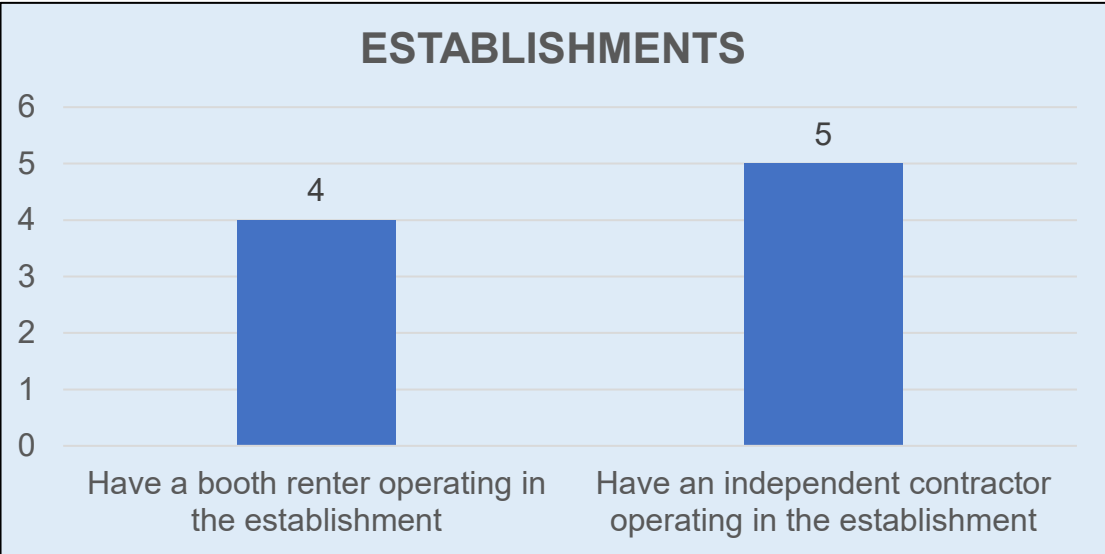
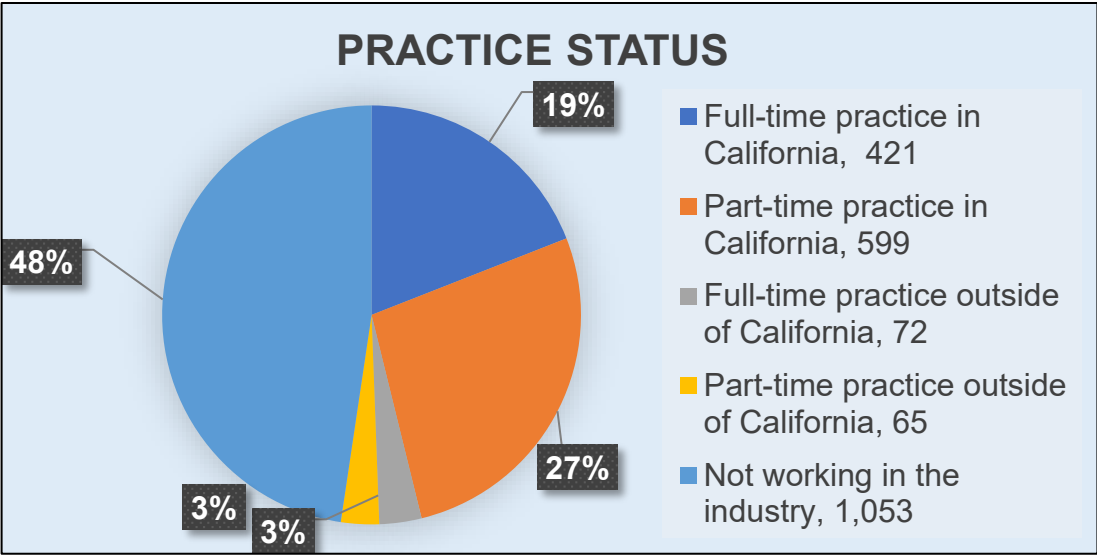
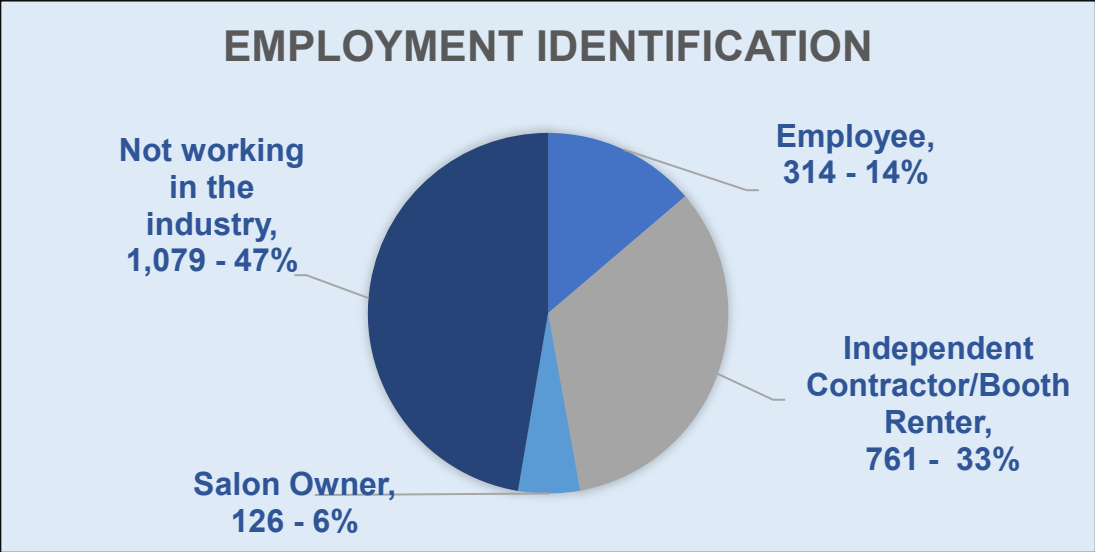
The Board participated in the 2021 Virtual Senior Rally on May 4, 2021. The Rally was hosted by the California Senior Legislature and had over 400 registered attendees. The Rally provided a unique opportunity to network and collaborate with others interested in aging issues from across the state and offer information to seniors. We provided consumer publications and information about the Board and our role in consumer protection in the beauty and barbering industry.

Tentatively Scheduled:

October 27, 2021, Beauty Go Pro Show Virtual Outreach - Live Q and A with Kristy Underwood

Practice Status Survey Results

April 1 - June 30, 2021





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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Cooper
Coauthor: Assembly Member Rubio

Subject: State bodies: meetings

Bill Number: AB 29

Version: December 7, 2020

Existing Law:

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This Bill:

This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

Board Position: Watch

Status: In committee: Held under submission.

Analysis:

If approved, this bill would impact the Board's operations. Sending the entire packet of meeting materials to interested parties would be both cumbersome and costly as the Board currently has 62 interested parties and meeting materials average around 70 pages. In addition, meeting materials are often finalized the week before board meetings due to updates from reports or special/emergency meetings. It would be a disservice to the industry and public if the Board was unable to discuss documents that were not posted timely due to necessary last-minute changes.

ASSEMBLY BILL

No. 29

**Introduced by Assembly Member Cooper
(Coauthor: Assembly Member Blanca Rubio)**

December 7, 2020

An act to amend Section 11125 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as introduced, Cooper. State bodies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which

those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

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. Section 11125 of the Government Code is
2 amended to read:

3 11125. (a) The state body shall provide notice of its meeting
4 to any person who requests that notice in writing. Notice shall be
5 given and also made available on the ~~Internet~~ *state body's internet*
6 *website* at least 10 days in advance of the ~~meeting~~, *meeting* and
7 shall include the name, address, and telephone number of any
8 person who can provide further information ~~prior to~~ *before* the
9 ~~meeting~~, *meeting* but need not include a list of witnesses expected
10 to appear at the meeting. The written notice shall additionally
11 include the address of the ~~Internet site~~ *internet website* where
12 notices required by this article are made available.

13 (b) The notice of a meeting of a body that is a state body shall
14 include a specific agenda for the meeting, containing a brief
15 description of the items of business to be transacted or discussed
16 in either open or closed session. A brief general description of an
17 item generally need not exceed 20 words. A description of an item
18 to be transacted or discussed in closed session shall include a
19 citation of the specific statutory authority under which a closed
20 session is being held. No item shall be added to the agenda
21 subsequent to the provision of this notice, unless otherwise
22 permitted by this article.

23 (c) (1) *A notice provided pursuant to subdivision (a) shall*
24 *include all writings or materials provided for the noticed meeting*
25 *to a member of the state body by the staff of a state agency, board,*
26 *or commission, or another member of the state body that are in*
27 *connection with a matter subject to discussion or consideration*
28 *at the meeting.*

29 (2) *The writings or materials described in paragraph (1) shall*
30 *be made available on the state body's internet website, and to any*
31 *person who requests the writings or materials in writing, on the*
32 *same day as the dissemination of the writings and materials to*

1 *members of the state body or at least 72 hours in advance of the*
2 *meeting, whichever is earlier.*

3 *(3) A state body may not distribute or discuss writings or*
4 *materials described in paragraph (1), or take action on an item*
5 *to which those writings or materials pertain, at a meeting of the*
6 *state body unless the state body has complied with this subdivision.*

7 ~~(e)~~

8 *(d) Notice of a meeting of a state body that complies with this*
9 *section shall also constitute notice of a meeting of an advisory*
10 *body of that state body, provided that the business to be discussed*
11 *by the advisory body is covered by the notice of the meeting of*
12 *the state body, provided that the specific time and place of the*
13 *advisory body's meeting is announced during the open and public*
14 *state body's meeting, and provided that the advisory body's*
15 *meeting is conducted within a reasonable time of, and nearby, the*
16 *meeting of the state body.*

17 ~~(d)~~

18 *(e) A person may request, and shall be provided, notice pursuant*
19 *to subdivision (a) for all meetings of a state body or for a specific*
20 *meeting or meetings. In addition, at the state body's discretion, a*
21 *person may request, and may be provided, notice of only those*
22 *meetings of a state body at which a particular subject or subjects*
23 *specified in the request will be discussed.*

24 ~~(e)~~

25 *(f) A request for notice of more than one meeting of a state body*
26 *shall be subject to the provisions of Section 14911.*

27 ~~(f)~~

28 *(g) The notice shall be made available in appropriate alternative*
29 *formats, as required by Section 202 of the Americans with*
30 *Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal*
31 *rules and regulations adopted in implementation thereof, upon*
32 *request by any person with a disability. The notice shall include*
33 *information regarding how, to whom, and by when a request for*
34 *any disability-related modification or accommodation, including*
35 *auxiliary aids or services may be made by a person with a disability*
36 *who requires these aids or services in order to participate in the*
37 *public meeting.*



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Salas

Coauthors: Assembly Members Bauer-Kahan, Gabriel, Gallagher, Muratsuchi, and Smith; Senators Dodd and Jones

Bill Number: AB 107

Subject: Licensure: veterans and military spouses.

Version: July 15, 2021

Existing Law:

Existing law requires a board within the Department of Consumer Affairs (department) to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge.

This Bill:

This bill would require any board within DCA to issue temporary licenses to practice a profession or vocation. It would require the Board to issue a temporary license within 30 days of receiving the required documentation if a criminal background check does not show grounds for denial and would require a board to request the Department of Justice to conduct the criminal background check and to furnish the criminal background information in accordance with specified requirements. The bill would require a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would also require DCA and each board within the department to post specified information on their websites relating to licensure for military spouses, the availability of temporary licenses, and permanent licensure by endorsement or credential for out-of-state applicants.

Board Position: Watch

Status: Senate read second time and amended. Re-referred to Committee on Appropriations.

Analysis:

If approved, this bill would have an impact to BreEZe and the Board's operations. Staff would need to develop draft regulations, a new application, and new procedures for temporary licensure. Since the Board already has an expedited process for spouses and domestic partners of those on active duty in the Armed Forces or the California National Guard, it is unknown how many individuals would opt for temporary licensure first. Depending on how many individuals apply, the requirement to issue licenses within 30 days of receiving the required documentation may not be feasible since the Board must appropriately investigate.

AMENDED IN SENATE JULY 15, 2021
AMENDED IN SENATE JUNE 21, 2021
AMENDED IN ASSEMBLY APRIL 20, 2021
AMENDED IN ASSEMBLY MARCH 24, 2021
AMENDED IN ASSEMBLY FEBRUARY 25, 2021
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 107

Introduced by Assembly Member Salas
(Coauthors: Assembly Members Bauer-Kahan, *Gabriel*, Gallagher,
Muratsuchi, and Smith)
~~(Coauthor: Senator Dodd)~~
(Coauthors: Senators Dodd and Jones)

December 16, 2020

An act to amend Sections 115.6, 2946, and 5132 of, and to add ~~Section~~ *Sections 115.8 and 115.9* to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as amended, Salas. Licensure: veterans and military spouses. Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of

temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. The bill would require an applicant for a temporary license to provide to the board documentation that the applicant has passed a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure. The bill would require a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for ~~denial~~. *denial and would require a board to request the Department of Justice to conduct the criminal background check and to furnish the criminal background information in accordance with specified requirements.* The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license, as described above. The bill would make conforming changes. By

expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

Existing law provides that these temporary licenses shall expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

This bill would instead provide that these temporary licenses shall expire 12 months after issuance, upon issuance of a standard license, upon issuance of a license by endorsement, or upon issuance of an expedited license, whichever occurs first.

This bill would ~~also~~ require *the Department of Consumer Affairs, the Department of Real Estate, and the Commission on Teacher Credentialing to compile an annual report to the Legislature containing specified information relating to the professional licensure of veterans, servicemembers, and their spouses. The bill would also require the Department of Consumer Affairs and each board within the department to post specified information on their internet websites relating to licensure for military spouses, the availability of temporary licenses, and permanent licensure by endorsement or credential for out-of-state applicants.*

Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law authorizes a psychologist certified or licensed in another state or Canadian province who has applied to the board for licensure to provide activities and services of a psychological nature without a valid license for a period not to exceed 180 days from the time of submitting their application or from the commencement of residency in the state, whichever occurs first, subject to specified conditions and requirements.

This bill would also authorize a psychologist certified or licensed in another state or Canadian province who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States and who has applied to the board for licensure to perform activities and services of a psychological nature without a valid license for a period not to exceed 12 months.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 115.6 of the Business and Professions
2 Code is amended to read:

3 115.6. (a) (1) Except as provided in subdivision (i), a board
4 within the department shall, after appropriate investigation, issue
5 a temporary license to practice a profession or vocation to an
6 applicant who meets the requirements set forth in subdivisions (c)
7 and (d).

8 (2) Revenues from fees for temporary licenses issued by the
9 California Board of Accountancy shall be credited to the
10 Accountancy Fund in accordance with Section 5132.

11 (b) The board may conduct an investigation of an applicant for
12 purposes of denying or revoking a temporary license issued
13 pursuant to this section. This investigation may include a criminal
14 background check.

15 (c) An applicant seeking a temporary license pursuant to this
16 section shall meet the following requirements:

17 (1) The applicant shall supply evidence satisfactory to the board
18 that the applicant is married to, or in a domestic partnership or
19 other legal union with, an active duty member of the Armed Forces
20 of the United States who is assigned to a duty station in this state
21 under official active duty military orders.

22 (2) The applicant shall hold a current, active, and unrestricted
23 license that confers upon the applicant the authority to practice,
24 in another state, district, or territory of the United States, the
25 profession or vocation for which the applicant seeks a temporary
26 license from the board.

27 (3) The applicant shall submit an application to the board that
28 shall include a signed affidavit attesting to the fact that the
29 applicant meets all of the requirements for the temporary license,
30 and that the information submitted in the application is accurate,

1 to the best of the applicant’s knowledge. The application shall also
2 include written verification from the applicant’s original licensing
3 jurisdiction stating that the applicant’s license is in good standing
4 in that jurisdiction.

5 (4) The applicant shall not have committed an act in any
6 jurisdiction that would have constituted grounds for denial,
7 suspension, or revocation of the license under this code at the time
8 the act was committed. A violation of this paragraph may be
9 grounds for the denial or revocation of a temporary license issued
10 by the board.

11 (5) The applicant shall not have been disciplined by a licensing
12 entity in another jurisdiction and shall not be the subject of an
13 unresolved complaint, review procedure, or disciplinary proceeding
14 conducted by a licensing entity in another jurisdiction.

15 (6) (A) The applicant shall, upon request by a board, furnish
16 a full set of fingerprints for purposes of conducting a criminal
17 background check.

18 (B) *The board shall request a fingerprint-based criminal history*
19 *information check from the Department of Justice in accordance*
20 *with subdivision (u) of Section 11105 of the Penal Code and the*
21 *Department of Justice shall furnish state or federal criminal history*
22 *information in accordance with subdivision (p) of Section 11105*
23 *of the Penal Code.*

24 (d) The applicant shall pass a California law and ethics
25 examination if otherwise required by the board for the profession
26 or vocation for which the applicant seeks licensure.

27 (e) A board shall issue a temporary license pursuant to this
28 section within 30 days of receiving documentation that the
29 applicant has met the requirements specified in subdivisions (c)
30 and (d) if the results of the criminal background check do not show
31 grounds for denial.

32 (f) A temporary license issued pursuant to this section may be
33 immediately terminated upon a finding that the temporary
34 licenseholder failed to meet any of the requirements described in
35 subdivision (c) or (d) or provided substantively inaccurate
36 information that would affect the person’s eligibility for temporary
37 licensure. Upon termination of the temporary license, the board
38 shall issue a notice of termination that shall require the temporary
39 licenseholder to immediately cease the practice of the licensed
40 profession upon receipt.

1 (g) An applicant seeking a temporary license as a civil engineer,
2 geotechnical engineer, structural engineer, land surveyor,
3 professional geologist, professional geophysicist, certified
4 engineering geologist, or certified hydrogeologist pursuant to this
5 section shall successfully pass the appropriate California-specific
6 examination or examinations required for licensure in those
7 respective professions by the Board for Professional Engineers,
8 Land Surveyors, and Geologists.

9 (h) A temporary license issued pursuant to this section shall
10 expire 12 months after issuance, upon issuance of a standard
11 license, upon issuance of a license by endorsement, or upon
12 issuance of an expedited license pursuant to Section 115.5,
13 whichever occurs first.

14 (i) A board shall submit to the department for approval, if
15 necessary to implement this section, draft regulations necessary
16 to administer this section by June 15, 2022. These regulations shall
17 be adopted pursuant to the Administrative Procedure Act (Chapter
18 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
19 Title 2 of the Government Code).

20 (j) (A) This section shall not apply to a board that has a process
21 in place by which an out-of-state licensed applicant in good
22 standing who is married to, or in a domestic partnership or other
23 legal union with, an active duty member of the Armed Forces of
24 the United States is able to receive expedited, temporary
25 authorization to practice while meeting state-specific requirements
26 for a period of at least one year or is able to receive an expedited
27 license by endorsement with no additional requirements
28 superseding those described in subdivisions (c) and (d).

29 (B) This section shall apply only to the extent that it does not
30 amend an initiative or violate constitutional requirements.

31 SEC. 2. Section 115.8 is added to the Business and Professions
32 Code, to read:

33 115.8. The Department of Consumer Affairs, the Commission
34 on Teacher Credentialing, *and* the Department of Real Estate, ~~and~~
35 ~~the State Department of Public Health~~ *Estate* shall compile
36 information on military, veteran, and spouse licensure into an
37 annual report for the Legislature, which shall be submitted in
38 conformance with Section 9795 of the Government Code. The
39 report shall include all of the following:

1 (a) The number of applications for a temporary license submitted
2 by active duty servicemembers, veterans, or military spouses per
3 calendar year, pursuant to Section 115.6.

4 (b) The number of applications for expedited licenses submitted
5 by veterans and active duty spouses pursuant to Sections 115.4
6 and 115.5.

7 (c) The number of licenses issued and denied per calendar year
8 pursuant to Sections 115.4, 115.5, and 115.6.

9 (d) The number of licenses issued pursuant to Section 115.6
10 that were suspended or revoked per calendar year.

11 (e) The number of applications for waived renewal fees received
12 and granted pursuant to Section 114.3 per calendar year.

13 (f) The average length of time between application and issuance
14 of licenses pursuant to Sections 115.4, 115.5, and 115.6 per board
15 and occupation.

16 *SEC. 3. Section 115.9 is added to the Business and Professions*
17 *Code, to read:*

18 *115.9. The department and each board within the department*
19 *shall publish information pertinent to all licensing options*
20 *available to military spouses on the home page of the internet*
21 *website of the department or board, as applicable, including, but*
22 *not limited to, the following:*

23 *(a) The process for expediting applications for military spouses.*

24 *(b) The availability of temporary licensure, the requirements*
25 *for obtaining a temporary license, and length of time a temporary*
26 *license is active.*

27 *(c) The requirements for full, permanent licensure by*
28 *endorsement or credential for out-of-state applicants.*

29 ~~SEC. 3.~~

30 *SEC. 4. Section 2946 of the Business and Professions Code is*
31 *amended to read:*

32 2946. (a) The board shall grant a license to any person who
33 passes the board's supplemental licensing examination and, at the
34 time of application, has been licensed for at least five years by a
35 psychology licensing authority in another state or Canadian
36 province if the requirements for obtaining a certificate or license
37 in that state or province were substantially equivalent to the
38 requirements of this chapter.

39 (b) A psychologist certified or licensed in another state or
40 province and who has made application to the board for a license

1 in this state may perform activities and services of a psychological
2 nature without a valid license for a period not to exceed 180
3 calendar days from the time of submitting their application or from
4 the commencement of residency in this state, whichever first
5 occurs.

6 (c) A psychologist certified or licensed in another state or
7 province who is married to, or in a domestic partnership or other
8 legal union with, an active duty member of the Armed Forces of
9 the United States and who has made application to the board for
10 a license in this state may perform activities and services of a
11 psychological nature without a valid license for a period not to
12 exceed twelve months from the time of submitting their application
13 or from the commencement of residency in this state, whichever
14 first occurs.

15 (d) The board at its discretion may waive the examinations when
16 in the judgment of the board the applicant has already demonstrated
17 competence in areas covered by the examinations. The board at
18 its discretion may waive the examinations for diplomates of the
19 American Board of Professional Psychology.

20 ~~SEC. 4.~~

21 *SEC. 5.* Section 5132 of the Business and Professions Code is
22 amended to read:

23 5132. (a) All moneys received by the board under this chapter
24 from any source and for any purpose and from a temporary license
25 issued under Section 115.6 shall be accounted for and reported
26 monthly by the board to the Controller and at the same time the
27 moneys shall be remitted to the State Treasury to the credit of the
28 Accountancy Fund.

29 (b) The secretary-treasurer of the board shall, from time to time,
30 but not less than once each fiscal year, prepare or have prepared
31 on their behalf, a financial report of the Accountancy Fund that
32 contains information that the board determines is necessary for
33 the purposes for which the board was established.

34 (c) The report of the Accountancy Fund, which shall be
35 published pursuant to Section 5008, shall include the revenues and
36 the related costs from examination, initial licensing, license
37 renewal, citation and fine authority, and cost recovery from
38 enforcement actions and case settlements.

1 ~~SEC. 5.~~

2 *SEC. 6.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Nguyen

Subject: Worker classification:
 employees and independent
 contractors: licensed manicurists.

Bill Number: AB 231

Version: January 12, 2021

Existing Law:

Existing law requires a 3-part test, commonly known as the “ABC” test, to determine if workers are employees or independent contractors for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission. Under the ABC test, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. Existing law charges the Labor Commissioner with the enforcement of labor laws, including worker classification.

Existing law exempts specified occupations and business relationships from the application of the ABC test described above. Existing law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. These exemptions include services provided by a licensed manicurist, subject to the manicurist meeting specified conditions. Existing law makes this exemption for licensed manicurists inoperative on January 1, 2022.

This Bill:

This bill would delete the January 1, 2022, inoperative date, thereby making licensed manicurists subject to this exemption indefinitely.

Board Position: Support

Status: Referred to Assembly Committee on Labor and Employment.

Analysis:

This bill does not impact any operations of the Board, however, it would impact manicurists operating as booth renters/independent contractors. This bill would allow manicurists to remain exempt from the ABC test like the other Board license types.

ASSEMBLY BILL

No. 231

Introduced by Assembly Member Nguyen

January 12, 2021

An act to amend Section 2778 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 231, as introduced, Nguyen. Worker classification: employees and independent contractors: licensed manicurists.

Existing law requires a 3-part test, commonly known as the “ABC” test, to determine if workers are employees or independent contractors for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission. Under the ABC test, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. Existing law charges the Labor Commissioner with the enforcement of labor laws, including worker classification.

Existing law exempts specified occupations and business relationships from the application of the ABC test described above. Existing law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. These exemptions include services provided by a licensed manicurist, subject

to the manicurist meeting specified conditions. Existing law makes this exemption for licensed manicurists inoperative on January 1, 2022.

This bill would delete the January 1, 2022, inoperative date, thereby making licensed manicurists subject to this exemption indefinitely.

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. Section 2778 of the Labor Code is amended to
2 read:

3 2778. (a) Section 2775 and the holding in *Dynamex* do not
4 apply to a contract for “professional services” as defined below,
5 and instead the determination of whether the individual is an
6 employee or independent contractor shall be governed by *Borello*
7 if the hiring entity demonstrates that all of the following factors
8 are satisfied:

9 (1) The individual maintains a business location, which may
10 include the individual’s residence, that is separate from the hiring
11 entity. Nothing in this paragraph prohibits an individual from
12 choosing to perform services at the location of the hiring entity.

13 (2) If work is performed more than six months after the effective
14 date of this section and the work is performed in a jurisdiction that
15 requires the individual to have a business license or business tax
16 registration, the individual has the required business license or
17 business tax registration in order to provide the services under the
18 contract, in addition to any required professional licenses or permits
19 for the individual to practice in their profession.

20 (3) The individual has the ability to set or negotiate their own
21 rates for the services performed.

22 (4) Outside of project completion dates and reasonable business
23 hours, the individual has the ability to set the individual’s own
24 hours.

25 (5) The individual is customarily engaged in the same type of
26 work performed under contract with another hiring entity or holds
27 themselves out to other potential customers as available to perform
28 the same type of work.

29 (6) The individual customarily and regularly exercises discretion
30 and independent judgment in the performance of the services.

31 (b) For purposes of this section:

1 (1) An “individual” includes an individual providing services
2 as a sole proprietor or other business entity.

3 (2) “Professional services” means services that meet any of the
4 following:

5 (A) Marketing, provided that the contracted work is original
6 and creative in character and the result of which depends primarily
7 on the invention, imagination, or talent of the individual or work
8 that is an essential part of or necessarily incident to any of the
9 contracted work.

10 (B) Administrator of human resources, provided that the
11 contracted work is predominantly intellectual and varied in
12 character and is of such character that the output produced or the
13 result accomplished cannot be standardized in relation to a given
14 period of time.

15 (C) Travel agent services provided by either of the following:

16 (i) A person regulated by the Attorney General under Article
17 2.6 (commencing with Section 17550) of Chapter 1 of Part 3 of
18 Division 7 of the Business and Professions Code.

19 (ii) An individual who is a seller of travel within the meaning
20 of subdivision (a) of Section 17550.1 of the Business and
21 Professions Code and who is exempt from the registration under
22 subdivision (g) of Section 17550.20 of the Business and Professions
23 Code.

24 (D) Graphic design.

25 (E) Grant writer.

26 (F) (i) Fine artist.

27 (ii) For the purposes of this subparagraph, “fine artist” means
28 an individual who creates works of art to be appreciated primarily
29 or solely for their imaginative, aesthetic, or intellectual content,
30 including drawings, paintings, sculptures, mosaics, works of
31 calligraphy, works of graphic art, crafts, or mixed media.

32 (G) Services provided by an enrolled agent who is licensed by
33 the United States Department of the Treasury to practice before
34 the Internal Revenue Service pursuant to Part 10 of Subtitle A of
35 Title 31 of the Code of Federal Regulations.

36 (H) Payment processing agent through an independent sales
37 organization.

38 (I) Services provided by any of the following:

39 (i) By a still photographer, photojournalist, videographer, or
40 photo editor who works under a written contract that specifies the

1 rate of pay and obligation to pay by a defined time, as long as the
2 individual providing the services is not directly replacing an
3 employee who performed the same work at the same volume for
4 the hiring entity; the individual does not primarily perform the
5 work at the hiring entity’s business location, notwithstanding
6 paragraph (1) of subdivision (a); and the individual is not restricted
7 from working for more than one hiring entity. This subclause is
8 not applicable to a still photographer, photojournalist, videographer,
9 or photo editor who works on motion pictures, which is inclusive
10 of, but is not limited to, theatrical or commercial productions,
11 broadcast news, television, and music videos. Nothing in this
12 section restricts a still photographer, photojournalist, photo editor,
13 or videographer from distributing, licensing, or selling their work
14 product to another business, except as prohibited under copyright
15 laws or workplace collective bargaining agreements.

16 (ii) To a digital content aggregator by a still photographer,
17 photojournalist, videographer, or photo editor.

18 (iii) For the purposes of this subparagraph the following
19 definitions apply:

20 (I) “Photo editor” means an individual who performs services
21 ancillary to the creation of digital content, such as retouching,
22 editing, and keywording.

23 (II) “Digital content aggregator” means a licensing intermediary
24 that obtains a license or assignment of copyright from a still
25 photographer, photojournalist, videographer, or photo editor for
26 the purposes of distributing that copyright by way of sublicense
27 or assignment, to the intermediary’s third party end users.

28 (J) Services provided by a freelance writer, translator, editor,
29 copy editor, illustrator, or newspaper cartoonist who works under
30 a written contract that specifies the rate of pay, intellectual property
31 rights, and obligation to pay by a defined time, as long as the
32 individual providing the services is not directly replacing an
33 employee who performed the same work at the same volume for
34 the hiring entity; the individual does not primarily perform the
35 work at the hiring entity’s business location, notwithstanding
36 paragraph (1) of subdivision (a); and the individual is not restricted
37 from working for more than one hiring entity.

38 (K) Services provided by an individual as a content contributor,
39 advisor, producer, narrator, or cartographer for a journal, book,
40 periodical, evaluation, other publication or educational, academic,

1 or instructional work in any format or media, who works under a
2 written contract that specifies the rate of pay, intellectual property
3 rights and obligation to pay by a defined time, as long as the
4 individual providing the services is not directly replacing an
5 employee who performed the same work at the same volume for
6 the hiring entity, the individual does not primarily perform the
7 work at the hiring entity’s business location notwithstanding
8 paragraph (1) of subdivision (a); and the individual is not restricted
9 from working for more than one hiring entity.

10 (L) Services provided by a licensed esthetician, licensed
11 electrologist, licensed manicurist, licensed barber, or licensed
12 cosmetologist provided that the individual:

13 (i) Sets their own rates, processes their own payments, and is
14 paid directly by clients.

15 (ii) Sets their own hours of work and has sole discretion to
16 decide the number of clients and which clients for whom they will
17 provide services.

18 (iii) Has their own book of business and schedules their own
19 appointments.

20 (iv) Maintains their own business license for the services offered
21 to clients.

22 (v) If the individual is performing services at the location of the
23 hiring entity, then the individual issues a Form 1099 to the salon
24 or business owner from which they rent their business space.

25 ~~(vi) This subparagraph shall become inoperative, with respect
26 to licensed manicurists, on January 1, 2022.~~

27 (M) A specialized performer hired by a performing arts company
28 or organization to teach a master class for no more than one week.
29 “Master class” means a specialized course for limited duration that
30 is not regularly offered by the hiring entity and is taught by an
31 expert in a recognized field of artistic endeavor who does not work
32 for the hiring entity to teach on a regular basis.

33 (N) Services provided by an appraiser, as defined in Part 3
34 (commencing with Section 11300) of Division 4 of the Business
35 and Professions Code.

36 (O) Registered professional foresters licensed pursuant to Article
37 3 (commencing with Section 750) of Chapter 2.5 of Division 1 of
38 the Public Resources Code.

39 ~~(b)~~

1 (c) Section 2775 and the holding in Dynamex do not apply to
2 the following, which are subject to the Business and Professions
3 Code:

4 (1) A real estate licensee licensed by the State of California
5 pursuant to Division 4 (commencing with Section 10000) of the
6 Business and Professions Code, for whom the determination of
7 employee or independent contractor status shall be governed by
8 subdivision (b) of Section 10032 of the Business and Professions
9 Code. If that section is not applicable, then this determination shall
10 be governed as follows:

11 (A) For purposes of unemployment insurance by Section 650
12 of the Unemployment Insurance Code.

13 (B) For purposes of workers' compensation by Section 3200 et
14 seq.

15 (C) For all other purposes in the Labor Code by Borello. The
16 statutorily imposed duties of a responsible broker under Section
17 10015.1 of the Business and Professions Code are not factors to
18 be considered under the Borello test.

19 (2) A home inspector, as defined in Section 7195 of the Business
20 and Professions Code, and subject to the provisions of Chapter 9.3
21 (commencing with Section 7195) of Division 3 of that code.

22 (3) A repossession agency licensed pursuant to Section 7500.2
23 of the Business and Professions Code, for whom the determination
24 of employee or independent contractor status shall be governed
25 by Section 7500.2 of the Business and Professions Code, if the
26 repossession agency is free from the control and direction of the
27 hiring person or entity in connection with the performance of the
28 work, both under the contract for the performance of the work and
29 in fact.



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Patterson
Coauthor: Assembly Member Gallagher

Subject: Cosmetology students:
 externships.

Bill Number: AB 492

Version: February 8, 2021

Existing Law:

Existing law, the Barbering and Cosmetology Act, provides for the licensure, regulation, and discipline of cosmetologists by the State Board of Barbering and Cosmetology. Existing law authorizes a cosmetology student enrolled in an approved course, as provided, to work as an unpaid extern in an establishment participating in the educational program of the school upon completion of at least 60% of the clock hours required for graduation in the course.

Existing law requires an extern to receive clock hour credit toward graduation and prohibits that credit from exceeding 8 hours per week and 10% of the total clock hours required for completion of the course.

This Bill:

This bill would delete the requirement that the cosmetology externship be unpaid and would permit a student to work as an extern upon completion of at least 25% of the clock hours required for graduation in the course.

This bill would prohibit the extern's clock hour credit for graduation from exceeding 25 hours per week and 25% of the total clock hours required for completion of the course.

Board Position: Oppose

Status: Referred to Senate Committee on Business, Professions and Economic Development.

Analysis:

The Board does not have oversight of individuals acting as externs. Currently schools only notify the Board that they are participating in the program. Increasing the extern program could place more students working in an establishment that are not tracked at all by the Board. This could potentially increase the risk of consumer harm.

ASSEMBLY BILL

No. 492

**Introduced by Assembly Member Patterson
(Coauthor: Assembly Member Gallagher)**

February 8, 2021

An act to amend Section 7395.1 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 492, as introduced, Patterson. Cosmetology students: externships.

Existing law, the Barbering and Cosmetology Act, provides for the licensure, regulation, and discipline of cosmetologists by the State Board of Barbering and Cosmetology. Existing law authorizes a cosmetology student enrolled in an approved course, as provided, to work as an unpaid extern in an establishment participating in the educational program of the school upon completion of at least 60% of the clock hours required for graduation in the course.

This bill would delete the requirement that the cosmetology externship be unpaid and would permit a student to work as an extern upon completion of at least 25% of the clock hours required for graduation in the course.

Existing law requires an extern to receive clock hour credit toward graduation and prohibits that credit from exceeding 8 hours per week and 10% of the total clock hours required for completion of the course.

This bill would instead prohibit the extern's clock hour credit for graduation from exceeding 25 hours per week and 25% of the total clock hours required for completion of the course.

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. Section 7395.1 of the Business and Professions
2 Code is amended to read:

3 7395.1. (a) A student who is enrolled in an approved course
4 of instruction in a school of cosmetology approved by the board
5 pursuant to subdivision (a) of Section 7362 may, upon completion
6 of a minimum of ~~60~~ 25 percent of the clock hours required for
7 graduation in the course, work as an ~~unpaid~~ extern in an
8 establishment participating in the educational program of the
9 school.

10 (b) A person working as an extern shall receive clock hour credit
11 toward graduation, but that credit shall not exceed ~~eight~~ 25 hours
12 per week and shall not exceed ~~40~~ 25 percent of the total clock
13 hours required for completion of the course.

14 (c) The externship program shall be conducted in an
15 establishment meeting all of the following criteria:

16 (1) The establishment is licensed by the board.

17 (2) The establishment has a minimum of four licensees working
18 at the establishment, including employees and owners or managers.

19 (3) All licensees at the establishment are in good standing with
20 the board.

21 (4) Licensees working at the establishment work for salaries or
22 commissions rather than on a space rental basis.

23 (5) No more than one extern shall work in an establishment for
24 every four licensees working in the establishment. ~~No~~ A regularly
25 employed licensee shall *not* be displaced or have ~~his or her~~ *the*
26 *licensee's* work hours reduced or altered to accommodate the
27 placement of an extern in an establishment. Prior to placement of
28 the extern, the establishment shall agree, in writing sent to the
29 school and to all affected licensees, that no reduction or alteration
30 of any licensee's current work schedule shall occur. This shall not
31 prevent a licensee from voluntarily reducing or altering ~~his or her~~
32 *the licensee's* work schedule.

33 (6) Externs shall wear conspicuous school identification at all
34 times while working in the establishment, and shall carry a school
35 laminated identification, that includes a picture, in a form approved
36 by the board.

1 (d) (1) No less than 90 percent of the responsibilities and duties
2 of the extern shall consist of the acts included within the practice
3 of cosmetology as defined in Section 7316.

4 (2) The establishment shall consult with the assigning school
5 regarding the extern's progress during the ~~unpaid~~ externship. The
6 owner or manager of the establishment shall monitor and report
7 on the student's progress to the school on a regular basis, with
8 assistance from supervising licensees.

9 (3) A participating school shall assess the extern's learning
10 outcome from the externship program. The school shall maintain
11 accurate records of the extern's educational experience in the
12 externship program and records that indicate how the extern's
13 learning outcome translates into course credit.

14 (e) Participation in an externship program made available by a
15 school shall be voluntary, may be terminated by the student at any
16 time, and shall not be a prerequisite for graduation.

17 (f) The establishment that chooses to utilize the extern is liable
18 for the extern's general liability insurance, as well as cosmetology
19 malpractice liability insurance, and shall furnish proof to the
20 participating school that the establishment is covered by both forms
21 of liability insurance and that the extern is covered under that
22 insurance.

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

28 (2) Instruction shall be based on skills, knowledge, attitudes,
29 and performance levels in the area of cosmetology for which the
30 instruction is conducted.

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

- 1 (4) The extern shall not perform any work in a manner that
- 2 would violate the law.

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BOARD OF BARBERING & COSMETOLOGY BILL ANALYSIS

Author: Senators Min and Roth

Subject: Professions and Vocations

Bill Number: SB 607

Version: February 13, 2021

Existing Law:

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This Bill:

This bill would require the board to waive the licensure application fee and the initial or original license fee for an applicant who meets expedited licensing requirements (holds a current license in another state, district, or territory of the United States in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders). This section would become operative on July 1, 2022.

Board Position: N/A

Status: From Assembly Committee on Business and Professions: Do pass and re-refer to Committee on Appropriations. (Ayes 19. Noes 0.) (July 14). Re-referred to Committee on Appropriations.

Analysis:

This bill would have a fiscal impact for the Board. The initial license fee for barber, cosmetologist, and electrologist applicants is \$50. The Board receives an average of 67 expedited reciprocity applications a year in these licensing categories, which would result in an average loss of \$3,350.00. The initial license fee for estheticians is \$40. The Board receives an average of 12 expedited esthetician reciprocity applications a year, which would result in an average loss of \$480.00. The initial license fee for manicurists is \$35. The Board receives an

average of 10 expedited manicurist reciprocity applications a year, which would result in an average loss of \$350.00. In total, this would be an estimated \$4,180.00 loss for removing initial license fees to applicants who meet expedited licensing requirements. The exam and initial license fee for barber, cosmetologist, and electrologist applicants is \$125. The Board receives an average of 43 expedited exam applications a year in these licensing categories, which would result in an average loss of \$9,555.00. The exam and initial license fee for esthetician applicants is \$115. The Board receives an average of 12 expedited esthetician exam applications a year, which would result in an average loss of \$1,380.00. The exam and initial license fee for manicurist applicants is \$110. The Board receives an average of 6 expedited manicurist exam applications a year, which would result in an average loss of \$660.00. In total, implementation of SB 607 would result in an estimated \$15,775.00 loss for the Board.

AMENDED IN ASSEMBLY JULY 13, 2021
AMENDED IN ASSEMBLY JULY 6, 2021
AMENDED IN ASSEMBLY JUNE 17, 2021
AMENDED IN SENATE MAY 20, 2021
AMENDED IN SENATE MAY 12, 2021
AMENDED IN SENATE APRIL 13, 2021

SENATE BILL

No. 607

Introduced by Senators Min and Roth

February 18, 2021

An act to amend Sections 1724, 1753, 1753.55, 1753.6, 7137, 7583.22, 7583.23, 7583.24, 7583.27, 7583.29, and 7583.47 of, to amend, repeal, and add Sections 115.5, 7071.6, 7071.8, and 7071.9 of, to add Sections ~~1636.5~~ 1636.5, 1636.6, and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, Min. Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

Existing law provides for the issuance of temporary licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill, on and after July 1, 2022, would require a board to waive the licensure application fee and the initial or original license fee for an applicant who meets these expedited licensing requirements.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental auxiliaries, including registered dental assistants in extended functions, by the Dental Board of California within the Department of Consumer Affairs. Existing law requires a person who applies to the board for a license as a registered dental assistant in extended functions on and after January 1, 2010, to successfully complete a clinical or practical examination administered by the board. Existing law authorizes a registered dental assistant in extended functions who was licensed before January 1, 2010, to perform certain additional duties only if they pass the clinical or practical examination.

This bill would delete the clinical or practical examination requirement for registered dental assistants in extended functions and make related technical amendments.

The Dental Practice Act authorizes a dentist to administer or order the administration of minimal sedation on pediatric patients under 13 years of age if the dentist possesses specified licensing credentials, including holding a pediatric minimal sedation permit, and follows certain procedures. Existing law requires a dentist who desires to administer or order the administration of minimal sedation to apply to the board, as specified, and to submit an application fee.

This bill would specify that the application fee for a pediatric minimal sedation permit cannot exceed \$1,000, and the renewal fee cannot exceed \$600.

The Dental Practice Act requires the board to approve foreign dental schools based on specified standards. The act requires a foreign dental school seeking approval to submit an application to the board, including,

among other things, a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. The act requires an approved institution to submit a renewal application every 7 years and to pay a specified renewal fee. The act prohibits the board from accepting new applications for approval of foreign dental schools by January 1, 2020, and requires foreign dental schools seeking approval after this date to complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association (CODA) or a comparable accrediting body approved by the board. The act also requires previously approved foreign dental schools to complete the CODA or comparable accreditation by January 1, 2024, to remain approved.

This bill would provide, notwithstanding this latter approval requirement, that a foreign dental school that was ~~approved~~ *renewed by the board* prior to January 1, 2020, through a date between January 1, 2024, and ~~December 31, June 30, 2026~~, maintains that approval through that date. The bill would further provide that, upon the expiration of that board approval, the foreign dental school is required to comply with the CODA or comparable accreditation process. *The bill would also provide that graduates of a foreign dental school whose program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, are eligible for licensure.*

(3) Existing law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects Board within the Department of Consumer Affairs.

This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the Department of Justice to transmit fingerprint images and related information to the Federal Bureau of Investigation for the purposes of the background check, and would require the Department of Justice to provide a state or federal response to the board. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would

require the applicant to certify, under penalty of perjury, whether the applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.

(4) Existing law, the Contractors State License Law, provides for the licensure and regulation of contractors by the Contractors State License Board within the Department of Consumer Affairs. Existing law authorizes the issuance of contractors' licenses to individual owners, partnerships, corporations, and limited liability companies, and authorizes those persons and entities to qualify for a license if specified conditions are met. Existing law requires an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$15,000, as provided. Existing law requires an applicant or licensee who is not a proprietor, a general partner, or a joint licensee to additionally file or have on file with the board a qualifying individual's bond in the sum of \$12,500, unless an exception is met. Existing law additionally authorizes the board to set fees by regulation, including various application, examination scheduling, and license and registration fees, according to a prescribed schedule. Existing law requires the fees received under this law to be deposited in the Contractors License Fund, a fund that is partially continuously appropriated for the purposes of the law.

This bill, beginning January 1, 2023, would instead require an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$25,000, and would, if applicable, require a qualifying individual's bond in the sum of \$25,000.

This bill would revise and recast the board's authority to set fees by regulation and would increase various fee amounts. In connection with initial license fees and renewal fees for active and inactive licenses, the bill would differentiate between an individual owner as opposed to a partnership, corporation, limited liability company, or joint venture, and would authorize higher fees for the latter categories of licensees. The bill would additionally authorize the board to set fees for the processing and issuance of a duplicate copy of any certificate of licensure, to change the business name of a license, and for a dishonored check, as specified.

Because the increased and new fees would be deposited into the Contractors License Fund, a continuously appropriated fund, the bill would make an appropriation.

(5) Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce. Existing law requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. Existing law prohibits a contractor performing the inspection from bidding on the repair work.

This bill would eliminate the prohibition against a contractor performing the inspection from bidding on the repair work. By altering the enforcement duties for local enforcement entities, the bill would impose a state-mandated local program.

(6) Existing law, the Private Security Services Act, establishes the Bureau of Security and Investigative Services within the Department of Consumer Affairs to license and regulate persons employed by any lawful business as security guards or patrolpersons. Existing law prohibits a person required to be registered as a security guard from engaging in specified conduct, including, but not limited to, carrying or using a firearm unless they possess a valid and current firearms permit.

Existing law requires the applicant for a firearms permit to complete specified requirements, including an assessment that evaluates whether the applicant possesses appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of the applicant's security guard duties. Existing law requires the results of the assessment be provided to the bureau within 30 days.

Existing law requires the bureau to automatically revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law. Existing law additionally requires the bureau to seek an emergency order against the holder of the firearms permit if a specified event occurs, including that the permitholder was arrested for assault or battery, or the permitholder has been determined incapable of exercising appropriate judgment, restraint, and self-control, among other events, and the bureau

determines that the holder of the firearm permit presents an undue hazard to public safety that may result in substantial injury to another.

This bill would specify that a security guard is required to complete the assessment to be issued a firearms permit prior to carrying a firearm. The bill would require an applicant who is a registered security guard to have met the requirement of being found capable of exercising appropriate judgment, restraint, and self-control, for purposes of carrying and using a firearm during the course of their duties, within the 6 months preceding the date the application is submitted to the bureau. The bill would prohibit an applicant who fails the assessment from completing another assessment any earlier than 180 days after the results of the previous assessment are provided to the bureau.

This bill would instead authorize the bureau to revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law, and would instead authorize the bureau to seek an emergency order against a permitholder if a specified event occurs. The bill would remove from the list of specified events the determination that a permitholder is incapable of exercising appropriate judgment, restraint, and self-control.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 115.5 of the Business and Professions
- 2 Code is amended to read:
- 3 115.5. (a) A board within the department shall expedite the
- 4 licensure process for an applicant who meets both of the following
- 5 requirements:

1 (1) Supplies evidence satisfactory to the board that the applicant
2 is married to, or in a domestic partnership or other legal union
3 with, an active duty member of the Armed Forces of the United
4 States who is assigned to a duty station in this state under official
5 active duty military orders.

6 (2) Holds a current license in another state, district, or territory
7 of the United States in the profession or vocation for which the
8 applicant seeks a license from the board.

9 (b) A board may adopt regulations necessary to administer this
10 section.

11 (c) This section shall remain in effect only until July 1, 2022,
12 and as of that date is repealed.

13 SEC. 2. Section 115.5 is added to the Business and Professions
14 Code, to read:

15 115.5. (a) A board within the department shall expedite the
16 licensure process and waive the licensure application fee and the
17 initial or original license fee charged by the board for an applicant
18 who meets both of the following requirements:

19 (1) Supplies evidence satisfactory to the board that the applicant
20 is married to, or in a domestic partnership or other legal union
21 with, an active duty member of the Armed Forces of the United
22 States who is assigned to a duty station in this state under official
23 active duty military orders.

24 (2) Holds a current license in another state, district, or territory
25 of the United States in the profession or vocation for which the
26 applicant seeks a license from the board.

27 (b) A board may adopt regulations necessary to administer this
28 section.

29 (c) This section shall become operative on July 1, 2022.

30 SEC. 3. Section 1636.5 is added to the Business and Professions
31 Code, to read:

32 1636.5. Notwithstanding Section 1636.4, any foreign dental
33 school whose program was ~~approved~~ *renewed by the board* prior
34 to January 1, 2020, through any date between January 1, 2024,
35 and ~~December 31, June 30, 2026~~, shall maintain approval through
36 that date. Upon expiration of the approval, the foreign dental school
37 shall be required to comply with the provisions of Section 1636.4.

38 SEC. 4. Section 1636.6 is added to the Business and Professions
39 Code, to read:

1 1636.6. *Notwithstanding Section 1636.4, graduates of a foreign*
2 *dental school whose program was approved by the board prior to*
3 *January 1, 2020, through any date before January 1, 2024, and*
4 *who enrolled in the program prior to January 1, 2020, shall be*
5 *eligible for licensure pursuant to Section 1628.*

6 ~~SEC. 4.~~

7 SEC. 5. Section 1724 of the Business and Professions Code,
8 as added by Section 13 of Chapter 929 of the Statutes of 2018, is
9 amended to read:

10 1724. The amount of charges and fees for dentists licensed
11 pursuant to this chapter shall be established by the board as is
12 necessary for the purpose of carrying out the responsibilities
13 required by this chapter as it relates to dentists, subject to the
14 following limitations:

15 (a) The fee for an application for licensure qualifying pursuant
16 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed
17 one thousand five hundred dollars (\$1,500). The fee for an
18 application for licensure qualifying pursuant to paragraph (2) of
19 subdivision (c) of Section 1632 shall not exceed one thousand
20 dollars (\$1,000).

21 (b) The fee for an application for licensure qualifying pursuant
22 to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

23 (c) The fee for an application for licensure qualifying pursuant
24 to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

25 (d) The fee for an initial license and for the renewal of a license
26 is five hundred twenty-five dollars (\$525). On and after January
27 1, 2016, the fee for an initial license shall not exceed six hundred
28 fifty dollars (\$650), and the fee for the renewal of a license shall
29 not exceed six hundred fifty dollars (\$650). On and after January
30 1, 2018, the fee for an initial license shall not exceed eight hundred
31 dollars (\$800), and the fee for the renewal of a license shall not
32 exceed eight hundred dollars (\$800).

33 (e) The fee for an application for a special permit shall not
34 exceed one thousand dollars (\$1,000), and the renewal fee for a
35 special permit shall not exceed six hundred dollars (\$600).

36 (f) The delinquency fee shall be 50 percent of the renewal fee
37 for such a license or permit in effect on the date of the renewal of
38 the license or permit.

39 (g) The penalty for late registration of change of place of
40 practice shall not exceed seventy-five dollars (\$75).

- 1 (h) The fee for an application for an additional office permit
2 shall not exceed seven hundred fifty dollars (\$750), and the fee
3 for the renewal of an additional office permit shall not exceed three
4 hundred seventy-five dollars (\$375).
- 5 (i) The fee for issuance of a replacement pocket license,
6 replacement wall certificate, or replacement engraved certificate
7 shall not exceed one hundred twenty-five dollars (\$125).
- 8 (j) The fee for a provider of continuing education shall not
9 exceed five hundred dollars (\$500) per year.
- 10 (k) The fee for application for a referral service permit and for
11 renewal of that permit shall not exceed twenty-five dollars (\$25).
- 12 (l) The fee for application for an extramural facility permit and
13 for the renewal of a permit shall not exceed twenty-five dollars
14 (\$25).
- 15 (m) The fee for an application for an elective facial cosmetic
16 surgery permit shall not exceed four thousand dollars (\$4,000),
17 and the fee for the renewal of an elective facial cosmetic surgery
18 permit shall not exceed eight hundred dollars (\$800).
- 19 (n) The fee for an application for an oral and maxillofacial
20 surgery permit shall not exceed one thousand dollars (\$1,000), and
21 the fee for the renewal of an oral and maxillofacial surgery permit
22 shall not exceed one thousand two hundred dollars (\$1,200).
- 23 (o) The fee for an application for a general anesthesia permit
24 shall not exceed one thousand dollars (\$1,000), and the fee for the
25 renewal of a general anesthesia permit shall not exceed six hundred
26 dollars (\$600).
- 27 (p) The fee for an onsite inspection and evaluation related to a
28 general anesthesia or moderate sedation permit shall not exceed
29 four thousand five hundred dollars (\$4,500).
- 30 (q) The fee for an application for a moderate sedation permit
31 shall not exceed one thousand dollars (\$1,000), and the fee for the
32 renewal of a conscious sedation permit shall not exceed six hundred
33 dollars (\$600).
- 34 (r) The fee for an application for an oral conscious sedation
35 permit shall not exceed one thousand dollars (\$1,000), and the fee
36 for the renewal of an oral conscious sedation permit shall not
37 exceed six hundred dollars (\$600).
- 38 (s) The fee for an application for a pediatric minimal sedation
39 permit shall not exceed one thousand dollars (\$1,000), and the fee

1 for the renewal of a pediatric minimal sedation permit shall not
2 exceed six hundred dollars (\$600).

3 (t) The fee for a certification of licensure shall not exceed one
4 hundred twenty-five dollars (\$125).

5 (u) The fee for an application for the law and ethics examination
6 shall not exceed two hundred fifty dollars (\$250).

7 (v) This section shall become operative on January 1, 2022.

8 ~~SEC. 5.~~

9 *SEC. 6.* Section 1753 of the Business and Professions Code is
10 amended to read:

11 1753. (a) On and after January 1, 2010, the board may license
12 as a registered dental assistant in extended functions a person who
13 submits written evidence, satisfactory to the board, of all of the
14 following eligibility requirements:

15 (1) Current licensure as a registered dental assistant or
16 completion of the requirements for licensure as a registered dental
17 assistant.

18 (2) Successful completion of a board-approved course in the
19 application of pit and fissure sealants.

20 (3) Successful completion of either of the following:

21 (A) An extended functions postsecondary program approved
22 by the board in all of the procedures specified in Section 1753.5.

23 (B) An extended functions postsecondary program approved
24 by the board to teach the duties that registered dental assistants in
25 extended functions were allowed to perform pursuant to board
26 regulations prior to January 1, 2010, and a course approved by the
27 board in the procedures specified in paragraphs (1), (2), (5), and
28 (7) to (11), inclusive, of subdivision (b) of Section 1753.5.

29 (4) Passage of a written examination administered by the board.
30 The board shall designate whether the written examination shall
31 be administered by the board or by the board-approved extended
32 functions program.

33 (b) A registered dental assistant in extended functions may apply
34 for an orthodontic assistant permit or a dental sedation assistant
35 permit, or both, by providing written evidence of the following:

36 (1) Successful completion of a board-approved orthodontic
37 assistant or dental sedation assistant course, as applicable.

38 (2) Passage of a written examination administered by the board
39 that shall encompass the knowledge, skills, and abilities necessary
40 to competently perform the duties of the particular permit.

1 (c) A registered dental assistant in extended functions with
2 permits in either orthodontic assisting or dental sedation assisting
3 shall be referred to as an “RDAEF with orthodontic assistant
4 permit,” or “RDAEF with dental sedation assistant permit,” as
5 applicable. These terms shall be used for reference purposes only
6 and do not create additional categories of licensure.

7 (d) Completion of the continuing education requirements
8 established by the board pursuant to Section 1645 by a registered
9 dental assistant in extended functions who also holds a permit as
10 an orthodontic assistant or dental sedation assistant shall fulfill the
11 continuing education requirement for such permit or permits.

12 ~~SEC. 6.~~

13 *SEC. 7.* Section 1753.4 of the Business and Professions Code
14 is repealed.

15 ~~SEC. 7.~~

16 *SEC. 8.* Section 1753.55 of the Business and Professions Code
17 is amended to read:

18 1753.55. (a) A registered dental assistant in extended functions
19 is authorized to perform the additional duties as set forth in
20 subdivision (b) pursuant to the order, control, and full professional
21 responsibility of a supervising dentist, if the licensee meets one of
22 the following requirements:

23 (1) Is licensed on or after January 1, 2010.

24 (2) Is licensed prior to January 1, 2010, and has successfully
25 completed a board-approved course in the additional procedures
26 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
27 subdivision (b) of Section 1753.5.

28 (b) (1) Determine which radiographs to perform on a patient
29 who has not received an initial examination by the supervising
30 dentist for the specific purpose of the dentist making a diagnosis
31 and treatment plan for the patient. In these circumstances, the
32 dental assistant in extended functions shall follow protocols
33 established by the supervising dentist. This paragraph only applies
34 in the following settings:

35 (A) In a dental office setting.

36 (B) In public health settings, using telehealth, as defined by
37 Section 2290.5, for the purpose of communication with the
38 supervising dentist, including, but not limited to, schools, head
39 start and preschool programs, and community clinics, under the
40 general supervision of a dentist.

1 (2) Place protective restorations, which for this purpose are
2 identified as interim therapeutic restorations, and defined as a
3 direct provisional restoration placed to stabilize the tooth until a
4 licensed dentist diagnoses the need for further definitive treatment.
5 An interim therapeutic restoration consists of the removal of soft
6 material from the tooth using only hand instrumentation, without
7 the use of rotary instrumentation, and subsequent placement of an
8 adhesive restorative material. Local anesthesia shall not be
9 necessary for interim therapeutic restoration placement. Interim
10 therapeutic restorations shall be placed only in accordance with
11 both of the following:

12 (A) In either of the following settings:

13 (i) In a dental office setting, under the direct or general
14 supervision of a dentist as determined by the dentist.

15 (ii) In public health settings, using telehealth, as defined by
16 Section 2290.5, for the purpose of communication with the
17 supervising dentist, including, but not limited to, schools, head
18 start and preschool programs, and community clinics, under the
19 general supervision of a dentist.

20 (B) After the diagnosis, treatment plan, and instruction to
21 perform the procedure provided by a dentist.

22 (c) The functions described in subdivision (b) may be performed
23 by a registered dental assistant in extended functions only after
24 completion of a program that includes training in performing those
25 functions, or after providing evidence, satisfactory to the board,
26 of having completed a board-approved course in those functions.

27 (d) No later than January 1, 2018, the board shall adopt
28 regulations to establish requirements for courses of instruction for
29 the procedures authorized to be performed by a registered dental
30 assistant in extended functions pursuant to this section using the
31 competency-based training protocols established by the Health
32 Workforce Pilot Project (HWPP) No. 172 through the Office of
33 Statewide Health Planning and Development. The board shall
34 submit to the committee proposed regulatory language for the
35 curriculum for the Interim Therapeutic Restoration to the
36 committee for the purpose of promulgating regulations for
37 registered dental hygienists and registered dental hygienists in
38 alternative practice as described in Section 1910.5. The language
39 submitted by the board shall mirror the instructional curriculum
40 for the registered dental assistant in extended functions. Any

1 subsequent amendments to the regulations that are promulgated
2 by the board for the Interim Therapeutic Restoration curriculum
3 shall be submitted to the committee.

4 (e) The board may issue a permit to a registered dental assistant
5 in extended functions who files a completed application, including
6 the fee, to provide the duties specified in this section after the board
7 has determined the registered dental assistant in extended functions
8 has completed the coursework required in subdivision (c).

9 (f) This section shall become operative on January 1, 2018.

10 ~~SEC. 8.~~

11 *SEC. 9.* Section 1753.6 of the Business and Professions Code
12 is amended to read:

13 1753.6. (a) Each person who holds a license as a registered
14 dental assistant in extended functions on the operative date of this
15 section may only perform those procedures that a registered dental
16 assistant is allowed to perform as specified in and limited by
17 Section 1752.4, and the procedures specified in paragraphs (1) to
18 (6), inclusive, until the person provides evidence of having
19 completed a board-approved course in the additional procedures
20 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
21 subdivision (b) of Section 1753.5:

- 22 (1) Cord retraction of gingiva for impression procedures.
 - 23 (2) Take final impressions for permanent indirect restorations.
 - 24 (3) Formulate indirect patterns for endodontic post and core
25 castings.
 - 26 (4) Fit trial endodontic filling points.
 - 27 (5) Apply pit and fissure sealants.
 - 28 (6) Remove excess cement from subgingival tooth surfaces with
29 a hand instrument.
- 30 (b) This section shall become operative on January 1, 2010.

31 ~~SEC. 9.~~

32 *SEC. 10.* Section 5650.5 is added to the Business and
33 Professions Code, to read:

34 5650.5. (a) Pursuant to Section 144, the board has the authority
35 to obtain and review criminal offender record information. The
36 information obtained as a result of the fingerprinting shall be used
37 in accordance with Section 11105 of the Penal Code to determine
38 whether the applicant is subject to denial, suspension, or revocation
39 of a license pursuant to Division 1.5 (commencing with Section
40 475) or Section 5660, 5675, or 5676.

1 (b) As a condition of application for a license, each applicant
2 shall furnish to the Department of Justice a full set of fingerprints
3 for the purpose of conducting a criminal history record check and
4 to undergo a state- and federal- level criminal offender record
5 information search conducted through the Department of Justice,
6 as follows:

7 (1) The board shall electronically submit to the Department of
8 Justice fingerprint images and related information required by the
9 Department of Justice of all landscape architect license applicants
10 for the purpose of obtaining information as to the existence and
11 content of a record of state or federal arrests and state or federal
12 convictions and also information as to the existence and content
13 of a record of state or federal arrests for which the Department of
14 Justice establishes that the person is free on bail or on their
15 recognizance pending trial or appeal.

16 (2) When received, the Department of Justice shall transmit
17 fingerprint images and related information received pursuant to
18 this section, to the Federal Bureau of Investigation for the purpose
19 of obtaining a federal criminal history records check. The
20 Department of Justice shall review the information returned from
21 the Federal Bureau of Investigation and compile and disseminate
22 a response to the board.

23 (3) The Department of Justice shall provide a state or federal
24 response to the board pursuant to subdivision (p) of Section 11105
25 of the Penal Code.

26 (4) The board shall request from the Department of Justice
27 subsequent notification service, as provided pursuant to Section
28 11105.2 of the Penal Code, for persons described in paragraph (1).

29 (5) The Department of Justice shall charge the applicant a fee
30 sufficient to cover the cost of processing the request described in
31 this subdivision.

32 (c) The applicant shall certify, under penalty of perjury, when
33 applying for a license whether the applicant's fingerprints have
34 been furnished to the Department of Justice in compliance with
35 this section.

36 (d) Failure to comply with the requirements of this section
37 renders the application for a license incomplete, and the application
38 shall not be considered until the applicant demonstrates compliance
39 with all requirements of this section.

1 (e) Notwithstanding any other law, the results of any criminal
2 offender record information request by either state or federal law
3 enforcement authorities shall not be released by the board except
4 in accordance with state and federal requirements.

5 (f) As used in this section, the term “applicant” shall be limited
6 to an initial applicant who has never been registered or licensed
7 by the board or to an applicant for a new licensure or registration
8 category.

9 (g) As a condition of petitioning the board for reinstatement of
10 a revoked or surrendered license, an applicant shall comply with
11 subdivision (a).

12 ~~SEC. 10.~~

13 *SEC. 11.* Section 7071.6 of the Business and Professions Code
14 is amended to read:

15 7071.6. (a) The board shall require as a condition precedent
16 to the issuance, reinstatement, reactivation, renewal, or continued
17 maintenance of a license, that the applicant or licensee file or have
18 on file a contractor’s bond in the sum of fifteen thousand dollars
19 (\$15,000).

20 (b) Excluding the claims brought by the beneficiaries specified
21 in subdivision (a) of Section 7071.5, the aggregate liability of a
22 surety on claims brought against a bond required by this section
23 shall not exceed the sum of seven thousand five hundred dollars
24 (\$7,500). The bond proceeds in excess of seven thousand five
25 hundred dollars (\$7,500) shall be reserved exclusively for the
26 claims of the beneficiaries specified in subdivision (a) of Section
27 7071.5. However, nothing in this section shall be construed so as
28 to prevent any beneficiary specified in subdivision (a) of Section
29 7071.5 from claiming or recovering the full measure of the bond
30 required by this section.

31 (c) A bond shall not be required of a holder of a license that has
32 been inactivated on the official records of the board during the
33 period the license is inactive.

34 (d) Notwithstanding any other law, as a condition precedent to
35 licensure, the board may require an applicant to post a contractor’s
36 bond in twice the amount required pursuant to subdivision (a) until
37 the time that the license is renewed, under the following conditions:

38 (1) The applicant has either been convicted of a violation of
39 Section 7028 or has been cited pursuant to Section 7028.7.

1 (2) If the applicant has been cited pursuant to Section 7028.7,
2 the citation has been reduced to a final order of the registrar.

3 (3) The violation of Section 7028, or the basis for the citation
4 issued pursuant to Section 7028.7, constituted a substantial injury
5 to the public.

6 (e) (1) The board shall conduct a study to obtain information
7 to evaluate whether the current fifteen-thousand-dollar (\$15,000)
8 amount of the contractor bond is sufficient, or whether an increase
9 may be necessary.

10 (2) The board shall report its findings and recommendations to
11 the appropriate policy committees of the Legislature, in accordance
12 with Section 9795 of the Government Code, by January 1, 2021.

13 (f) This section shall remain in effect only until January 1, 2023,
14 and as of that date is repealed.

15 ~~SEC. 11.~~

16 *SEC. 12.* Section 7071.6 is added to the Business and
17 Professions Code, to read:

18 7071.6. (a) The board shall require as a condition precedent
19 to the issuance, reinstatement, reactivation, renewal, or continued
20 maintenance of a license, that the applicant or licensee file or have
21 on file a contractor’s bond in the sum of twenty-five thousand
22 dollars (\$25,000).

23 (b) Excluding the claims brought by the beneficiaries specified
24 in subdivision (a) of Section 7071.5, the aggregate liability of a
25 surety on claims brought against a bond required by this section
26 shall not exceed the sum of seven thousand five hundred dollars
27 (\$7,500). The bond proceeds in excess of seven thousand five
28 hundred dollars (\$7,500) shall be reserved exclusively for the
29 claims of the beneficiaries specified in subdivision (a) of Section
30 7071.5. However, nothing in this section shall be construed so as
31 to prevent any beneficiary specified in subdivision (a) of Section
32 7071.5 from claiming or recovering the full measure of the bond
33 required by this section.

34 (c) A bond shall not be required of a holder of a license that has
35 been inactivated on the official records of the board during the
36 period the license is inactive.

37 (d) Notwithstanding any other law, as a condition precedent to
38 licensure, the board may require an applicant to post a contractor’s
39 bond in twice the amount required pursuant to subdivision (a) until
40 the time that the license is renewed, under the following conditions:

1 (1) The applicant has either been convicted of a violation of
2 Section 7028 or has been cited pursuant to Section 7028.7.

3 (2) If the applicant has been cited pursuant to Section 7028.7,
4 the citation has been reduced to a final order of the registrar.

5 (3) The violation of Section 7028, or the basis for the citation
6 issued pursuant to Section 7028.7, constituted a substantial injury
7 to the public.

8 (e) This section shall become operative on January 1, 2023.

9 ~~SEC. 12.~~

10 *SEC. 13.* Section 7071.8 of the Business and Professions Code
11 is amended to read:

12 7071.8. (a) This section applies to an application for a license,
13 for renewal or restoration of a license, an application to change
14 officers or members of a corporation or a limited liability company,
15 or for continued valid use of a license which has been disciplined,
16 whether or not the disciplinary action has been stayed, made by
17 any of the following persons or firms:

18 (1) A person whose license has been suspended or revoked as
19 a result of disciplinary action, or a person who was a qualifying
20 individual for a licensee at any time during which cause for
21 disciplinary action occurred resulting in suspension or revocation
22 of the licensee's license, whether or not the qualifying individual
23 had knowledge or participated in the prohibited act or omission.

24 (2) A person who was an officer, director, manager, partner, or
25 member of the personnel of record of a licensee at any time during
26 which cause for disciplinary action occurred resulting in suspension
27 or revocation of the licensee's license and who had knowledge of
28 or participated in the act or omission which was the cause for the
29 disciplinary action.

30 (3) A partnership, corporation, limited liability company, firm,
31 or association of which an existing or new officer, director,
32 manager, partner, qualifying person, or member of the personnel
33 of record has had a license suspended or revoked as a result of
34 disciplinary action.

35 (4) A partnership, corporation, limited liability company, firm,
36 or association of which a member of the personnel of record,
37 including, but not limited to, an officer, director, manager, partner,
38 or qualifying person was, likewise, a manager, officer, director,
39 or partner of a licensee at any time during which cause for
40 disciplinary action occurred resulting in suspension or revocation

1 of the license, and who had knowledge of or participated in the
2 act or omission which was the cause for the disciplinary action.

3 (b) The board shall require as a condition precedent to the
4 issuance, reissuance, renewal, or restoration of a license to the
5 applicant, or to the approval of an application to change officers
6 of a corporation or a limited liability company, or removal of
7 suspension, or to the continued valid use of a license which has
8 been suspended or revoked, but which suspension or revocation
9 has been stayed, that the applicant or licensee file or have on file
10 a contractor’s bond in a sum to be fixed by the registrar based upon
11 the seriousness of the violation, but which sum shall not be less
12 than fifteen thousand dollars (\$15,000) nor more than 10 times
13 that amount required by Section 7071.6.

14 (c) The bond is in addition to, may not be combined with, and
15 does not replace any other type of bond required by this chapter.
16 The bond shall remain on file with the registrar for a period of at
17 least two years and for any additional time that the registrar
18 determines. The bond period shall run only while the license is
19 current, active, and in good standing, and shall be extended until
20 the license has been current, active, and in good standing for the
21 required period. Each applicant or licensee shall be required to file
22 only one disciplinary contractor’s bond of the type described in
23 this section for each application or license subject to this bond
24 requirement.

25 (d) This section shall remain in effect only until January 1, 2023,
26 and as of that date is repealed.

27 ~~SEC. 13.~~

28 *SEC. 14.* Section 7071.8 is added to the Business and
29 Professions Code, to read:

30 7071.8. (a) This section applies to an application for a license,
31 for renewal or restoration of a license, an application to change
32 officers or members of a corporation or a limited liability company,
33 or for continued valid use of a license which has been disciplined,
34 whether or not the disciplinary action has been stayed, made by
35 any of the following persons or firms:

36 (1) A person whose license has been suspended or revoked as
37 a result of disciplinary action, or a person who was a qualifying
38 individual for a licensee at any time during which cause for
39 disciplinary action occurred resulting in suspension or revocation

1 of the licensee's license, whether or not the qualifying individual
2 had knowledge or participated in the prohibited act or omission.

3 (2) A person who was an officer, director, manager, partner, or
4 member of the personnel of record of a licensee at any time during
5 which cause for disciplinary action occurred resulting in suspension
6 or revocation of the licensee's license and who had knowledge of
7 or participated in the act or omission which was the cause for the
8 disciplinary action.

9 (3) A partnership, corporation, limited liability company, firm,
10 or association of which an existing or new officer, director,
11 manager, partner, qualifying person, or member of the personnel
12 of record has had a license suspended or revoked as a result of
13 disciplinary action.

14 (4) A partnership, corporation, limited liability company, firm,
15 or association of which a member of the personnel of record,
16 including, but not limited to, an officer, director, manager, partner,
17 or qualifying person was, likewise, a manager, officer, director,
18 or partner of a licensee at any time during which cause for
19 disciplinary action occurred resulting in suspension or revocation
20 of the license, and who had knowledge of or participated in the
21 act or omission which was the cause for the disciplinary action.

22 (b) The board shall require as a condition precedent to the
23 issuance, reissuance, renewal, or restoration of a license to the
24 applicant, or to the approval of an application to change officers
25 of a corporation or a limited liability company, or removal of
26 suspension, or to the continued valid use of a license which has
27 been suspended or revoked, but which suspension or revocation
28 has been stayed, that the applicant or licensee file or have on file
29 a contractor's bond in a sum to be fixed by the registrar based upon
30 the seriousness of the violation, but which sum shall not be less
31 than twenty-five thousand dollars (\$25,000) nor more than 10
32 times that amount required by Section 7071.6.

33 (c) The bond is in addition to, may not be combined with, and
34 does not replace any other type of bond required by this chapter.
35 The bond shall remain on file with the registrar for a period of at
36 least two years and for any additional time that the registrar
37 determines. The bond period shall run only while the license is
38 current, active, and in good standing, and shall be extended until
39 the license has been current, active, and in good standing for the
40 required period. Each applicant or licensee shall be required to file

1 only one disciplinary contractor’s bond of the type described in
2 this section for each application or license subject to this bond
3 requirement.

4 (d) This section shall become operative on January 1, 2023.

5 ~~SEC. 14.~~

6 *SEC. 15.* Section 7071.9 of the Business and Professions Code
7 is amended to read:

8 7071.9. (a) If the qualifying individual, as referred to in
9 Sections 7068 and 7068.1, is neither the proprietor, a general
10 partner, nor a joint licensee, the qualifying individual shall file or
11 have on file a qualifying individual’s bond as provided in Section
12 7071.10 in the sum of twelve thousand five hundred dollars
13 (\$12,500). This bond is in addition to, and shall not be combined
14 with, any contractor’s bond required by Sections 7071.5 to 7071.8,
15 inclusive, and is required for the issuance, reinstatement,
16 reactivation, or continued valid use of a license.

17 (b) Excluding the claims brought by the beneficiaries specified
18 in paragraph (1) of subdivision (a) of Section 7071.10, the
19 aggregate liability of a surety on claims brought against the bond
20 required by this section shall not exceed the sum of seven thousand
21 five hundred dollars (\$7,500). The bond proceeds in excess of
22 seven thousand five hundred dollars (\$7,500) shall be reserved
23 exclusively for the claims of the beneficiaries specified in
24 paragraph (1) of subdivision (a) of Section 7071.10. However,
25 nothing in this section shall be construed to prevent any beneficiary
26 specified in paragraph (1) of subdivision (a) of Section 7071.10
27 from claiming or recovering the full measure of the bond required
28 by this section. This bond is in addition to, and shall not be
29 combined with, any contractor’s bond required by Sections 7071.5
30 to 7071.8, inclusive, and is required for the issuance, reinstatement,
31 reactivation, or continued valid use of a license.

32 (c) The responsible managing officer of a corporation shall not
33 be required to file or have on file a qualifying individual’s bond,
34 if the responsible managing officer owns 10 percent or more of
35 the voting stock of the corporation and certifies to that fact on a
36 form prescribed by the registrar.

37 (d) The qualifying individual for a limited liability company
38 shall not be required to file or have on file a qualifying individual’s
39 bond if the qualifying individual owns at least a 10-percent

1 membership interest in the limited liability company and certifies
2 to that fact on a form prescribed by the registrar.

3 (e) This section shall remain in effect only until January 1, 2023,
4 and as of that date is repealed.

5 ~~SEC. 15.~~

6 *SEC. 16.* Section 7071.9 is added to the Business and
7 Professions Code, to read:

8 7071.9. (a) If the qualifying individual, as referred to in
9 Sections 7068 and 7068.1, is neither the proprietor, a general
10 partner, nor a joint licensee, the qualifying individual shall file or
11 have on file a qualifying individual's bond as provided in Section
12 7071.10 in the sum of twenty-five thousand dollars (\$25,000). This
13 bond is in addition to, and shall not be combined with, any
14 contractor's bond required by Sections 7071.5 to 7071.8, inclusive,
15 and is required for the issuance, reinstatement, reactivation, or
16 continued valid use of a license.

17 (b) Excluding the claims brought by the beneficiaries specified
18 in paragraph (1) of subdivision (a) of Section 7071.10, the
19 aggregate liability of a surety on claims brought against the bond
20 required by this section shall not exceed the sum of seven thousand
21 five hundred dollars (\$7,500). The bond proceeds in excess of
22 seven thousand five hundred dollars (\$7,500) shall be reserved
23 exclusively for the claims of the beneficiaries specified in
24 paragraph (1) of subdivision (a) of Section 7071.10. However,
25 nothing in this section shall be construed to prevent any beneficiary
26 specified in paragraph (1) of subdivision (a) of Section 7071.10
27 from claiming or recovering the full measure of the bond required
28 by this section. This bond is in addition to, and shall not be
29 combined with, any contractor's bond required by Sections 7071.5
30 to 7071.8, inclusive, and is required for the issuance, reinstatement,
31 reactivation, or continued valid use of a license.

32 (c) The responsible managing officer of a corporation shall not
33 be required to file or have on file a qualifying individual's bond,
34 if the responsible managing officer owns 10 percent or more of
35 the voting stock of the corporation and certifies to that fact on a
36 form prescribed by the registrar.

37 (d) The qualifying individual for a limited liability company
38 shall not be required to file or have on file a qualifying individual's
39 bond if the qualifying individual owns at least a 10-percent

1 membership interest in the limited liability company and certifies
2 to that fact on a form prescribed by the registrar.

3 (e) This section shall become operative on January 1, 2023.

4 ~~SEC. 16.~~

5 *SEC. 17.* Section 7137 of the Business and Professions Code
6 is amended to read:

7 7137. (a) The board may set fees by regulation. These fees
8 shall be set according to the following schedule:

9 (1) Application fees shall be set as follows:

10 (A) The application fee for an original license in a single
11 classification shall be four hundred fifty dollars (\$450) and may
12 be increased to not more than five hundred sixty-three dollars
13 (\$563).

14 (B) The application fee for each additional classification applied
15 for in connection with an original license shall be one hundred
16 fifty dollars (\$150) and may be increased to not more than one
17 hundred eighty-eight dollars (\$188).

18 (C) The application fee for each additional classification
19 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)
20 and may be increased to not more than two hundred eighty-eight
21 dollars (\$288).

22 (D) The application fee to replace a responsible managing
23 officer, responsible managing manager, responsible managing
24 member, or responsible managing employee pursuant to Section
25 7068.2 shall be two hundred thirty dollars (\$230) and may be
26 increased to not more than two hundred eighty-eight dollars (\$288).

27 (E) The application fee to add personnel, other than a qualifying
28 individual, to an existing license shall be one hundred twenty-five
29 dollars (\$125) and may be increased to not more than one hundred
30 fifty-seven dollars (\$157).

31 (F) The application fee for an asbestos certification examination
32 shall be one hundred twenty-five dollars (\$125) and may be
33 increased to not more than one hundred fifty-seven dollars (\$157).

34 (G) The application fee for a hazardous substance removal or
35 remedial action certification examination shall be one hundred
36 twenty-five dollars (\$125) and may be increased to not more than
37 one hundred fifty-seven dollars (\$157).

38 (2) Examination scheduling fees shall be set as follows:

39 (A) The fee for rescheduling an examination for an applicant
40 who has applied for an original license, additional classification,

1 a change of responsible managing officer, responsible managing
2 manager, responsible managing member, or responsible managing
3 employee, or for an asbestos certification or hazardous substance
4 removal certification, shall be one hundred dollars (\$100) and may
5 be increased to not more than one hundred twenty-five dollars
6 (\$125).

7 (B) The fee for scheduling or rescheduling an examination for
8 a licensee who is required to take the examination as a condition
9 of probation shall be one hundred dollars (\$100) and may be
10 increased to not more than one hundred twenty-five dollars (\$125).

11 (3) Initial license and registration fees shall be set as follows:

12 (A) The initial license fee for an active or inactive license for
13 an individual owner shall be two hundred dollars (\$200) and may
14 be increased to not more than two hundred fifty dollars (\$250).

15 (B) The initial license fee for an active or inactive license for a
16 partnership, corporation, limited liability company, or joint venture
17 shall be three hundred fifty dollars (\$350) and may be increased
18 to not more than four hundred thirty-eight dollars (\$438).

19 (C) The registration fee for a home improvement salesperson
20 shall be two hundred dollars (\$200) and may be increased to not
21 more than two hundred fifty dollars (\$250).

22 (4) License and registration renewal fees shall be set as follows:

23 (A) The renewal fee for an active license for an individual owner
24 shall be four hundred fifty dollars (\$450) and may be increased to
25 not more than five hundred sixty-three dollars (\$563).

26 (B) The renewal fee for an inactive license for an individual
27 owner shall be three hundred dollars (\$300) and may be increased
28 to not more than three hundred seventy-five dollars (\$375).

29 (C) The renewal fee for an active license for a partnership,
30 corporation, limited liability company, or joint venture shall be
31 seven hundred dollars (\$700) and may be increased to not more
32 than eight hundred seventy-five dollars (\$875).

33 (D) The renewal fee for an inactive license for a partnership,
34 corporation, limited liability company, or joint venture shall be
35 five hundred dollars (\$500) and may be increased to not more than
36 six hundred twenty-five dollars (\$625).

37 (E) The renewal fee for a home improvement salesperson
38 registration shall be two hundred dollars (\$200) and may be
39 increased to not more than two hundred fifty dollars (\$250).

1 (5) The delinquency fee is an amount equal to 50 percent of the
2 renewal fee, if the license is renewed after its expiration.

3 (6) Miscellaneous fees shall be set as follows:

4 (A) In addition to any other fees charged to C-10 contractors,
5 the board shall charge a fee of twenty dollars (\$20), to be assessed
6 with the renewal fee for an active license, which shall be used by
7 the board to enforce provisions of the Labor Code related to
8 electrician certification.

9 (B) The service fee to deposit with the registrar lawful money
10 or cashier's check pursuant to paragraph (1) of subdivision (a) of
11 Section 995.710 of the Code of Civil Procedure for purposes of
12 compliance with any provision of Article 5 (commencing with
13 Section 7065) shall be one hundred dollars (\$100), which shall be
14 used by the board only to process each deposit filed with the
15 registrar, to cover the reasonable costs to the registrar for holding
16 money or cashier's checks in trust in interest bearing deposit or
17 share accounts, and to offset the costs of processing payment of
18 lawful claims against a deposit in a civil action.

19 (C) The fee for the processing and issuance of a duplicate copy
20 of any certificate of licensure or other form evidencing licensure
21 or renewal of licensure pursuant to Section 122 shall be twenty-five
22 dollars (\$25).

23 (D) The fee to change the business name of a license as it is
24 recorded under this chapter shall be one hundred dollars (\$100)
25 and may be increased to not more than one hundred twenty-five
26 dollars (\$125).

27 (E) The service charge for a dishonored check authorized by
28 Section 6157 of the Government Code shall be twenty-five dollars
29 (\$25) for each check.

30 (b) The board shall, by regulation, establish criteria for the
31 approval of expedited processing of applications. Approved
32 expedited processing of applications for licensure or registration,
33 as required by other provisions of law, shall not be subject to this
34 subdivision.

35 ~~SEC. 17.~~

36 *SEC. 18.* Section 7583.22 of the Business and Professions Code
37 is amended to read:

38 7583.22. (a) A licensee, qualified manager of a licensee, or
39 security guard who, in the course of their employment, may be

1 required to carry a firearm shall, prior to carrying a firearm, do all
2 of the following:

3 (1) Complete a course of training in the carrying and use of
4 firearms.

5 (2) Receive a firearms qualification card or be otherwise
6 qualified to carry a firearm as provided in Section 7583.12.

7 (b) A security guard who, in the course of their employment,
8 may be required to carry a firearm, shall, prior to carrying a firearm,
9 be found capable of exercising appropriate judgment, restraint,
10 and self-control for the purposes of carrying and using a firearm
11 during the course of their duties, pursuant to Section 7583.47.

12 (c) A licensee shall not permit an employee to carry or use a
13 loaded or unloaded firearm, whether or not it is serviceable or
14 operative, unless the employee possesses a valid and current
15 firearms qualification card issued by the bureau or is so otherwise
16 qualified to carry a firearm as provided in Section 7583.12.

17 (d) A pocket card issued by the bureau pursuant to Section
18 7582.13 may also serve as a firearms qualification card if so
19 indicated on the face of the card.

20 (e) Paragraph (1) of subdivision (a) shall not apply to a peace
21 officer as defined in Chapter 4.5 (commencing with Section 830)
22 of Title 3 of Part 2 of the Penal Code, who has successfully
23 completed a course of study in the use of firearms or to a federal
24 qualified law enforcement officer, as defined in Section 926B of
25 Title 18 of the United States Code, who has successfully completed
26 a course of study in the use of firearms.

27 ~~SEC. 18.~~

28 *SEC. 19.* Section 7583.23 of the Business and Professions Code
29 is amended to read:

30 7583.23. The bureau shall issue a firearms permit when all of
31 the following conditions are satisfied:

32 (a) The applicant is a licensee, a qualified manager of a licensee,
33 or a registered security guard subject to the following:

34 (1) The firearms permit may only be associated with the
35 following:

36 (A) A sole owner of a sole ownership licensee, pursuant to
37 Section 7582.7 or 7525.1.

38 (B) A partner of a partnership licensee, pursuant to Section
39 7582.7 or 7525.1.

1 (C) A qualified manager of a licensee, pursuant to Section 7536
2 or 7582.22.

3 (D) A security guard registrant.

4 (2) If the firearms permit is associated with a security guard
5 registration, they are subject to the provisions of Section 7583.47,
6 regardless of any other license possessed or associated with the
7 firearms permit.

8 (b) A certified firearms training instructor has certified that the
9 applicant has successfully completed a written examination
10 prepared by the bureau and training course in the carrying and use
11 of firearms approved by the bureau.

12 (c) The applicant has filed with the bureau a classifiable
13 fingerprint card, a completed application for a firearms permit on
14 a form prescribed by the director, dated and signed by the applicant,
15 certifying under penalty of perjury that the information in the
16 application is true and correct. In lieu of a classifiable fingerprint
17 card, the applicant may submit fingerprints into an electronic
18 fingerprinting system administered by the Department of Justice.
19 An applicant who submits their fingerprints by electronic means
20 shall have their fingerprints entered into the system through a
21 terminal operated by a law enforcement agency or other facility
22 authorized by the Department of Justice to conduct electronic
23 fingerprinting. The terminal operator may charge a fee sufficient
24 to reimburse it for the costs incurred in providing this service.

25 (d) The applicant is at least 21 years of age and the bureau has
26 determined, after investigation, that the carrying and use of a
27 firearm by the applicant, in the course of their duties, presents no
28 apparent threat to the public safety, or that the carrying and use of
29 a firearm by the applicant is not in violation of the Penal Code.

30 (e) The applicant has produced evidence to the firearm training
31 facility that the applicant is a citizen of the United States or has
32 permanent legal alien status in the United States. Evidence of
33 citizenship or permanent legal alien status shall be deemed
34 sufficient by the bureau to ensure compliance with federal laws
35 prohibiting possession of firearms by persons unlawfully in the
36 United States and may include, but not be limited to, United States
37 Department of Justice, Immigration and Naturalization Service
38 Form I-151 or I-551, Alien Registration Receipt Card,
39 naturalization documents, or birth certificates evidencing lawful
40 residence or status in the United States.

1 (f) The application is accompanied by the application fees
2 prescribed in this chapter.

3 (g) (1) If the applicant is a registered security guard and they
4 have been found capable of exercising appropriate judgment,
5 restraint, and self-control, for the purposes of carrying and using
6 a firearm during the course of their duties, pursuant to Section
7 7583.47.

8 (2) The requirement in paragraph (1) shall be completed within
9 six months preceding the date the application is submitted to the
10 bureau.

11 ~~SEC. 19.~~

12 *SEC. 20.* Section 7583.24 of the Business and Professions Code
13 is amended to read:

14 7583.24. (a) The bureau shall not issue a firearm permit if the
15 applicant is prohibited from possessing, receiving, owning, or
16 purchasing a firearm pursuant to state or federal law.

17 (b) Before issuing an initial firearm permit the bureau shall
18 provide the Department of Justice with the name, address, social
19 security number, and fingerprints of the applicant.

20 (c) The Department of Justice shall inform the bureau, within
21 60 days from receipt of the information specified in subdivision
22 (b), of the applicant's eligibility to possess, receive, purchase, or
23 own a firearm pursuant to state and federal law.

24 (d) An applicant who has been denied a firearm permit based
25 upon subdivision (a) may reapply for the permit after the
26 prohibition expires. The bureau shall treat this application as an
27 initial application and shall follow the required screening process
28 as specified in this section.

29 ~~SEC. 20.~~

30 *SEC. 21.* Section 7583.27 of the Business and Professions Code
31 is amended to read:

32 7583.27. (a) A firearm permit may be revoked if at any time
33 the Department of Justice notifies the bureau that the holder of the
34 firearm permit is prohibited from possessing, receiving, or
35 purchasing a firearm pursuant to state or federal law. Following
36 the automatic revocation, an administrative hearing shall be
37 provided upon written request to the bureau in accordance with
38 Chapter 5 (commencing with Section 11500) of Part 1 of Division
39 3 of Title 2 of the Government Code.

1 (b) The bureau may seek an emergency order pursuant to Article
2 13 (commencing with Section 11460.10) of Chapter 4.5 of Part 1
3 of Division 3 of Title 2 of the Government Code against the holder
4 of the firearms permit if, after the bureau's investigation relating
5 to any of the following events, the bureau determines that the
6 holder of the firearms permit presents an undue hazard to public
7 safety that may result in substantial injury to another:

8 (1) Receipt of subsequent arrest information of an arrest for any
9 of the following:

10 (A) Assault.

11 (B) Battery.

12 (C) Any use of force or violence on any person committed by
13 the permitholder.

14 (2) A report from a bureau-approved firearms training facility
15 or instructor made pursuant to Section 7585.18.

16 (3) A report from the permitholder's employer or former
17 employer that the permitholder may be a threat to public safety.

18 (4) A complaint filed by any member of the public that the
19 permitholder may be a threat to public safety.

20 ~~SEC. 21.~~

21 *SEC. 22.* Section 7583.29 of the Business and Professions Code
22 is amended to read:

23 7583.29. If a firearms permit is denied, the denial of the permit
24 shall be in writing and shall describe the basis for the denial. The
25 denial shall inform the applicant that if the applicant desires a
26 review by a disciplinary review committee to contest the denial,
27 the review shall be requested of the director within 30 days
28 following notice of the issuance of the denial. A review or hearing
29 shall be held pursuant to Section 7581.3. However, no review or
30 hearing shall be granted to an individual who is otherwise
31 prohibited by law from carrying a firearm.

32 ~~SEC. 22.~~

33 *SEC. 23.* Section 7583.47 of the Business and Professions Code
34 is amended to read:

35 7583.47. (a) As used in this section, "assessment" means the
36 application of a testing instrument identified by the bureau that
37 evaluates whether an applicant for a firearms permit who is a
38 registered security guard, at the time of the assessment, possesses
39 appropriate judgment, restraint, and self-control for the purposes

1 of carrying and using a firearm during the course of their security
2 guard duties.

3 (b) The applicant shall complete the assessment, as specified
4 in this section.

5 (c) (1) The bureau shall implement a process to administer the
6 assessment specified in this section. The establishment of the
7 assessment and the process for administering the assessment shall
8 not be subject to the requirements of Chapter 3.5 (commencing
9 with Section 11340) of Part 1 of Division 3 of Title 2 of the
10 Government Code.

11 (2) The bureau shall consult with a California licensed
12 psychologist, psychologists, or other persons with subject matter
13 expertise, whose minimum duties shall include, but are not limited
14 to, assisting the bureau with all of the following:

15 (A) Establishing criteria for a contract with a vendor to
16 administer the assessment.

17 (B) Identifying minimum standards for the assessment.

18 (C) Evaluating currently available assessments.

19 (D) Providing consultative services on the bids received by the
20 bureau from third-party vendors seeking to administer and interpret
21 the assessment, to ensure both of the following:

22 (i) Compliance with the applicable standards of care for the
23 administration and interpretation of such assessments.

24 (ii) The assessment will be administered in accordance with the
25 assessment manufacturer's requirements.

26 (3) The bureau shall contract with a third-party vendor to
27 administer the assessment. All third-party vendors seeking to
28 administer the assessment must meet the minimum standards
29 established by the bureau, its consultants, and the assessment
30 manufacturer's requirements for administering the assessment.
31 Considerations for the third-party vendor contract shall include,
32 but are not limited to, all of the following:

33 (A) Cost to the applicant to complete the assessment.

34 (B) Geographic accessibility statewide of the assessment to
35 applicants.

36 (C) Assessment compliance with the established minimum
37 standards for the assessment and assessment process.

38 (D) Ensuring an assessment carried out on an applicant complies
39 with the applicable professional standards of care for such

1 assessments, as well as the assessment manufacturer's requirements
2 for administering the assessment.

3 (d) The applicant, or the applicant's designee or employer if the
4 employer voluntarily chooses, shall bear the cost of the assessment.

5 (e) Within 30 days of administering an applicant's assessment,
6 the vendor shall directly provide the bureau, on a form and in a
7 manner prescribed by the bureau, the applicant's assessment results.
8 If the results of the applicant's assessment indicate that the
9 applicant is incapable of exercising appropriate judgment, restraint,
10 and self-control for the purposes of carrying and using a firearm
11 during the course of the applicant's duties, at the point in time of
12 the evaluation, the bureau shall not issue a firearms permit. If the
13 applicant fails the assessment, the applicant may complete another
14 assessment no earlier than 180 days after the results of the previous
15 assessment are provided to the bureau.

16 (f) The application shall be deemed incomplete until the bureau
17 receives the results of the applicant's assessment and the results
18 indicate that the applicant is capable of exercising appropriate
19 judgment, restraint, and self-control for the purposes of carrying
20 and using a firearm during the course of the applicant's duties.

21 (g) Notwithstanding any other law, an applicant who fails the
22 assessment shall not be entitled to an administrative hearing or an
23 appeal subject to Chapter 5 (commencing with Section 11500) of
24 Part 1 of Division 3 of Title 2 of the Government Code. However,
25 such an applicant who is denied a firearms permit may request
26 review of the denial pursuant to Section 7583.29.

27 (h) The bureau may prescribe, adopt, and enforce emergency
28 regulations, and promulgate regulations to implement this section.
29 Any emergency regulation prescribed, adopted, or enforced
30 pursuant to this section shall be adopted in accordance with Chapter
31 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
32 Title 2 of the Government Code, and for purposes of that chapter,
33 including Section 11349.6 of the Government Code, the adoption
34 of the regulation is an emergency and shall be considered by the
35 Office of Administrative Law as necessary for the immediate
36 preservation of the public peace, health and safety, and general
37 welfare.

38 (i) The assessment required pursuant to this section shall be
39 subject to review by the appropriate policy committees of the

1 Legislature. The review shall be performed as if this section was
2 scheduled to be repealed as of January 1, 2025.

3 (j) Nothing in this section requires any private business entity
4 that contracts with the bureau for the administration of the
5 assessment to produce documents related to the content,
6 methodology, results, or scoring criteria of the assessment, or any
7 trade secret, as defined in subdivision (d) of Section 3426.1 of the
8 Civil Code, for any private individual, firm, copartnership,
9 association, or corporation.

10 ~~SEC. 23.~~

11 *SEC. 24.* Section 17973 of the Health and Safety Code is
12 amended to read:

13 17973. (a) Exterior elevated elements that include load-bearing
14 components in all buildings containing three or more multifamily
15 dwelling units shall be inspected. The inspection shall be performed
16 by a licensed architect; licensed civil or structural engineer; a
17 building contractor holding any or all of the “A,” “B,” or “C-5”
18 license classifications issued by the Contractors State License
19 Board, with a minimum of five years’ experience, as a holder of
20 the aforementioned classifications or licenses, in constructing
21 multistory wood frame buildings; or an individual certified as a
22 building inspector or building official from a recognized state,
23 national, or international association, as determined by the local
24 jurisdiction. These individuals shall not be employed by the local
25 jurisdiction while performing these inspections. The purpose of
26 the inspection is to determine that exterior elevated elements and
27 their associated waterproofing elements are in a generally safe
28 condition, adequate working order, and free from any hazardous
29 condition caused by fungus, deterioration, decay, or improper
30 alteration to the extent that the life, limb, health, property, safety,
31 or welfare of the public or the occupants is not endangered. The
32 person or business performing the inspection shall be hired by the
33 owner of the building.

34 (b) For purposes of this section, the following terms have the
35 following definitions:

36 (1) “Associated waterproofing elements” include flashings,
37 membranes, coatings, and sealants that protect the load-bearing
38 components of exterior elevated elements from exposure to water
39 and the elements.

1 (2) “Exterior elevated element” means the following types of
2 structures, including their supports and railings: balconies, decks,
3 porches, stairways, walkways, and entry structures that extend
4 beyond exterior walls of the building and which have a walking
5 surface that is elevated more than six feet above ground level, are
6 designed for human occupancy or use, and rely in whole or in
7 substantial part on wood or wood-based products for structural
8 support or stability of the exterior elevated element.

9 (3) “Load-bearing components” are those components that
10 extend beyond the exterior walls of the building to deliver structural
11 loads from the exterior elevated element to the building.

12 (c) The inspection required by this section shall at a minimum
13 include:

14 (1) Identification of each type of exterior elevated element that,
15 if found to be defective, decayed, or deteriorated to the extent that
16 it does not meet its load requirements, would, in the opinion of the
17 inspector, constitute a threat to the health or safety of the occupants.

18 (2) Assessment of the load-bearing components and associated
19 waterproofing elements of the exterior elevated elements identified
20 in paragraph (1) using methods allowing for evaluation of their
21 performance by direct visual examination or comparable means
22 of evaluating their performance. For purposes of this section, a
23 sample of at least 15 percent of each type of exterior elevated
24 element shall be inspected.

25 (3) The evaluation and assessment shall address each of the
26 following as of the date of the evaluation:

27 (A) The current condition of the exterior elevated elements.

28 (B) Expectations of future performance and projected service
29 life.

30 (C) Recommendations of any further inspection necessary.

31 (4) A written report of the evaluation stamped or signed by the
32 inspector presented to the owner of the building or the owner’s
33 designated agent within 45 days of completion of the inspection.
34 The report shall include photographs, any test results, and narrative
35 sufficient to establish a baseline of the condition of the components
36 inspected that can be compared to the results of subsequent
37 inspections. In addition to the evaluation required by this section,
38 the report shall advise which, if any, exterior elevated element
39 poses an immediate threat to the safety of the occupants, and

1 whether preventing occupant access or conducting emergency
2 repairs, including shoring, are necessary.

3 (d) The inspection shall be completed by January 1, 2025, and
4 by January 1 every six years thereafter. The inspector conducting
5 the inspection shall produce an initial report pursuant to paragraph
6 (4) of subdivision (c) and, if requested by the owner, a final report
7 indicating that any required repairs have been completed. A copy
8 of any report that recommends immediate repairs, advises that any
9 building assembly poses an immediate threat to the safety of the
10 occupants, or that preventing occupant access or emergency repairs,
11 including shoring, are necessary, shall be provided by the inspector
12 to the owner of the building and to the local enforcement agency
13 within 15 days of completion of the report. Subsequent inspection
14 reports shall incorporate copies of prior inspection reports,
15 including the locations of the exterior elevated elements inspected.
16 Local enforcement agencies may determine whether any additional
17 information is to be provided in the report and may require a copy
18 of the initial or final reports, or both, be submitted to the local
19 jurisdiction. Copies of all inspection reports shall be maintained
20 in the building owner's permanent records for not less than two
21 inspection cycles, and shall be disclosed and delivered to the buyer
22 at the time of any subsequent sale of the building.

23 (e) The inspection of buildings for which a building permit
24 application has been submitted on or after January 1, 2019, shall
25 occur no later than six years following issuance of a certificate of
26 occupancy from the local jurisdiction and shall otherwise comply
27 with the provisions of this section.

28 (f) If the property was inspected within three years prior to
29 January 1, 2019, by an inspector as described in subdivision (a)
30 and a report of that inspector was issued stating that the exterior
31 elevated elements and associated waterproofing elements are in
32 proper working condition and do not pose a threat to the health
33 and safety of the public, no new inspection pursuant to this section
34 shall be required until January 1, 2025.

35 (g) An exterior elevated element found by the inspector that is
36 in need of repair or replacement shall be corrected by the owner
37 of the building. All necessary permits for repair or replacement
38 shall be obtained from the local jurisdiction. All repair and
39 replacement work shall be performed by a qualified and licensed
40 contractor in compliance with all of the following:

- 1 (1) The recommendations of a licensed professional described
- 2 in subdivision (a).
- 3 (2) Any applicable manufacturer’s specifications.
- 4 (3) The California Building Standards Code, consistent with
- 5 subdivision (d) of Section 17922 of the Health and Safety Code.
- 6 (4) All local jurisdictional requirements.
- 7 (h) (1) An exterior elevated element that the inspector advises
- 8 poses an immediate threat to the safety of the occupants, or finds
- 9 preventing occupant access or emergency repairs, including
- 10 shoring, or both, are necessary, shall be considered an emergency
- 11 condition and the owner of the building shall perform required
- 12 preventive measures immediately. Immediately preventing
- 13 occupant access to the exterior elevated element until emergency
- 14 repairs can be completed constitutes compliance with this
- 15 paragraph. Repairs of emergency conditions shall comply with the
- 16 requirements of subdivision (g), be inspected by the inspector, and
- 17 reported to the local enforcement agency.
- 18 (2) The owner of the building requiring corrective work to an
- 19 exterior elevated element that, in the opinion of the inspector, does
- 20 not pose an immediate threat to the safety of the occupants, shall
- 21 apply for a permit within 120 days of receipt of the inspection
- 22 report. Once the permit is approved, the owner of the building
- 23 shall have 120 days to make the repairs unless an extension of time
- 24 is granted by the local enforcement agency.
- 25 (i) (1) The owner of the building shall be responsible for
- 26 complying with the requirements of this section.
- 27 (2) If the owner of the building does not comply with the repair
- 28 requirements within 180 days, the inspector shall notify the local
- 29 enforcement agency and the owner of the building. If within 30
- 30 days of the date of the notice the repairs are not completed, the
- 31 owner of the building shall be assessed a civil penalty based on
- 32 the fee schedule set by the local authority of not less than one
- 33 hundred dollars (\$100) nor more than five hundred dollars (\$500)
- 34 per day until the repairs are completed, unless an extension of time
- 35 is granted by the local enforcement agency.
- 36 (3) In the event that a civil penalty is assessed pursuant to this
- 37 section, a building safety lien may be recorded in the county
- 38 recorder’s office by the local jurisdiction in the county in which
- 39 the parcel of land is located and from the date of recording shall
- 40 have the force, effect, and priority of a judgment lien.

1 (j) (1) A building safety lien authorized by this section shall
2 specify the amount of the lien, the name of the agency on whose
3 behalf the lien is imposed, the street address, the legal description
4 and assessor's parcel number of the parcel on which the lien is
5 imposed, and the name and address of the recorded owner of the
6 building.

7 (2) In the event that the lien is discharged, released, or satisfied,
8 either through payment or foreclosure, notice of the discharge
9 containing the information specified in paragraph (1) shall be
10 recorded by the governmental agency. A safety lien and the release
11 of the lien shall be indexed in the grantor-grantee index.

12 (3) A building safety lien may be foreclosed by an action
13 brought by the appropriate local jurisdiction for a money judgment.

14 (4) Notwithstanding any other law, the county recorder may
15 impose a fee on the city to reimburse the costs of processing and
16 recording the lien and providing notice to the owner of the building.
17 A city may recover from the owner of the building any costs
18 incurred regarding the processing and recording of the lien and
19 providing notice to the owner of the building as part of its
20 foreclosure action to enforce the lien.

21 (k) The continued and ongoing maintenance of exterior elevated
22 elements in a safe and functional condition in compliance with
23 these provisions shall be the responsibility of the owner of the
24 building.

25 (l) Local enforcement agencies shall have the ability to recover
26 enforcement costs associated with the requirements of this section.

27 (m) For any building subject to the provisions of this section
28 that is proposed for conversion to condominiums to be sold to the
29 public after January 1, 2019, the inspection required by this section
30 shall be conducted prior to the first close of escrow of a separate
31 interest in the project and shall include the inspector's
32 recommendations for repair or replacement of any exterior elevated
33 element found to be defective, decayed, or deteriorated to the extent
34 that it does not meet its load requirements, and would, in the
35 opinion of the inspector, constitute a threat to the health or safety
36 of the occupants. The inspection report and written confirmation
37 by the inspector that any repairs or replacements recommended
38 by the inspector have been completed shall be submitted to the
39 Department of Real Estate by the proponent of the conversion and
40 shall be a condition to the issuance of the final public report. A

1 complete copy of the inspection report and written confirmation
2 by the inspector that any repairs or replacements recommended
3 by the inspector have been completed shall be included with the
4 written statement of defects required by Section 1134 of the Civil
5 Code, and provided to the local jurisdiction in which the project
6 is located. The inspection, report, and confirmation of completed
7 repairs shall be a condition of the issuance of a final inspection or
8 certificate of occupancy by the local jurisdiction.

9 (n) This section shall not apply to a common interest
10 development, as defined in Section 4100 of the Civil Code.

11 (o) The governing body of any city, county, or city and county,
12 may enact ordinances or laws imposing requirements greater than
13 those imposed by this section.

14 ~~SEC. 24.~~

15 *SEC. 25.* No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution for certain
17 costs that may be incurred by a local agency or school district
18 because, in that regard, this act creates a new crime or infraction,
19 eliminates a crime or infraction, or changes the penalty for a crime
20 or infraction, within the meaning of Section 17556 of the
21 Government Code, or changes the definition of a crime within the
22 meaning of Section 6 of Article XIII B of the California
23 Constitution.

24 However, if the Commission on State Mandates determines that
25 this act contains other costs mandated by the state, reimbursement
26 to local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.



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BOARD OF BARBERING & COSMETOLOGY BILL ANALYSIS

Author: Senator Roth

Subject: Barbering and
Cosmetology

Bill Number: SB 803

Version: July 15, 2021

Existing Law:

Several existing laws regulate the Board of Barbering and Cosmetology and the barbering and cosmetology industry.

This Bill:

This is the Board's sunset bill. On July 15, 2021 the Assembly amended the bill to:

1. Restore the current scopes of practice for barbering and cosmetology to include cutting, cleansing, shampooing, arranging, dressing, curling, waving, blow-drying, and nonchemically straightening hair; remove provisions exempting these services from licensure; and add these practices to required prelicensure education hours.
2. Ensure that eyelash extensions continue to fall within the scope of practice of estheticians and cosmetologists, restore the language "applying eyelashes to any person" to statutes outlining the scopes of practices for these license categories
3. Establish a new hairstylist license, requiring 600 hours of prelicensure education and passage of an examination
4. Restore the phrase "not less than" to provisions relating to the hour requirements for courses in barbering or cosmetology to allow courses to consist of more than 1,000, with the understanding that no more than 1,000 hours would be required for licensure.
5. Add language allowing cosmetology externships to be paid, allowing cosmetology students to begin working as externs after completing 25 percent of their required clock hours, increasing the number of hours per week an extern may receive clock hour credit toward graduation, and increasing the percentage of total clock hours that may be obtained through externships.
6. Extend the sunset date for the Board to a new repeal date of January 1, 2027.

This bill would still make several changes listed in the previous version, such as:

- Increasing the total number of board members
- Removing the reciprocity requirement of being active 3 of the last 5 years
- Requiring the board to administer 39 hours of preapprentice training
- Removing pre-application requirements and timelines
- Removing the practical exam
- Updating mobile unit requirements
- Setting specific curriculum requirements for barbering, cosmetology, skin care, and nail care courses.
- Reducing barbering and cosmetology school hours to 1,000 hours

Board Position: Support if Amended

Status: Assembly read second time and amended. Re-referred to Committee on Appropriations.

Analysis:

On May 25, 2021 the Board held a special board meeting to discuss this bill and voted to “support if amended” to maintain the existing scope of practice for barbering and cosmetology, include eyelash extension services in the scope of practice for estheticians and cosmetologists, and allow for a hair cutting license with reduced educational hours. The Board also authorized the Executive Officer to work with legislative staff to clarify what the barbering and cosmetology hours would consist of and the requirements specifically listed under those sections. The Board sent a position letter to the committee. The amendments address all aspects of the Board’s requests. The Board appreciates the committee’s willingness to work with the Board and industry. These amendments will reduce barriers to entry into the industry while still maintaining professionalism and consumer protection.

Outstanding Issue:

Board staff would like to raise the following issues with the externship language added to the bill:

- The Board previously opposed the bill that was allowing externs to be paid and increase their time because there is no Board tracking of externs.
- Only cosmetology students are referenced, not barbering students, who currently have authority to participate in an extern program.
- Business and Professions Code Section 7317 will need to be updated to indicate that an extern can be working and receiving compensation:

“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 be participating in an externship program from an approved school, 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.”

AMENDED IN ASSEMBLY JULY 15, 2021

AMENDED IN SENATE MAY 11, 2021

SENATE BILL

No. 803

Introduced by Senator Roth

February 19, 2021

An act to amend Sections 7303, 7313, 7314.3, 7316, 7320, 7331, 7334, 7338, 7347, 7354, 7355, 7356, 7357, 7362, 7362.5, 7364, 7365, 7389.5, 7395.1, 7401, ~~and 7407~~ 7407, and 7423 of, to add Sections 7322 and 7363 to, and to repeal 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.

(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. Existing ~~law~~ *law, until January 1, 2022, establishes the board and 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. *The bill would extend the provisions relating to the establishment and composition of the board until January 1, 2027.*

(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~~: *descriptions and describe the practice of hairstyling.*

(5) Existing law requires the board to admit to examination for a license as a cosmetologist, barber, esthetician, manicurist, and electrologist to practice cosmetology, barbering, skin care, nail care, and electrolysis, respectively, any person who has made application to the board in proper form, paid the required fee, and meets specified qualifications. Existing law makes a violation of the act a misdemeanor unless a specific penalty is provided otherwise.

This bill would also require the board to admit to examination for a license as a hairstylist to practice hairstyling any person who has made application to the board in proper form, paid the required fee, and meets specified qualifications. The bill would establish a fee for a hairstylist application and examination. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(5)

(6) 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)~~

(7) 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)~~

(8) 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. *The bill would also establish curriculum and hour requirements for a course in hairstyling established by a school.*

~~(8)~~

(9) 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.

(10) Existing law provides that a course of training in barbering or cosmetology established by federal or state correctional institutions in California may qualify a person thereby trained to take a licensure examination as a barber or cosmetologist, if the course complies with the requirements of the act.

The bill would expand this provision to hairstyling training courses established by federal or state correctional institutions in California.

~~(9)~~

(11) 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)~~

(12) 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)~~

(13) 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.

(14) Existing law authorizes a cosmetology student enrolled in an approved course, as provided, to work as an unpaid extern in an establishment participating in the educational program of the school upon completion of at least 60% of the clock hours required for graduation in the course.

This bill would delete the requirement that the cosmetology externship be unpaid and would permit a student to work as an extern upon completion of at least 25% of the clock hours required for graduation in the course.

Existing law requires an extern to receive clock hour credit toward graduation and prohibits that credit from exceeding 8 hours per week and 10% of the total clock hours required for completion of the course.

This bill would instead prohibit the extern’s clock hour credit for graduation from exceeding 25 hours per week and 25% of the total clock hours required for completion of the course.

This bill would also make technical changes.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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 13 members. Seven members
15 shall be public members, and six members shall represent the
16 professions.

1 (2) The Governor shall appoint five of the public members and
2 the six professional members. The six professional members shall
3 be comprised as follows:

4 (A) A cosmetologist.

5 (B) A barber.

6 (C) An esthetician.

7 (D) An electrologist.

8 (E) A manicurist.

9 (F) An establishment owner.

10 (3) The Senate Committee on Rules and the Speaker of the
11 Assembly shall each appoint one public member.

12 (4) Members of the board shall be appointed for a term of four
13 years, except that of the members appointed by the Governor, two
14 of the public members and two of the professions members shall
15 be appointed for an initial term of two years. No board member
16 may serve longer than two consecutive terms.

17 (5) Each member of the board shall receive a per diem pursuant
18 to Section 103.

19 (c) The board may appoint an executive officer who is exempt
20 from civil service. The executive officer shall exercise the powers
21 and perform the duties delegated by the board and vested in the
22 executive officer by this chapter. The appointment of the executive
23 officer is subject to the approval of the director. In the event that
24 a newly authorized board replaces an existing or previous bureau,
25 the director may appoint an interim executive officer for the board
26 who shall serve temporarily until the new board appoints a
27 permanent executive officer.

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

31 (e) This section shall remain in effect only until January 1, ~~2022,~~
32 2027, and as of that date is repealed. Notwithstanding any other
33 law, the repeal of this section renders the board subject to review
34 by the appropriate policy committees of the Legislature.

35 SEC. 3. Section 7303.2 of the Business and Professions Code
36 is repealed.

37 SEC. 4. Section 7313 of the Business and Professions Code is
38 amended to read:

39 7313. (a) (1) To ensure compliance with the laws and
40 regulations of this chapter, the board's executive officer and

1 authorized representatives shall, except as provided by Section
2 159.5, have access to, and shall inspect, any establishment or
3 mobile unit during business hours or at any time in which
4 barbering, cosmetology, or electrolysis are being performed. It is
5 the intent of the Legislature that inspections be conducted on
6 Saturdays and Sundays as well as weekdays, if collective
7 bargaining agreements and civil service provisions permit.

8 (2) The board shall maintain a program of random and targeted
9 inspections of establishments to ensure compliance with applicable
10 laws relating to the public health and safety and the conduct and
11 operation of establishments. The board or its authorized
12 representatives shall inspect establishments to reasonably determine
13 compliance levels and to identify market conditions that require
14 targeted enforcement.

15 (b) To ensure compliance with health and safety requirements
16 adopted by the board, the executive officer and authorized
17 representatives shall, except as provided in Section 159.5, have
18 access to, and shall inspect the premises of, all schools in which
19 the practice of barbering, cosmetology, or electrolysis is performed
20 on the public. Notices of violation shall be issued to schools for
21 violations of regulations governing conditions related to the health
22 and safety of patrons. Each notice shall specify the section violated
23 and a timespan within which the violation must be corrected. A
24 copy of the notice of violation shall be provided to the Bureau for
25 Private Postsecondary Education.

26 (c) With prior written authorization from the board or its
27 executive officer, any member of the board may enter and visit,
28 in their capacity as a board member, any establishment, during
29 business hours or at any time when barbering, cosmetology, or
30 electrolysis is being performed. The visitation by a board member
31 shall be for the purpose of conducting official board business, but
32 shall not be used as a basis for any licensing disciplinary action
33 by the board.

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

39 SEC. 5. Section 7314.3 of the Business and Professions Code
40 is amended to read:

1 7314.3. (a) The board shall establish a Health and Safety
2 Advisory Committee to provide the board with advice and
3 recommendations on health and safety issues before the board that
4 impact licensees, including how to ensure licensees are aware of
5 basic labor laws and how to ensure licensees have awareness about
6 physical and sexual abuse their clients may be experiencing.

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

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

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

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

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

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

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

20 (1) Domestic violence.

21 (2) Sexual assault.

22 (3) Human trafficking.

23 (4) Elder abuse.

24 (d) Members of the committee shall receive a per diem pursuant
25 to Section 103.

26 SEC. 6. Section 7316 of the Business and Professions Code is
27 amended to read:

28 7316. (a) The practice of barbering is all or any combination
29 of the following practices:

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

31 (2) Giving facial and scalp massages or treatments with oils,
32 creams, lotions, or other preparations either by hand or mechanical
33 appliances.

34 (3) ~~Chemical waving, Singeing, shampooing, arranging,~~
35 *dressing, curling, waving, chemical waving, hair relaxing, or*
36 *dyeing the hair or applying hair tonics.*

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

39 (5) *Hairstyling of all textures of hair by standard methods that*
40 *are current at the time of the hairstyling.*

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

3 (1) ~~Permanent waving, relaxing, Arranging, dressing, curling,~~
4 ~~waving, machineless permanent waving, permanent waving,~~
5 ~~cleansing, cutting, shampooing, relaxing, singeing, bleaching,~~
6 ~~tinting, coloring, chemical straightening, dyeing, or applying hair~~
7 ~~tonics to~~ *to, beautifying, or otherwise treating by any means* the
8 hair of any person.

9 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
10 arms, or upper part of the human body, by means of the hands,
11 devices, apparatus or appliances, with or without the use of
12 cosmetic preparations, antiseptics, tonics, lotions, or creams.

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

16 (4) Removing superfluous hair from the body of any person by
17 the use of depilatories or by the use of tweezers, chemicals, or
18 preparations or by the use of devices or appliances of any kind or
19 description, except by the use of light waves, commonly known
20 as rays.

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

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

25 (7) *Tinting and perming of the eyelashes and brows, or applying*
26 *eyelashes to any person.*

27 (c) The practice of skin care is all or any combination of the
28 following practices:

29 (1) Giving facials, massaging, stimulating, exfoliating, cleansing,
30 or beautifying the face, scalp, neck, ~~or hands, arms, feet, legs, or~~
31 ~~upper part of the human~~ body by the use of hands, esthetic devices,
32 cosmetic products, antiseptics, lotions, tonics, or creams *for the*
33 *purpose of improving the appearance or well-being of the skin*
34 that do not result in the ablation or destruction of the live tissue.

35 (2) Tinting and perming of the eyelashes and ~~brows;~~ *brows, or*
36 *applying eyelashes to any person.*

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

8 (e) The practice of barbering and the practice of cosmetology
9 do not include any of the following:

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

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

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

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

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

32 (g) (1) Electrolysis is the practice of removing hair from, or
33 destroying hair on, the human body by the use of an electric needle
34 only.

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

37 (h) *The practice of hairstyling is all or any combination of the*
38 *following:*

39 (1) *Styling of all textures of hair by standard methods that are*
40 *current at the time of the hairstyling.*

1 (2) *Arranging, blow drying, cleansing, curling, cutting, dressing,*
2 *shampooing, waving, or nonchemically straightening the hair of*
3 *any person using both electrical and nonelectrical devices.*

4 (3) *Massaging, cleaning, or stimulating the scalp, face, and*
5 *neck by means of the hands, devices, apparatus, or appliances*
6 *with or without the use of cosmetic preparations, antiseptics,*
7 *lotions, or creams.*

8 SEC. 7. Section 7320 of the Business and Professions Code is
9 amended to read:

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

15 (b) *Nothing in this chapter shall be interpreted to grant any*
16 *privileges reserved for persons certified pursuant to Chapter 10.5*
17 *(commencing with Section 4600) of Division 2.*

18 SEC. 8. Section 7322 is added to the Business and Professions
19 Code, to read:

20 7322. *The board shall admit to examination for a license as a*
21 *hairstylist to practice hairstyling any person who has made*
22 *application to the board in proper form, paid the fee required by*
23 *this chapter, and is qualified as follows:*

24 (a) *Is not less than 17 years of age.*

25 (b) *Has completed the 10th grade in the public schools of this*
26 *state or its equivalent.*

27 (c) *Is not subject to denial pursuant to Section 480.*

28 (d) *Has done any of the following:*

29 (1) *Completed a course in hairstyling from a school approved*
30 *by the board.*

31 (2) *Practiced hairstyling as defined in this chapter outside of*
32 *this state for a period of time equivalent to the study and training*
33 *of a qualified person who has completed a course in hairstyling*
34 *from a school the curriculum of which complied with requirements*
35 *adopted by the board. Each three months of practice shall be*
36 *deemed the equivalent of 100 hours of training for qualification*
37 *under paragraph (1).*

38 ~~SEC. 8.~~

39 SEC. 9. Section 7331 of the Business and Professions Code is
40 amended to read:

1 7331. The board shall grant a license to practice to an applicant
2 if the applicant submits all of the following to the board:

3 (a) A completed application form and all fees required by the
4 board.

5 (b) Proof of a current license issued by another state to practice
6 that meets both of the following requirements:

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

8 (2) It is in good standing.

9 ~~SEC. 9.~~

10 *SEC. 10.* Section 7334 of the Business and Professions Code
11 is amended to read:

12 7334. (a) The board may license as an apprentice in barbering,
13 cosmetology, skin care, or nail care any person who has made
14 application to the board upon the proper form, has paid the fee
15 required by this chapter, and who is qualified as follows:

16 (1) Is over 16 years of age.

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

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

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

24 (b) The board may license as an apprentice in electrolysis any
25 person who has made application to the board upon the proper
26 form, has paid the fee required by this chapter, and who is qualified
27 as follows:

28 (1) Is not less than 17 years of age.

29 (2) Has completed the 12th grade or an accredited senior high
30 school course of study in schools of this state or its equivalent.

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

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

36 (c) All persons making application as an apprentice in barbering
37 shall also complete a minimum of 39 hours of preapprentice
38 training that is administered by the board.

39 (d) All persons making application as an apprentice in
40 cosmetology, skin care, nail care, or electrology shall also complete

1 minimum preapprentice training for the length of time established
2 by the board in a facility approved by the board prior to serving
3 the general public.

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

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

11 ~~SEC. 10.~~

12 *SEC. 11.* Section 7337.5 of the Business and Professions Code
13 is repealed.

14 ~~SEC. 11.~~

15 *SEC. 12.* Section 7338 of the Business and Professions Code
16 is amended to read:

17 7338. (a) The examination of applicants for a license shall
18 consist of a written examination that evaluates competency in
19 protecting the health and safety of consumers of the services
20 provided by licensees.

21 (b) The examination shall include written tests to determine the
22 applicant's skill in, and knowledge of, the practice of the
23 occupation for which a license is sought and shall include written
24 tests in antisepsis, disinfection, and the use of mechanical apparatus
25 and electricity as applicable to the practice for which the applicant
26 has applied for licensure.

27 ~~SEC. 12.~~

28 *SEC. 13.* Section 7347 of the Business and Professions Code
29 is amended to read:

30 7347. (a) Any person, firm, or corporation desiring to operate
31 an establishment shall make an application to the board for a
32 license accompanied by the fee prescribed by this chapter. The
33 application shall be required whether the person, firm, or
34 corporation is operating a new establishment or obtaining
35 ownership of an existing establishment. The application shall
36 include a signed acknowledgment that the applicant understands
37 that establishments are responsible for compliance with any
38 applicable labor laws of the state and that the applicant understands
39 the informational materials on basic labor laws, as specified in
40 Section 7314.3, the applicant is provided by the board with the

1 application. Every electronic application to renew a license shall
2 include a signed acknowledgment that the renewal applicant
3 understands that establishments are responsible for compliance
4 with any applicable labor laws of the state and that the applicant
5 understands the informational materials on basic labor laws, as
6 specified in Section 7314.3, that the renewal applicant is provided
7 by the board with the renewal application. If the applicant is
8 obtaining ownership of an existing establishment, the board may
9 establish the fee in an amount less than the fee prescribed by this
10 chapter. The applicant, if an individual, or each officer, director,
11 and partner, if the applicant is other than an individual, shall not
12 have committed acts or crimes which are grounds for denial of
13 licensure in effect at the time the new application is submitted
14 pursuant to Section 480. A license issued pursuant to this section
15 shall authorize the operation of the establishment only at the
16 location for which the license is issued. Operation of the
17 establishment at any other location shall be unlawful unless a
18 license for the new location has been obtained upon compliance
19 with this section, applicable to the issuance of a license in the first
20 instance.

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

23 ~~SEC. 13.~~

24 *SEC. 14.* Section 7353 of the Business and Professions Code
25 is repealed.

26 ~~SEC. 14.~~

27 *SEC. 15.* Section 7354 of the Business and Professions Code
28 is amended to read:

29 7354. For purposes of this article, “mobile unit” means any
30 self-contained, self-supporting, enclosed mobile unit which is
31 licensed as a mobile unit for the practice of any occupation licensed
32 by the board and which complies with this article and all health
33 and safety regulations established by the board.

34 ~~SEC. 15.~~

35 *SEC. 16.* Section 7355 of the Business and Professions Code
36 is amended to read:

37 7355. (a) Any person, firm, or corporation desiring to operate
38 a mobile unit shall make an application to the board for a license
39 containing the information and data set forth in subdivision (b).
40 The applicant, if an individual, or each officer, director, and partner,

1 if the applicant is other than an individual, shall not have committed
2 acts or crimes which are grounds for denial of licensure pursuant
3 to Section 480.

4 (b) Each application shall include the following:

5 (1) A detailed floor plan showing the layout and dimensions of
6 the mobile unit and all necessary systems and equipment contained
7 therein.

8 (2) Proof of purchase or lease of the mobile unit.

9 (3) The required fee.

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

12 (5) A permanent base address from which the mobile unit shall
13 operate.

14 (c) After initial approval of the floor plan and application has
15 been granted, the applicant shall schedule an appointment to show
16 the mobile unit to the board, or representative of the board, for
17 final approval.

18 ~~SEC. 16.~~

19 *SEC. 17.* Section 7356 of the Business and Professions Code
20 is amended to read:

21 7356. An application to transfer ownership or control of an
22 existing licensed mobile unit shall be filed by the purchaser or
23 lessor with the board within 10 days after purchase. Each
24 application shall include the following:

25 (a) A detailed floor plan showing the layout and dimensions of
26 the mobile unit and all necessary systems and equipment contained
27 therein.

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

30 (c) The existing mobile unit license.

31 (d) The required fee.

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

34 ~~SEC. 17.~~

35 *SEC. 18.* Section 7357 of the Business and Professions Code
36 is amended to read:

37 7357. (a) Mobile units shall comply with regulations adopted
38 by the board that assure that the unit shall be kept clean, in good
39 repair, and in compliance with this article.

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

3 (1) A self-contained, potable water supply if shampooing
4 services are offered.

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

7 (3) A system of adequate ventilation.

8 ~~SEC. 18:~~

9 *SEC. 19.* Section 7362 of the Business and Professions Code
10 is amended to read:

11 7362. (a) A school approved by the board is one that is first
12 approved by the board and subsequently approved by the Bureau
13 for Private Postsecondary Education or is a public school in this
14 state, and provides a course of instruction approved by the board.
15 However, notwithstanding any other law, both the board and the
16 Bureau for Private Postsecondary Education may simultaneously
17 process a school's application for approval.

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

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

26 (A) Incompetence or gross negligence, including repeated failure
27 to comply with generally accepted standards for the practice of
28 barbering, cosmetology, or electrology, or disregard for the health
29 and safety of patrons.

30 (B) Repeated similar negligent acts.

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

35 (2) Repeated failure to comply with the rules governing health
36 and safety adopted by the board and approved by the State
37 Department of Public Health, for the regulation of board-approved
38 schools.

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

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

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

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

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

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

12 ~~SEC. 19.~~

13 *SEC. 20.* Section 7362.5 of the Business and Professions Code
14 is amended to read:

15 7362.5. (a) A course in barbering or cosmetology established
16 by a school shall consist of *not less than* 1,000 hours of practical
17 and technical instruction in the practice of barbering or
18 cosmetology, as defined in Section 7316.

19 (b) The curriculum for a barbering course ~~shall consist of~~ *shall,*
20 *at a minimum, include* technical and practical instruction in the
21 following areas:

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

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

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

35 (4) *Two hundred hours in hairstyling services, which includes*
36 *arranging, blow drying, cleansing, curling, dressing, hair analysis,*
37 *shampooing, waving, and nonchemical straightening, and hair*
38 *cutting, including the use of shears, razors, electrical clippers and*
39 *trimmers, and thinning shears, for wet and dry cutting.*

40 (4)

1 (5) Two hundred hours in shaving and trimming of the beard,
2 which includes preparing the client's hair for shaving, assessing
3 the condition of the client's skin, performing shaving techniques,
4 applying aftershave antiseptic following facial services, and
5 massaging the face and rolling cream massages.

6 (c) The curriculum for a cosmetology course ~~shall consist of~~
7 *shall, at a minimum, include* technical and practical instruction in
8 the following areas:

9 (1) One hundred hours in health and safety, which includes
10 hazardous substances, chemical safety, safety data sheets,
11 protection from hazardous chemicals, preventing chemical injuries,
12 health and safety laws and regulations, and preventing
13 communicable diseases.

14 (2) One hundred hours in disinfection and sanitation, which
15 includes disinfection procedures to protect the health and safety
16 of consumers as well as the technician and proper disinfection
17 procedures for equipment used in establishments.

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

22 (4) *Two hundred hours in hairstyling services, which includes*
23 *arranging, blow drying, cleansing, curling, dressing, hair analysis,*
24 *shampooing, waving, and nonchemical straightening, and hair*
25 *cutting, including the use of shears, razors, electrical clippers and*
26 *trimmers, and thinning shears, for wet and dry cutting.*

27 ~~(4)~~

28 (5) One hundred *fifty* hours in skin care services, which includes
29 chemical and manual facials and massaging, stimulating,
30 exfoliating, cleansing, or beautifying the face, scalp, neck, or body
31 by the use of hands, esthetic devices, cosmetic products, antiseptics,
32 lotions, tonics, or creams that do not result in the ablation or
33 destruction of the live tissue.

34 ~~(5)~~

35 (6) Fifty hours in hair removal and lash and brow beautification,
36 which includes tinting and perming eyelashes and brows *and*
37 *applying eyelashes to any person*, and includes removing
38 superfluous hair from the body of any person by use of depilatories,
39 tweezers, sugaring, nonprescription chemicals, or waxing, or by
40 the use of devices and appliances of any kind or description, except

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

3 ~~(6)~~

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

9 *SEC. 21. Section 7363 is added to the Business and Professions*
10 *Code, to read:*

11 7363. (a) *A course in hairstyling established by a school shall*
12 *consist of not less than 600 hours of practical and technical*
13 *instruction.*

14 (b) *The curriculum for a hairstyling course shall include, at a*
15 *minimum, technical and practical instruction in the following*
16 *areas:*

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

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

26 (3) *Two hundred hours in hair styling services, which includes*
27 *arranging, blow drying, cleansing, curling, dressing, hair analysis,*
28 *shampooing, waving, and nonchemical straightening, and hair*
29 *cutting including the use of shears, razors, electrical clippers and*
30 *trimmers, and thinning shears, for wet and dry cutting.*

31 ~~SEC. 20.~~

32 *SEC. 22. 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 and technical*
36 *instruction.*

37 (b) *The curriculum for a skin care course shall consist of shall,*
38 *at a minimum, include technical and practical instruction in the*
39 *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 *applying eyelashes to any person* and includes removing
19 superfluous hair from the body of any person by use of depilatories,
20 tweezers, sugaring, nonprescription chemicals, or waxing, or by
21 the use of devices and appliances of any kind or description, except
22 by the use of lasers or light waves, which are commonly known
23 as rays.

24 ~~SEC. 21.~~

25 *SEC. 23.* Section 7365 of the Business and Professions Code
26 is amended to read:

27 7365. (a) A nail care course established by a school shall
28 consist of *not less than* 400 hours of practical and technical
29 instruction.

30 (b) The curriculum for a nail care course ~~shall consist of~~ *shall,*
31 *at a minimum, include* the technical and practical instruction in
32 the following areas:

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

38 (2) One hundred hours in disinfection and sanitation, which
39 includes disinfection procedures to protect the health and safety

1 of consumers as well as the technician and proper disinfection
2 procedures for equipment used in establishments.

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

8 *SEC. 24. Section 7389.5 of the Business and Professions Code*
9 *is amended to read:*

10 7389.5. A course of training in ~~barbering or cosmetology~~
11 *barbering, cosmetology, or hairstyling* established by federal or
12 state correctional institutions in California may qualify a person
13 thereby trained to take the examination for licensure as a ~~barber~~
14 ~~or cosmetologist~~ *barber, cosmetologist, or hairstylist*, provided
15 the course complies with all applicable provisions of this act and
16 the regulations adopted pursuant thereto.

17 *SEC. 25. Section 7395.1 of the Business and Professions Code*
18 *is amended to read:*

19 7395.1. (a) A student who is enrolled in an approved course
20 of instruction in a school of cosmetology approved by the board
21 pursuant to subdivision (a) of Section 7362 may, upon completion
22 of a minimum of ~~60~~ 25 percent of the clock hours required for
23 graduation in the course, work as an ~~unpaid~~ extern in an
24 establishment participating in the educational program of the
25 school.

26 (b) A person working as an extern shall receive clock hour credit
27 toward graduation, but that credit shall not exceed ~~eight~~ 25 hours
28 per week and shall not exceed ~~40~~ 25 percent of the total clock
29 hours required for completion of the course.

30 (c) The externship program shall be conducted in an
31 establishment meeting all of the following criteria:

32 (1) The establishment is licensed by the board.

33 (2) The establishment has a minimum of four licensees working
34 at the establishment, including employees and owners or managers.

35 (3) All licensees at the establishment are in good standing with
36 the board.

37 (4) Licensees working at the establishment work for salaries or
38 commissions rather than on a space rental basis.

39 (5) No more than one extern shall work in an establishment for
40 every four licensees working in the establishment. ~~No~~ A regularly

1 employed licensee shall *not* be displaced or have ~~his or her~~ *the*
2 *licensee's* work hours reduced or altered to accommodate the
3 placement of an extern in an establishment. Prior to placement of
4 the extern, the establishment shall agree, in writing sent to the
5 school and to all affected licensees, that no reduction or alteration
6 of any licensee's current work schedule shall occur. This shall not
7 prevent a licensee from voluntarily reducing or altering ~~his or her~~
8 *the licensee's* work schedule.

9 (6) Externs shall wear conspicuous school identification at all
10 times while working in the establishment, and shall carry a school
11 laminated identification, that includes a picture, in a form approved
12 by the board.

13 (d) (1) No less than 90 percent of the responsibilities and duties
14 of the extern shall consist of the acts included within the practice
15 of cosmetology as defined in Section 7316.

16 (2) The establishment shall consult with the assigning school
17 regarding the extern's progress during the ~~unpaid~~ externship. The
18 owner or manager of the establishment shall monitor and report
19 on the student's progress to the school on a regular basis, with
20 assistance from supervising licensees.

21 (3) A participating school shall assess the extern's learning
22 outcome from the externship program. The school shall maintain
23 accurate records of the extern's educational experience in the
24 externship program and records that indicate how the extern's
25 learning outcome translates into course credit.

26 (e) Participation in an externship program made available by a
27 school shall be voluntary, may be terminated by the student at any
28 time, and shall not be a prerequisite for graduation.

29 (f) The establishment that chooses to utilize the extern is liable
30 for the extern's general liability insurance, as well as cosmetology
31 malpractice liability insurance, and shall furnish proof to the
32 participating school that the establishment is covered by both forms
33 of liability insurance and that the extern is covered under that
34 insurance.

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

1 (2) Instruction shall be based on skills, knowledge, attitudes,
2 and performance levels in the area of cosmetology for which the
3 instruction is conducted.

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

12 (4) The extern shall not perform any work in a manner that
13 would violate the law.

14 ~~SEC. 22.~~

15 *SEC. 26.* Section 7401 of the Business and Professions Code
16 is amended to read:

17 7401. (a) An individual licensed pursuant to Section 7396
18 shall report to the board at the time of license renewal their practice
19 status, designated as one of the following:

- 20 (1) Full-time practice in California.
- 21 (2) Full-time practice outside of California.
- 22 (3) Part-time practice in California.
- 23 (4) Not working in the industry.
- 24 (5) Retired.
- 25 (6) Other practice status, as may be further defined by the board.

26 (b) An individual licensed pursuant to Section 7396 shall, at the
27 time of license renewal, identify themselves on the application as
28 one of the following:

- 29 (1) Employee.
- 30 (2) Independent contractor.
- 31 (3) Salon owner.

32 (c) An individual licensed pursuant to Section 7347 shall report
33 to the board at the time of license renewal whether they have an
34 independent contractor operating in the establishment.

35 ~~SEC. 23.~~

36 *SEC. 27.* Section 7402 of the Business and Professions Code
37 is repealed.

38 ~~SEC. 24.~~

39 *SEC. 28.* Section 7407 of the Business and Professions Code
40 is amended to read:

1 7407. The board shall establish by regulation a schedule of
2 administrative fines for violations of this chapter that directly
3 impact consumer safety. All moneys collected under this section
4 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.

9 *SEC. 29. Section 7423 of the Business and Professions Code*
10 *is amended to read:*

11 7423. The amounts of the fees required by this chapter relating
12 to licenses for individual practitioners are as follows:

13 (a) (1) Cosmetologist application and examination fee shall be
14 the actual cost to the board for developing, purchasing, grading,
15 and administering the examination.

16 (2) A cosmetologist initial license fee shall not be more than
17 fifty dollars (\$50).

18 (b) (1) An esthetician application and examination fee shall be
19 the actual cost to the board for developing, purchasing, grading,
20 and administering the examination.

21 (2) An esthetician initial license fee shall not be more than forty
22 dollars (\$40).

23 (c) (1) A manicurist application and examination fee shall be
24 the actual cost to the board for developing, purchasing, grading,
25 and administering the examination.

26 (2) A manicurist initial license fee shall not be more than
27 thirty-five dollars (\$35).

28 (d) (1) A barber application and examination fee shall be the
29 actual cost to the board for developing, purchasing, grading, and
30 administering the examination.

31 (2) A barber initial license fee shall be not more than fifty dollars
32 (\$50).

33 (e) (1) An electrologist application and examination fee shall
34 be the actual cost to the board for developing, purchasing, grading,
35 and administering the examination.

36 (2) An electrologist initial license fee shall be not more than
37 fifty dollars (\$50).

38 (f) An apprentice application and license fee shall be not more
39 than twenty-five dollars (\$25).

1 (g) The license renewal fee for individual practitioner licenses
2 that are subject to renewal shall be not more than fifty dollars
3 (\$50).

4 (h) *A hairstylist application and examination fee shall be fifty*
5 *dollars (\$50) or a fee in an amount as determined by the board,*
6 *not to exceed the reasonable cost of developing, purchasing,*
7 *grading, and administering the examination, not to exceed fifty*
8 *dollars (\$50).*

9 ~~(h)~~

10 (i) Notwithstanding Section 163.5 the license renewal
11 delinquency fee shall be 50 percent of the renewal fee in effect on
12 the date of renewal.

13 ~~(i) Any preapplication fee shall be established by the board in~~
14 ~~an amount sufficient to cover the costs of processing and~~
15 ~~administration of the preapplication.~~

16 *SEC. 30. No reimbursement is required by this act pursuant*
17 *to Section 6 of Article XIII B of the California Constitution because*
18 *the only costs that may be incurred by a local agency or school*
19 *district will be incurred because this act creates a new crime or*
20 *infraction, eliminates a crime or infraction, or changes the penalty*
21 *for a crime or infraction, within the meaning of Section 17556 of*
22 *the Government Code, or changes the definition of a crime within*
23 *the meaning of Section 6 of Article XIII B of the California*
24 *Constitution.*



MEMORANDUM

DATE July 26, 2021

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Regulations Update

Personal Service Permit (Title 16, CCR section 900, 965.2, and 988)

On June 4, 2021, the Board held a special board meeting to approve the second modified text. On June 10, 2021, the Board refiled the package with the Office of Administrative Law (OAL). OAL is currently reviewing the package and has until July 23, 2021 to approve.

Substantial Relationship Criteria, Criteria for Rehabilitation (Title 16, CCR sections 970 and 971)

On June 9, 2021, OAL approved the Board's AB 2138 criminal background review regulations and filed the action with the Secretary of State. This regulatory action became effective on June 9, 2021.

Disciplinary Review Committee (Title 16, CCR Section 974.1)

The Board withdrew this package from Agency pending sunset changes regarding per diem.

The following regulation packages are under internal review by DCA/Agency:

- Title 16, CCR Section 950.10 (Transfer of Credit or Training)
- Title 16, CCR Section 961 (Instructional Materials)
- Title 16, CCR Section 972 (Disciplinary Guidelines)
- Title 16, CCR Sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)

Externs (Title 16, CCR Sections 962, 962.1 and 962.2)

The Board needs a motion to:

Approve the proposed regulatory text for Title 16, California Code of Regulations sections 962, 962.1, and 962.2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and authorize the Executive officer to take all steps necessary to conclude the rulemaking process, and make any non-substantive changes to the package. As no adverse comments were received during the 45-day comment period and no hearing was requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 962, 962.1, and 962.2 as noticed.