

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



OCTOBER 25, 2021

**BOARD MEETING
AND
REINSTATEMENT HEARINGS**

**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
Reese Isbell
Derick Matos
Christie Tran

**PUBLIC TELECONFERENCE
MEETING**

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

NOTE: Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations 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=ma6e470ba43429e85b05d6a38ffe1cfad>

Event number: 2482 251 9575
Event password: BBC10252021

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.

In order to ensure all public members have an opportunity to speak and in the interest of time, public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period or longer 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. Petition for Reinstatement Hearings:
 - Linda Lowery, Petition for Reinstatement of License, Manicurist M64852 and Establishment license A253537
 - Joanna Velador, Petition for Reinstatement of License, Cosmetology KK 318176 and Establishment license A259300

CLOSED SESSION: Pursuant to Government Code section 11126 (c) (3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters, including the above petitions.

RECONVENE OPEN SESSION:

3. Board President's Opening Remarks (**Mr. Steve Weeks**)
4. Board Member Remarks – Informational only
5. Discussion and Possible Approval of the July 26, 2021 Board Meeting Minutes
6. Department of Consumer Affairs (DCA) Update Which May Include Updates on DCA's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters.
7. Executive Officer's Report (**Kristy Underwood**)
 - Licensing Statistics
 - Examination Statistics
 - Disciplinary Review Committee Statistics
 - Enforcement Statistics
 - Budget Updates
 - Outreach Updates
 - Practice Status Survey Results
 - Update of Board's 2018-2022 Strategic Plan
 - SB 803 (Roth) Implementation Plan
8. Proposed Board Meeting Dates and Locations for 2022
9. 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. AB 1561 (Committee on Labor and Employment) – Worker classification: employees and independent contractors
 - f. SB 607 (Min and Roth) – Professions and Vocations
 - g. SB 803 (Roth) – Barbering and Cosmetology

10. Regulations Status Update:
 - a. Rulemaking Proposal to Amend Title 16, California Code of Regulations (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)
 - b. Rulemaking Proposal to Amend Title 16, CCR, section 950.10 (Transfer of Credit or Training)
 - c. Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)
 - d. Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)
 - e. Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
 - f. Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)
11. 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))
12. Suggestions for Future Agenda Items
13. 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: Allison Lee at (916) 575-7139, email: allison.lee@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 JULY 26, 2021

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Jacquelyn Crabtree
Megan Ellis
Tonya Fairley
Christie Tran

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

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.

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

Mr. Weeks welcomed new Board Member Megan Ellis. He thanked Ms. Pham for accepting the role of Board Mentor to Ms. Ellis to help her learn how the Board operates.

Mr. Weeks stated the Disciplinary Review Committee has a backlog of hundreds of cases. COVID-19 restrictions may cause rescheduling or cancellation of dates.

3. Agenda Item #3, BOARD MEMBER REMARKS

Board Members welcomed Ms. Ellis to the Board.

4. Agenda Item #4, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES FOR THE FOLLOWING DATES:

- **April 26, 2021**
- **May 25, 2021**
- **June 4, 2021**

MOTION: Ms. Crabtree moved to approve the April 26, 2021, May 25, 2021, and June 4, 2021, California State Board of Barbering and

Cosmetology Meeting Minutes as presented. Ms. Pham seconded. Motion carried 5 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

5. **Agenda Item #5, EXECUTIVE OFFICER'S REPORT**

- **Licensing Statistics**
- **Examination Statistics**
- **Disciplinary Review Committee Statistics**
- **Enforcement Statistics**
- **Budget Updates**
- **Outreach Updates**
- **Practice Status Survey Results**

Kristy Underwood, Executive Officer, asked Carrie Holmes to say a few words.

Carrie Holmes, Deputy Director of Board and Bureau Relations, Department of Consumer Affairs (DCA), congratulated Ms. Ellis on her appointment to the Board and thanked her for her willingness to serve. She also welcomed Ms. Fairley to the Board. She noted that there are two public vacancies remaining on the Board to be appointed by the Governor. She asked members of the public who are interested in serving on the Board to go to the Board Member Resources link on DCA's homepage to apply for an appointment. She thanked Board Members for their service to California's consumers.

Ms. Underwood summarized upcoming out-of-state travel opportunities for the Board:

- Ms. Underwood has been invited to participate in the National Association of Barber Boards Annual Conference in September.
- Ms. Underwood has been invited to the Executive Officers of Barbering and Cosmetology Boards Summit in September.
- Ms. Underwood has been invited to participate in the Council of State Governments Advisory Committee in October.

Ms. Underwood reviewed the statistics and update reports, which were included in the meeting packet. She noted that translation guides for the exam are available on the website, but students may not know to look there. Staff has implemented the process to attach the translation guides to student admittance letters for students who have requested the exam in a language other than English in an effort to improve exam pass rates.

Questions and Discussion

Mr. Weeks asked if staff anticipates additional funds being spent that might eat into the reserve. Ms. Underwood stated the Board will purchase new cars this year. Also, now that the Board is almost fully staffed, decreased salary savings will impact the budget.

Mr. Weeks asked for an update on charging renewal fees. Ms. Underwood stated the governor waived fees for two years.

Ms. Pham asked for an update on scheduling practical exams. Ms. Underwood stated just under 2,000 individuals are waiting to be scheduled, which is normal. Exam sites are now back at full capacity.

6. Agenda Item #6, 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

This bill does not appear to be moving. The Board has taken a watch position on this bill. No action is recommended.

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

The Board has taken a watch position on this bill. No action is recommended.

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

The Board has taken a support position on this bill. No action is recommended.

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

The Board has taken an oppose position on this bill. No action is recommended.

e. SB 607 (Min and Roth) – Professions and vocations

Staff recommends a support position on this bill.

MOTION: Ms. Crabtree moved that the Board take a support position on Senate Bill 607. Ms. Pham seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

f. SB 803 (Roth) – Barbering and Cosmetology

This bill was amended on July 15th in the Assembly. The Board has taken a support if amended position on this bill. The Board’s recommended amendments were as follows:

- Remove the strikeouts of the scope of practice on barbering and cosmetology to place back in the scope of practice as it was prior to the bill originally being proposed.
- Include lash extensions in the skin care scope of practice.
- Establish a hair-only license.
- Extend the Board’s sunset date.

The bill was amended on July 15th. The amendments restored the current scopes of practice to barbering and cosmetology, corrected “applying eyelashes to any person,” established a hair-only license requiring 600 hours of education, restored the phrase “not less than” on the 1,000 requirements, added language about the extern bill to allow externs to be paid, and extended the sunset date for the Board to January 1, 2027.

Concerns: Section 7317 must be changed. It currently states anyone receiving compensation in a salon must be licensed. The externship language in SB 803 allows students participating in an externship program in an approved school to be paid.

Questions and Discussion

Mr. Weeks thanked Senate and Assembly Members for accepting all the Board's suggested amendments.

Ms. Crabtree stated concern about the externship language. She stated she is not comfortable with individuals being paid in a salon who are unlicensed.

Ms. Underwood stated externs are required to have complete supervision. She noted that externs can provide services that clients will pay for. The extern is required to have school identification on them. She noted that the Board does not track externs since it is an agreement between the salons and the schools, but the Board tracks the schools that participate in the program.

Ms. Fairley asked who is responsible for the extern.

Ms. Underwood stated that is between the salon and the school. The Board ultimately holds the establishment responsible for consumer safety.

Ms. Crabtree suggested supporting SB 803 with amendments to the language on externships to give the Board more control. She asked for an amendment to remove the Number 5 externship language that was just added from SB 803.

Ms. Fairley stated students have two months of schooling prior to working in a salon. They receive 250 hours of base training and then they receive on-the-job training from a licensed professional. She suggested that there be an option to pay externs. The idea is for the schools to give externs the training that is needed so students can get into the workforce sooner.

Ms. Crabtree stated the issue is the DRC sees many cases of individuals working without supervision. She acknowledged that Ms. Fairley implements her apprenticeship program correctly, but there are many salons that do not.

Ms. Tran made a motion to remove the proposed 600-hour hair-cutting license, place cosmetology at 1,500 hours and barbering at 1,200 hours, and preserve the practical examination. This bill unfairly singles out hair licensing and undermines education and training.

Sabina Knight, Board Legal Counsel, stated the need to address the Outstanding Issues on page 2 of the Staff Analysis in any motion.

Ms. Underwood stated Section 7395.1, beginning on Line 19 on page 21 of the bill, changes the minimum number of hours that must be completed before students can participate in the extern program from 60 percent of a 1,600-hour course or 960 hours, to 25 percent of a 1,000-hour course or 250 hours.

Mr. Weeks stated there are two questions in this section: the percent of clock hours required and whether externs should be paid.

Ms. Fairley stated paying externs should be an option since they are unlicensed. Apprentices have done the additional work to get the license to work on clients. She agreed with 25 percent of the clock hours.

Ms. Crabtree suggested more clock hours since the hours have been cut from 1,600 to 1,000. She stated externs should not be paid.

Mr. Weeks suggested increasing the clock hours to 500 hours.

Ms. Crabtree agreed.

Ms. Pham questioned whether all the health and safety curriculum is covered within the first 250 hours of instruction. She agreed with increasing the percent to 50 percent of the clock hours.

Ms. Fairley agreed.

Ms. Underwood asked for discussion on whether externs should be paid or not.

Ms. Crabtree stated externs should not be paid. Cutting the hours helps the barrier to entry issue but consumers need protection. She stated concern that externship situations will be taken advantage of, as seen in the past.

Ms. Fairley stated the issue of paying externs should be left up to the establishment and the school.

Mr. Weeks suggested taking a stance one way or the other. Leaving it as an option creates confusion. He stated he favors some sort of payment.

Ms. Underwood suggested changing the language to include identification of the student, trainer(s), and salon. She suggested that salons register their students and trainers with the Board so the Board can track that information for student and consumer safety. It is important that students are not abused and do not become free or cheap labor in salons.

Mr. Weeks agreed that it is necessary for the Board and Board inspectors to have this information for public safety.

Ms. Fairley stated allowing salons to host unpaid externs opens the door for establishments to help with the gateway of someone getting into a salon.

Mr. Weeks stated the historical precedence of college interns/externs being paid for their summer work while others are not and still others are given credit against their tuition or their school hours.

Ms. Pham stated, if students are identified and tracked, it is acceptable for externs to be paid.

Mr. Weeks referred to Line 23 and stated striking out the word "unpaid" gives establishments the option to pay or not pay externs.

Ms. Fairley stated the proposed hours on Line 26 are comparable to the apprenticeship program.

Ms. Crabtree stated she felt that externs will be abused, including their hours worked in a salon. She stated concern about individuals working on hair that are not equipped.

Mr. Weeks asked Ms. Crabtree if she is worried that the work experience will run ahead of their educational experience and that students may not be qualified for some of the work they do.

Ms. Crabtree agreed and stated she is worried that this will turn into more cheap labor and that it will lower industry standards. Students should be set up for success. On-the-job training is wonderful, but it should not be abused.

Mr. Weeks asked if Ms. Crabtree would feel better by changing the number of required hours to 500, which would change the proposed 25 percent to 50 percent.

Ms. Crabtree agreed.

Mr. Weeks asked if 25 hours per week is asking too much of students.

Ms. Fairley stated the apprenticeship program requires a minimum of 32 hours per week. The difference is externs are getting their education in a classroom setting while apprentices have one day of instruction per week and spend the rest of their time in the salon. Externs working 25 hours per week is appropriate given that they have formal educational hours behind it.

Ms. Underwood stated the concern that SB 803 only addresses cosmetology but not the barbering externship program.

Ms. Knight summarized the discussion:

- Add the barbering externship program.
- Add some way to register externs.
- For subsection (a), students need to complete 500 hours or 50 percent of their schooling before going into a salon as an extern.
- For subsection (b), Board Members agreed with the proposed language that students shall not exceed 25 hours per week, not to exceed 250 hours, which will be applied to their 1,000-hour course.
- The Board approves the strikeout of the word “unpaid” extern.

Ms. Pham moved the language summarized by Ms. Knight.

Ms. Fairley seconded.

Public Comment

Wendy Cochran, California Aesthetic Alliance, stated hair-only with no chemicals does not make an individual competitive on a national level for that compact license. The speaker asked for equitable treatment of all license types. The externship language does not include aesthetics, manicuring, or electrology. Externships take positions away from new licensees.

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), stated the real concern is the 600-hour hair-cutting-only license. It is not a lifelong career if it is limited to merely hair-cutting without chemicals or coloring. A high percentage of cosmetologists only want to do hair, but they want to offer all hair services, not just cutting. The PBFC supported a hair stylist license to address

the barriers to entry concern by legislators; unfortunately, legislators cut the hours to cosmetology and barbering and created their own form of a limited hair-cutting license without industry input. The speaker suggested striking the 600-hour non-serious career pathway program and considering addressing a 1,000-hour master license – cosmetology. 1,000 hours is too low and will undermine the professionalism and safety of the next generation of licensed professionals. The PBFC is willing to drop cosmetology hours to the national average of 1,500 hours and barbering to 1,200 hours. The speaker spoke in support of preserving the practical exam. Hands-on competencies are needed. Removing the practical exam will remove that attention during schooling.

R. Ramirez asked a question in the chat section about when this bill will take effect. Ms. Underwood stated the effective date of this bill is January 1, 2022.

Alicia Orabella agreed with Wendy Cochran's comments. The speaker stated concern about the hair-only license. Lowering the cosmetology hours to 1,000 is a move in the right direction; however, proposing a 600-hour hair-cutting license is too limited. In order to make it viable, it must include coloring, perming, relaxing, and all chemical services. The speaker stated by homing in on health and safety and making it more user-friendly and by freeing up unnecessary hours, it is possible to learn cutting, styling, perming, and relaxing at a basic competency level. The proposed hair-only license does not benefit the industry by simply providing a license to cut and style.

Chris Tellis, Owner, California College of Barbering and Cosmetology, stated concern that school owners have not received formal notification about this legislation that greatly affects the industry. Schools have set up a meeting with the legislator to discuss amendments. The speaker suggested that the Board table a vote on this bill until these further amendments are made.

Seth Caplan, Owner, CR'U Institute of Cosmetology and Barbering, agreed with the previous speaker that schools have strenuously been trying to be a part of this but tend to be blocked at every junction. The proposed 600-hour hair-cutting course will lead to a tremendous amount of abuse including the possibility of pop-up schools that try to sell hours and students who are taken advantage of. Chains and corporations were first to support this bill because they have been proposing this for a long time in an effort to cheapen this industry and to fill their shops with these individuals because they do not pay enough. The speaker stated their students pass the exam and make good livings. There is no issue here. It is as if the Legislature is trying to fix something that is not broken. The speaker agreed with changes to improve curriculum or to lessen hours but sweeping changes without industry input seem disingenuous.

Omar Monzon, Owner, Master Academy, agreed with the last two speakers. The speaker stated concern that schools were not contacted to provide their input on this bill. The speaker spoke in opposition to the proposed 600-hour hair-only license.

Jaime Schrabeck, Ph.D., Owner, Precision Nails, stated concern about the externship program in that there is confusion between apprentices and externs.

The speaker agreed with the proposal to strike this from this bill entirely. It needs to be addressed separately. Not only does the Board not know who is participating in this program as a student, but it does not know which salons are participating. Only salons that have four or more employees can participate is limiting and is difficult to validate. An extern program is limiting and does not give other license types the opportunity to pursue this option.

Rosanna Sanchez stated barbering and cosmetology teachers of California have been discussing this bill and objects to this bill in many ways. One is the reduction of cosmetology hours. This will not allow proper instruction time for the curriculum. The reduction of barbering hours is a minimum. Barbering students need to practice health and safety requirements and the protection of clients. The 600-hour hair-only license does not make sense. This will not help students be well-prepared in health and safety and the skills necessary for the trade.

Demi stated the statistics given during the Executive Officer's Report show that there is a need for a structured program with more than 1,000 hours. This will not set students up for success. A 600-hour license is not going to warrant the time and education that these students need to pass the competency test and is also not setting students up for success.

Yolanda Duran, School Owner, Licensed Manicurist, and Licensed Cosmetologist, spoke in opposition to the 600-hour hair-cutting license. The speaker stated the need to see what is really going on with the externship program.

MOTION: Ms. Pham moved to support SB 803, with the following amendments:

- Add the barbering externship program.
- Add some way to register externs.
- For subsection (a), students need to complete 500 hours or 50 percent of their schooling before going into a salon as an extern.
- For subsection (b), Board Members agreed with the proposed language that students shall not exceed 25 hours per week, not to exceed 250 hours, which will be applied to their 1,000-hour course.
- The Board approves the strikeout of the word "unpaid" extern.

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

The following Board Members voted "Yes": Crabtree, Ellis, Fairley, Pham, Tran, and Weeks.

7. Agenda Item #7, REGULATION 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)**
- 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)**

Ms. Underwood stated the Office of Administrative Law will give the final approved regulations for the Personal Service Permit (PSP) today. The PSP will go into effect on October 1, 2021. The Disciplinary Review Committee and the Externship Regulations are delayed until SB 803 is finalized. She reviewed the Staff Memo on the regulation updates for the above rulemaking packages, which was included in the meeting packet.

8. Agenda Item #8, DISCUSSION AND POSSIBLE ACTION TO AMEND OR ADOPT CHANGES TO TITLE 16, CCR SECTIONS 962, 962.1, AND 962.2 (EXTERNNS)

This item was discussed in Agenda Item 6, above.

9. Agenda Item #9, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Dr. Schrabek pointed out that AB 1561 would exempt manicurists from the AB 5 restrictions that would otherwise apply to independent contractors through 2025. The speaker suggested including this bill in the Legislative Status Update for support or opposition by the Board.

10. Agenda Item #10, SUGGESTIONS FOR FUTURE AGENDA ITEMS

No future agenda items were offered.

11. Agenda Item #11, ADJOURNMENT

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

Quarterly Applications Received Fiscal Year 21/22

| License Type | Jul-Sept | Oct-Dec | Jan-Mar | Apr-June | YTD |
|-------------------------|---------------------|---------|---------|----------|-----|
| Establishment | 1,927 | | | | |
| Mobile Unit | 3 | | | | |
| Barber | | | | | |
| Pre-App | 311 | | | | |
| Initial Application | 362 | | | | |
| Re-Exam | 532 | | | | |
| <u>Sub-Total</u> | <u>1,205</u> | | | | |
| Reciprocity | 42 | | | | |
| Apprentice | 346 | | | | |
| Cosmetology | | | | | |
| Pre-App | 615 | | | | |
| Initial Application | 845 | | | | |
| Re-Exam | 1,099 | | | | |
| <u>Sub-Total</u> | <u>2,559</u> | | | | |
| Reciprocity | 305 | | | | |
| Apprentice | 198 | | | | |
| Electrology | | | | | |
| Pre-App | 13 | | | | |
| Initial Application | 8 | | | | |
| Re-Exam | 6 | | | | |
| <u>Sub-Total</u> | <u>27</u> | | | | |
| Reciprocity | -- | | | | |
| Apprentice | -- | | | | |
| Esthetician | | | | | |
| Pre-App | 984 | | | | |
| Initial Application | 1,039 | | | | |
| Re-Exam | 1,154 | | | | |
| <u>Sub-Total</u> | <u>3,177</u> | | | | |
| Reciprocity | 117 | | | | |
| Manicurist | | | | | |
| Pre-App | 673 | | | | |
| Initial Application | 658 | | | | |
| Re-Exam | 1,034 | | | | |
| <u>Sub-Total</u> | <u>2,365</u> | | | | |
| Reciprocity | 113 | | | | |
| Total | 12,381 | - | - | - | - |

Practical Exam Results July 1, 2021 - September 30, 2021

| Administered | Passed | Failed | Total | Pass Rate |
|---------------------|---------------|---------------|--------------|------------------|
| Barber | 819 | 301 | 1,120 | 73% |
| Cosmetologist | 2,011 | 631 | 2,642 | 76% |
| Electrologist | 12 | 3 | 15 | 80% |
| Esthetician | 1,750 | 869 | 2,619 | 67% |
| Manicurist | 1,091 | 1,034 | 2,125 | 51% |
| Total | 5,683 | 2,838 | 8,521 | 67% |

Written Exam Results July 1, 2021 - September 30, 2021

| Barber | Passed | Failed | Total | Pass Rate |
|---------------|---------------|---------------|--------------|------------------|
| English | 675 | 407 | 1,082 | 62% |
| Korean | 0 | 0 | 0 | N/A |
| Spanish | 76 | 113 | 189 | 40% |
| Vietnamese | 20 | 6 | 26 | 77% |
| Total | 771 | 526 | 1,297 | 59% |

| Cosmo | Passed | Failed | Total | Pass Rate |
|--------------|---------------|---------------|--------------|------------------|
| English | 1,356 | 699 | 2,055 | 66% |
| Korean | 19 | 6 | 25 | 76% |
| Spanish | 141 | 306 | 447 | 32% |
| Vietnamese | 147 | 30 | 177 | 83% |
| Total | 1,663 | 1,041 | 2,704 | 62% |

| Esthetician | Passed | Failed | Total | Pass Rate |
|--------------------|---------------|---------------|--------------|------------------|
| English | 1,480 | 878 | 2,358 | 63% |
| Korean | 5 | 6 | 11 | 45% |
| Spanish | 12 | 21 | 33 | N/A |
| Vietnamese | 147 | 141 | 288 | 51% |
| Total | 1,644 | 1,046 | 2,690 | 61% |

| Manicurist | Passed | Failed | Total | Pass Rate |
|-------------------|---------------|---------------|--------------|------------------|
| English | 250 | 230 | 480 | 52% |
| Korean | 1 | 1 | 2 | 50% |
| Spanish | 12 | 6 | 18 | 67% |
| Vietnamese | 516 | 154 | 670 | 77% |
| Total | 779 | 391 | 1,170 | 67% |

| Electrologist | Passed | Failed | Total | Pass Rate |
|----------------------|---------------|---------------|--------------|------------------|
| English | 16 | 2 | 18 | 89% |
| Korean | 0 | 0 | 0 | N/A |
| Spanish | 0 | 0 | 0 | N/A |
| Vietnamese | 0 | 0 | 0 | N/A |
| Total | 16 | 2 | 18 | 89% |

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

Practical Exam Results - Apprentice Program

| License Type | Passed | Failed | Total | Pass Rate |
|---------------|------------|------------|------------|------------|
| Barber | 160 | 72 | 232 | 69% |
| Cosmetologist | 195 | 114 | 309 | 63% |
| Total | 355 | 186 | 541 | 66% |

Practical Exam Results - Out of Country

| License Type | Passed | Failed | Total | Pass Rate |
|---------------|------------|------------|------------|------------|
| Barber | 17 | 32 | 49 | 35% |
| Cosmetologist | 63 | 93 | 156 | 40% |
| Esthetician | 8 | 9 | 17 | 47% |
| Manicure | 15 | 7 | 22 | 68% |
| Total | 103 | 141 | 244 | 42% |

Written Exam Results - Apprentice Program

| License Type | Passed | Failed | Total | Pass Rate |
|---------------|------------|------------|------------|------------|
| Barber | 137 | 141 | 278 | 49% |
| Cosmetologist | 129 | 216 | 345 | 37% |
| Total | 266 | 357 | 623 | 43% |

Written Exam Results - Out of Country

| License Type | Passed | Failed | Total | Pass Rate |
|---------------|------------|-----------|------------|------------|
| Barber | 51 | 24 | 75 | 68% |
| Cosmetologist | 145 | 42 | 187 | 78% |
| Esthetician | 7 | 14 | 21 | 33% |
| Manicure | 5 | 2 | 7 | 71% |
| Total | 208 | 82 | 290 | 72% |

Practical Exam Results - School Program

| License Type | Passed | Failed | Total | Pass Rate |
|---------------|--------------|--------------|--------------|------------|
| Barber | 642 | 197 | 839 | 77% |
| Cosmetologist | 1,753 | 424 | 2,177 | 81% |
| Electrologist | 12 | 3 | 15 | 80% |
| Esthetician | 1,742 | 860 | 2,602 | 67% |
| Manicurist | 1,076 | 1,027 | 2,103 | 51% |
| Total | 5,225 | 2,511 | 7,736 | 68% |

Written Exam Results - School Program

| License Type | Passed | Failed | Total | Pass Rate |
|---------------|--------------|--------------|--------------|------------|
| Barber | 583 | 361 | 944 | 62% |
| Cosmetologist | 1,389 | 783 | 2,172 | 64% |
| Electrologist | 16 | 2 | 18 | 89% |
| Esthetician | 1,637 | 1,032 | 2,669 | 62% |
| Manicurist | 774 | 389 | 1,163 | 67% |
| Total | 4,399 | 2,567 | 6,966 | 63% |

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

Apprentice Programs

| Barber | Passed | Failed | Total | Pass Rate |
|--------------|------------|------------|------------|------------|
| English | 120 | 110 | 230 | 52% |
| Spanish | 17 | 31 | 48 | 35% |
| Total | 137 | 141 | 278 | 49% |

| Cosmo | Passed | Failed | Total | Pass Rate |
|--------------|------------|------------|------------|------------|
| English | 47 | 50 | 97 | 48% |
| Korean | 2 | 0 | 2 | 100% |
| Spanish | 66 | 166 | 232 | 28% |
| Vietnamese | 14 | 0 | 14 | 100% |
| Total | 129 | 216 | 345 | 37% |

Out of Country Schools

| Barber | Passed | Failed | Total | Pass Rate |
|--------------|-----------|-----------|-----------|------------|
| English | 8 | 14 | 22 | 36% |
| Spanish | 16 | 37 | 53 | 30% |
| Total | 24 | 51 | 75 | 32% |

| Cosmetologist | Passed | Failed | Total | Pass Rate |
|---------------|-----------|------------|------------|------------|
| English | 17 | 74 | 91 | 19% |
| Korean | 5 | 0 | 5 | 100% |
| Spanish | 11 | 68 | 79 | 14% |
| Vietnamese | 9 | 3 | 12 | 75% |
| Total | 42 | 145 | 187 | 22% |

| Esthetician | Passed | Failed | Total | Pass Rate |
|--------------|-----------|----------|-----------|------------|
| English | 9 | 6 | 15 | 60% |
| Korean | 1 | 0 | 1 | 100% |
| Spanish | 3 | 1 | 4 | 75% |
| Vietnamese | 1 | 0 | 1 | 100% |
| Total | 14 | 7 | 21 | 67% |

| Manicurist | Passed | Failed | Total | Pass Rate |
|--------------|----------|----------|----------|------------|
| English | 1 | 4 | 5 | 20% |
| Vietnamese | 1 | 1 | 2 | 50% |
| Total | 2 | 5 | 7 | 29% |

School Programs

| Barber | Passed | Failed | Total | Pass Rate |
|--------------|------------|------------|------------|------------|
| English | 547 | 283 | 830 | 66% |
| Korean | 0 | 0 | 0 | N/A |
| Spanish | 43 | 45 | 88 | 49% |
| Vietnamese | 20 | 6 | 26 | 77% |
| Total | 610 | 334 | 944 | 65% |

| Cosmo | Passed | Failed | Total | Pass Rate |
|--------------|--------------|------------|--------------|------------|
| English | 1,292 | 575 | 1,867 | 69% |
| Korean | 12 | 6 | 18 | 67% |
| Spanish | 64 | 72 | 136 | 47% |
| Vietnamese | 124 | 27 | 151 | 82% |
| Total | 1,492 | 680 | 2,172 | 69% |

| Electrologist | Passed | Failed | Total | Pass Rate |
|---------------|----------|-----------|-----------|------------|
| English | 2 | 16 | 18 | 11% |
| Korean | 0 | 0 | 0 | N/A |
| Spanish | 0 | 0 | 0 | N/A |
| Vietnamese | 0 | 0 | 0 | N/A |
| Total | 2 | 16 | 18 | 11% |

| Esthetician | Passed | Failed | Total | Pass Rate |
|--------------|--------------|--------------|--------------|------------|
| English | 1,471 | 872 | 2,343 | 63% |
| Korean | 4 | 6 | 10 | 40% |
| Spanish | 9 | 20 | 29 | 31% |
| Vietnamese | 146 | 141 | 287 | 51% |
| Total | 1,630 | 1,039 | 2,669 | 61% |

| Manicurist | Passed | Failed | Total | Pass Rate |
|--------------|------------|------------|--------------|------------|
| English | 249 | 226 | 475 | 52% |
| Korean | 0 | 0 | 0 | N/A |
| Spanish | 12 | 6 | 18 | 67% |
| Vietnamese | 515 | 153 | 668 | 77% |
| Total | 776 | 385 | 1,161 | 67% |

Licenses Issued Fiscal Year 21/22

| License Type | Jul-Sept | Oct-Dec | Jan-Mar | Apr-June | YTD |
|------------------------|--------------|---------|---------|----------|--------------|
| Barber | 607 | | | | 607 |
| Barber Apprentice | 438 | | | | 438 |
| Cosmetology | 1,709 | | | | 1,709 |
| Cosmetology Apprentice | 257 | | | | 257 |
| Electrology | 12 | | | | 12 |
| Electrology Apprentice | 0 | | | | 0 |
| Esthetician | 1,330 | | | | 1,330 |
| Manicurist | 511 | | | | 511 |
| Establishment | 1,932 | | | | 1,932 |
| Mobile Unit | 0 | | | | 0 |
| Totals | 6,796 | | | | 6,796 |

Licenses Issued Last 5 Years

| License Type | FY 17/18 | FY 18/19 | FY 19/20 | FY 20/21 | FY 21/22* |
|------------------------|---------------|---------------|---------------|---------------|--------------|
| Barber | 2,259 | 1,966 | 1,691 | 1,085 | 607 |
| Barber Apprentice | 885 | 854 | 810 | 874 | 438 |
| Cosmetology | 7,085 | 6,468 | 4,810 | 3,153 | 1,709 |
| Cosmetology Apprentice | 727 | 842 | 642 | 584 | 257 |
| Electrology | 22 | 31 | 30 | 26 | 12 |
| Electrology Apprentice | 1 | 0 | 0 | 0 | 0 |
| Esthetician | 4,007 | 4,890 | 3,699 | 2,887 | 1,330 |
| Manicurist | 3,787 | 4,414 | 3,437 | 2,065 | 511 |
| Establishment | 7,609 | 7,706 | 6,937 | 6,302 | 1,932 |
| Mobile Unit | 2 | 0 | 0 | 0 | 0 |
| Totals | 26,384 | 27,171 | 22,056 | 16,976 | 6,796 |

*Data updated through September 2021

License Population

| | |
|------------------------|----------------|
| Barber | 33,182 |
| Barber Apprentice | 1,980 |
| Cosmetology | 303,474 |
| Cosmetology Apprentice | 1,434 |
| Electrology | 1,577 |
| Electrology Apprentice | - |
| Esthetician | 92,065 |
| Manicurist | 125,746 |
| Establishment | 55,510 |
| Mobile Unit | 55 |
| Total | 615,023 |

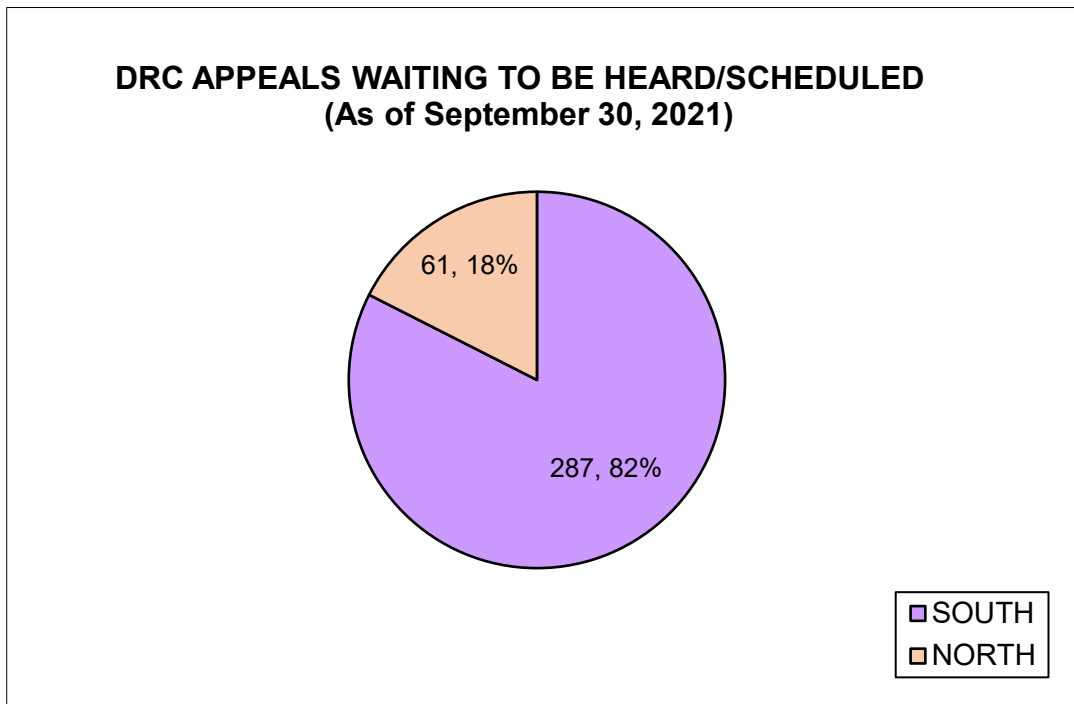
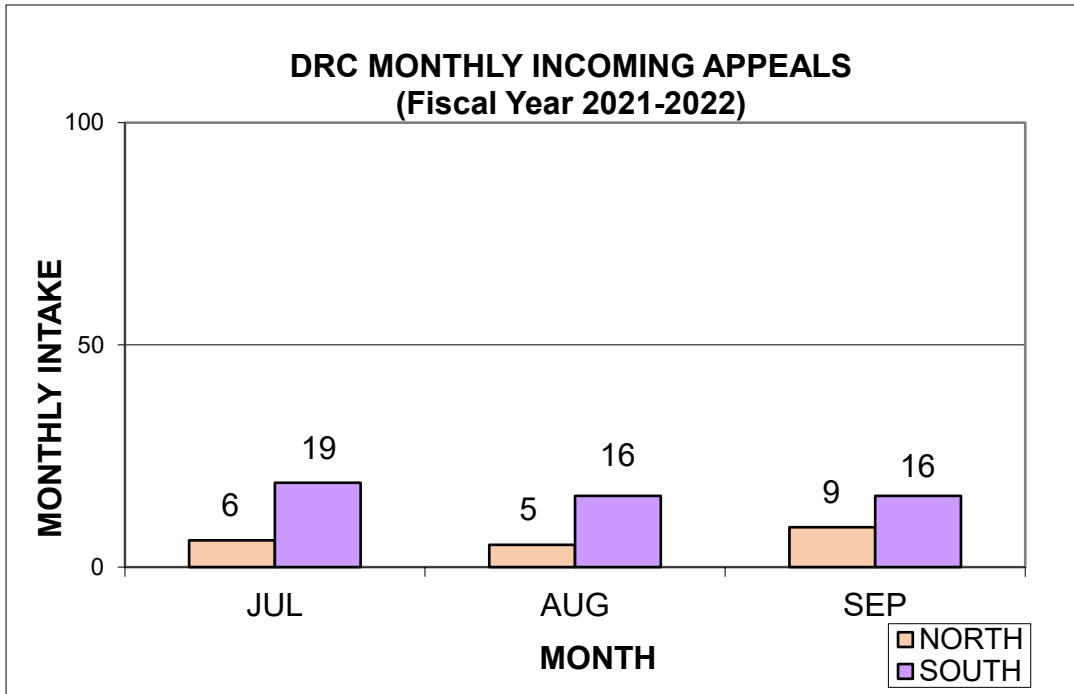
Disciplinary Review Committee Appeals Fiscal Year 21/22

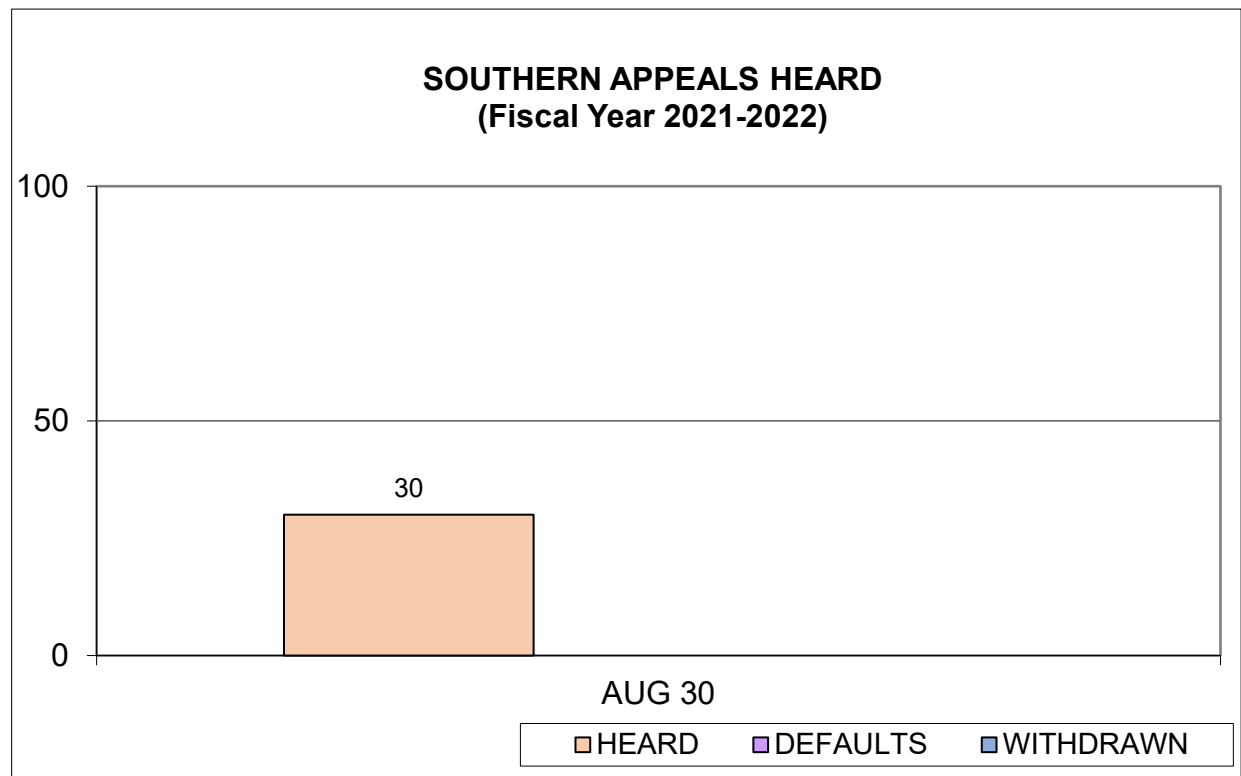
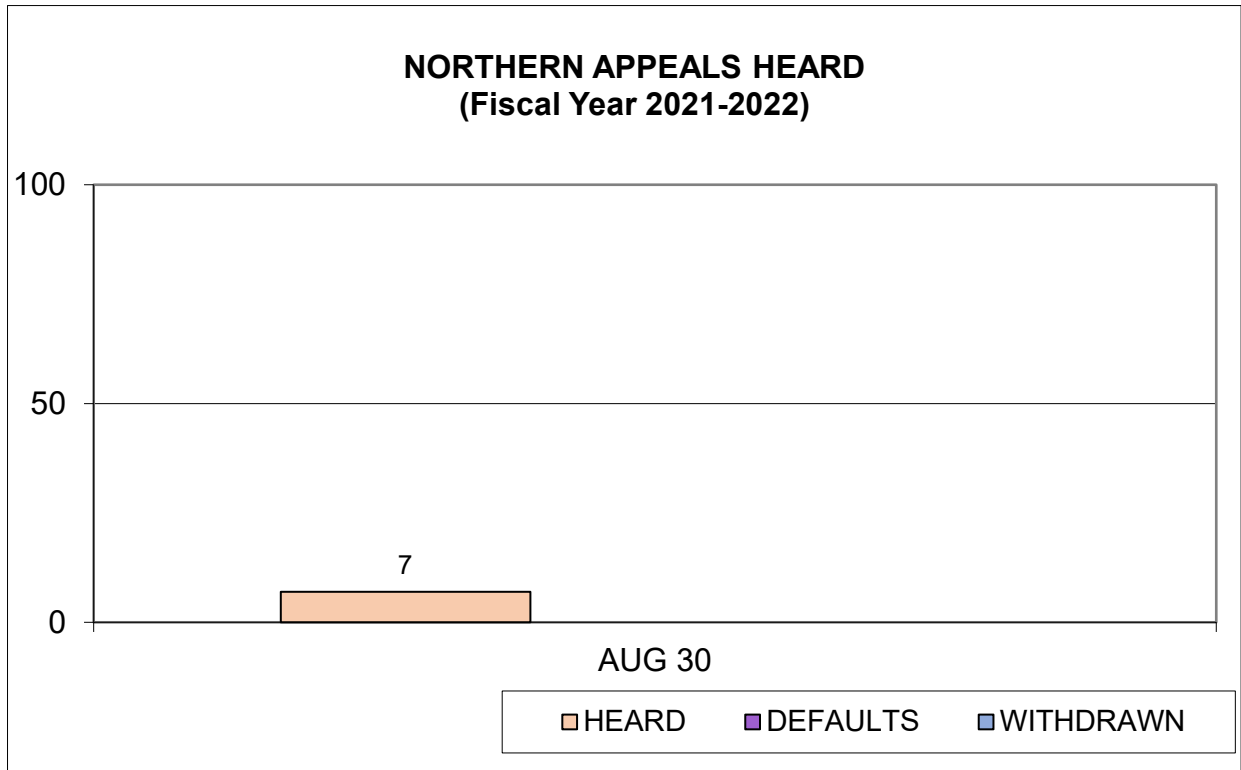
| Northern | Jul - Sept | YTD |
|----------------------|------------|-----------------|
| Heard | 7 | 7 |
| Received | 20 | 20 |
| Pending ¹ | 61 | 61 ² |

| Southern | Jul - Sept | YTD |
|----------------------|------------|------------------|
| Heard | 30 | 30 |
| Received | 51 | 51 |
| Pending ¹ | 287 | 287 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 09/30/2021.





Quarterly Enforcement Statistics Fiscal Year 21/22

| COMPLAINTS | Jul-Sept | Oct-Dec | Jan- Mar | Apr-Jun | YTD |
|--------------------------|-----------------|----------------|-----------------|----------------|------------|
| Complaints Received | 1084 | | | | 1084 |
| Referred to DOI | 3 | | | | 3 |
| Complaints Closed | 1261 | | | | 1261 |
| Total Complaints Pending | 1179 | | | | 1179 |
| Average Days to Close | 138 | | | | 138 |

| APPLICATION INVESTIGATIONS* | Jul-Sept | Oct-Dec | Jan- Mar | Apr-Jun | YTD |
|------------------------------------|-----------------|----------------|-----------------|----------------|------------|
| Received | 2 | | | | 2 |
| Pending | 11 | | | | 11 |
| Closed | 1 | | | | 1 |

| ATTORNEY GENERAL | Jul-Sept | Oct-Dec | Jan- Mar | Apr-Jun | YTD |
|---------------------------|-----------------|----------------|-----------------|----------------|------------|
| Referred | 6 | | | | 6 |
| Accusations Filed | 2 | | | | 2 |
| Statement of Issues Filed | 0 | | | | 0 |
| Total Pending | 19 | | | | 19 |

| DISCIPLINARY PROCESS | Jul-Sept | Oct-Dec | Jan- Mar | Apr-Jun | YTD |
|-----------------------------|-----------------|----------------|-----------------|----------------|------------|
| Proposed Decisions | 3 | | | | 3 |
| Default Decision | 1 | | | | 1 |
| Stipulation | 4 | | | | 4 |

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

| PROBATION | Jul-Sept | Oct-Dec | Jan- Mar | Apr-Jun | YTD |
|------------------|-----------------|----------------|-----------------|----------------|------------|
| Active | 102 | | | | 102 |

| CITATIONS | Jul-Sept | Oct-Dec | Jan-Mar | Apr-Jun | YTD |
|--------------------------|-----------------|----------------|----------------|----------------|-------------|
| Establishments | 723 | | | | 723 |
| Barber | 55 | | | | 55 |
| Barber Apprentice | 18 | | | | 18 |
| Cosmetologist | 83 | | | | 83 |
| Cosmetologist Apprentice | 5 | | | | 5 |
| Electrologist | 0 | | | | 0 |
| Electrologist Apprentice | 0 | | | | 0 |
| Manicurist | 64 | | | | 64 |
| Esthetician | 24 | | | | 24 |
| Unlicensed Est. | 66 | | | | 66 |
| Unlicensed Individual | 62 | | | | 62 |
| Total | 1100 | 0 | 0 | 0 | 1100 |

| INSPECTIONS | Jul-Sept* | Oct-Dec | Jan-Mar | Apr-Jun | YTD |
|-------------------------------|------------------|----------------|----------------|----------------|------------|
| Establishments w/ violations | 432 | | | | 432 |
| Establishments w/o violations | 319 | | | | 319 |
| Total | 751 | 0 | 0 | 0 | 751 |

*Data updated through July, 2021

Complaints Received July - September 2021

| Complaint Type | Anonymous | Internal | Public | Totals |
|-------------------------|------------|------------|------------|-------------|
| Fraud | 2 | 0 | 0 | 2 |
| Health & Safety | 301 | 34 | 137 | 472 |
| Non-Jurisdictional | 48 | 0 | 51 | 99 |
| Incompetence/Negligence | 0 | 0 | 85 | 85 |
| Other | 2 | 1 | 3 | 6 |
| Personal Conduct | 1 | 0 | 0 | 1 |
| Unlicensed Activity | 276 | 86 | 57 | 419 |
| App Investigation | 0 | 2 | 0 | 2 |
| Total | 630 | 123 | 333 | 1086 |

Complaints Received Last 5 Fiscal Years

| Category | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22* |
|-------------------------|-------------|-------------|-------------|-------------|-------------|
| Fraud | 84 | 86 | 50 | 20 | 2 |
| Health & Safety | 1604 | 1637 | 3462 | 4976 | 472 |
| Non-Jurisdictional | 319 | 354 | 643 | 337 | 99 |
| Incompetence/Negligence | 438 | 407 | 258 | 124 | 85 |
| Other | 19 | 39 | 80 | 95 | 6 |
| Personal Conduct | 6 | 2 | 2 | 2 | 1 |
| Unlicensed Activity | 1555 | 1841 | 1791 | 809 | 419 |
| App Investigation | 1061 | 194 | 12 | 12 | 2 |
| Total | 5086 | 4560 | 6298 | 6413 | 1086 |

*Data updated through September, 2021

Department of Consumer Affairs

Expenditure Projection Report

Board of Barbering & Cosmetology

Fiscal Month: 12

Fiscal Year: 2020 - 2021

PERSONAL SERVICES

| Fiscal Code | Line Item | CY Budget | YTD | Projections to Year End | Balance |
|-------------|--------------------------------|--------------------|--------------------|-------------------------|--------------------|
| 5100 | PERMANENT POSITIONS | \$4,917,000 | \$3,629,545 | \$3,855,871 | \$1,061,129 |
| 5100 | TEMPORARY POSITIONS | \$587,000 | \$458,662 | \$563,972 | \$23,028 |
| 5105-5108 | PER DIEM, OVERTIME, & LUMP SUM | \$0 | \$104,676 | \$249,873 | -\$249,873 |
| 5150 | STAFF BENEFITS | \$2,953,000 | \$2,375,099 | \$2,597,593 | \$355,407 |
| 5170 | SALARY SAVINGS | \$0 | \$0 | \$0 | \$0 |
| | PERSONAL SERVICES | \$8,457,000 | \$6,567,981 | \$7,267,309 | \$1,189,691 |

OPERATING EXPENSES & EQUIPMENT

| Fiscal Code | Line Item | CY Budget | YTD | Projections to Year End | Balance |
|-------------|---|---------------------|---------------------|-------------------------|--------------------|
| 5301 | GENERAL EXPENSE | \$191,000 | \$36,650 | \$36,650 | \$154,350 |
| 5302 | PRINTING | \$275,000 | \$709,390 | \$706,390 | -\$431,390 |
| 5304 | COMMUNICATIONS | \$41,000 | \$51,473 | \$51,473 | -\$10,473 |
| 5306 | POSTAGE | \$283,000 | \$15,751 | \$15,751 | \$267,249 |
| 5308 | INSURANCE | \$4,000 | \$9,951 | \$9,951 | -\$5,951 |
| 53202-204 | IN STATE TRAVEL | \$83,000 | \$21,797 | \$21,797 | \$61,203 |
| 53206-208 | OUT OF STATE TRAVEL | \$0 | \$0 | \$0 | \$0 |
| 5322 | TRAINING | \$11,000 | \$3,760 | \$3,760 | \$7,240 |
| 5324 | FACILITIES | \$1,022,000 | \$1,044,011 | \$1,044,011 | -\$22,011 |
| 53402-53403 | C/P SERVICES (INTERNAL) | \$1,672,000 | \$914,673 | \$914,673 | \$757,327 |
| 53404-53405 | C/P SERVICES (EXTERNAL) | \$1,696,000 | \$2,372,581 | \$2,372,581 | -\$676,581 |
| 5342 | DEPARTMENT PRORATA | \$6,150,000 | \$2,686,903 | \$5,686,903 | \$463,097 |
| 5342 | DEPARTMENTAL SERVICES | \$1,000 | \$12,870 | \$12,870 | -\$11,870 |
| 5344 | CONSOLIDATED DATA CENTERS | \$68,000 | \$50,540 | \$50,540 | \$17,460 |
| 5346 | INFORMATION TECHNOLOGY | \$38,000 | \$23,271 | \$23,271 | \$14,729 |
| 5362-5368 | EQUIPMENT | \$144,000 | \$82,609 | \$82,609 | \$61,391 |
| 5390 | OTHER ITEMS OF EXPENSE | \$43,000 | \$87,099 | \$87,099 | -\$44,099 |
| 54 | SPECIAL ITEMS OF EXPENSE | \$0 | \$0 | \$0 | \$0 |
| | OPERATING EXPENSES & EQUIPMENT | \$11,722,000 | \$11,120,329 | \$11,120,329 | \$601,671 |
| | Total Expense | \$20,179,000 | \$18,387,638 | \$18,387,638 | \$1,791,632 |
| | Unsched. Reimb | -\$75,272 | -\$75,272 | -\$75,272 | \$75,272 |
| | Schd. Reimb- External | | | | -\$57,000 |
| | OVERALL TOTALS | \$20,103,728 | \$18,312,366 | \$18,312,366 | \$1,809,904 |

9.00%

| Barbering and Cosmetology (Dollars in Thousands) Fund Condition based on BA 2021-22 | Actual 2020-21 | CY 2021-22 | BY 2022-23 | BY+1 2023-24 |
|--|---------------------------|-----------------------|-----------------------|-------------------------|
| BEGINNING BALANCE | \$ 46,274 | \$ 41,817 | \$ 41,180 | \$ 40,228 |
| Prior Year Adjustment | \$ - | \$ - | \$ - | \$ - |
| Adjusted Beginning Balance | \$ 46,274 | \$ 41,817 | \$ 41,180 | \$ 40,228 |
| REVENUES, TRANSFERS AND OTHER ADJUSTMENTS | | | | |
| Revenues | | | | |
| 4129200 - Other regulatory fees | \$ 1,127 | \$ 4,006 | \$ 4,006 | \$4,006 |
| 4129400 - Other regulatory licenses and permits | \$ 2,974 | \$ 3,569 | \$ 3,569 | \$ 3,569 |
| 4127400 - Renewal fees | \$ 9,306 | \$ 12,600 | \$ 12,600 | \$ 12,600 |
| 4121200 - Delinquent fees | \$ 1,047 | \$ 1,332 | \$ 1,332 | \$ 1,332 |
| 4142500 - Miscellaneous services to the public | \$ 20 | \$ - | \$ - | \$ - |
| 4163000 - Income from surplus money investments | \$ 184 | \$ 291 | \$ 596 | \$ 572 |
| 4171400 - Escheat - Unclaimed Checks, Warrants, Bonds, and Coupons | \$ 16 | \$ 12 | \$ 12 | \$ 12 |
| 4172500 - Miscellaneous Revenue | \$ 13 | \$ 8 | \$ 8 | \$ 8 |
| Totals, Revenues | \$ 14,687 | \$ 21,818 | \$ 22,123 | \$ 22,099 |
| General Fund Transfers and Other Adjustments | \$ -25,000 | \$ - | \$ - | \$ - |
| TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS | \$ -10,313 | \$ 21,818 | \$ 22,123 | \$ 22,099 |
| TOTAL RESOURCES | \$ 35,961 | \$ 63,635 | \$ 63,303 | \$ 62,327 |

| EXPENDITURES AND EXPENDITURE ADJUSTMENTS | Actual 2020-21 | CY 2021-22 | BY 2022-23 | BY+1 2023-24 |
|--|---------------------------|-----------------------|-----------------------|-------------------------|
| Expenditures: | | | | |
| 1111 Program Expenditures (State Operations) | \$ 18,313 | \$ 20,673 | \$ 21,293 | \$ 21,931 |
| GSI 4.55 Percent Increase | \$ - | \$ 277 | \$ 277 | \$ 277 |
| 9892 Supplemental Pension Payments (State Operations) | \$ 316 | \$ 316 | \$ 316 | \$ 316 |
| 9900 Statewide Pro Rata | \$ 1,115 | \$ 1,189 | \$ 1,189 | \$ 1,189 |
| Less funding provided by the General Fund (State Operations) | \$ -25,600 | \$ - | \$ - | \$ - |
| TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS | \$ -5,856 | \$ 22,455 | \$ 23,075 | \$ 23,713 |
| FUND BALANCE | | | | |
| Reserve for economic uncertainties | \$ 41,817 | \$ 41,180 | \$ 40,228 | \$ 38,614 |
| Months in Reserve | 22.3 | 21.4 | 20.4 | 19.5 |

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
CY revenue and expenditures are projections.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
Website: www.barbercosmo.ca.gov



MEMORANDUM

DATE October 25, 2021
TO: Members, Board of Barbering and Cosmetology
FROM: Kristy Underwood, Executive Officer
SUBJECT: Outreach Update

National Association of Barber Boards of America Conference

Executive Officer Kristy Underwood attended the National Association of Barber Boards of America Conference September 19-23, 2021 in Arlington, Virginia

Cosmetology and Barbering Interstate Compact Technical Assistance Group

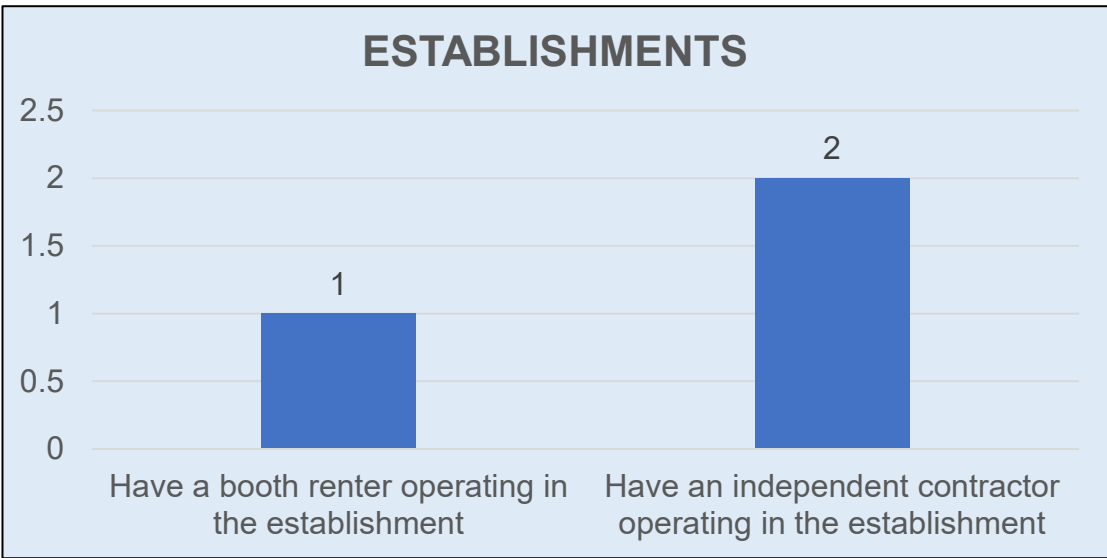
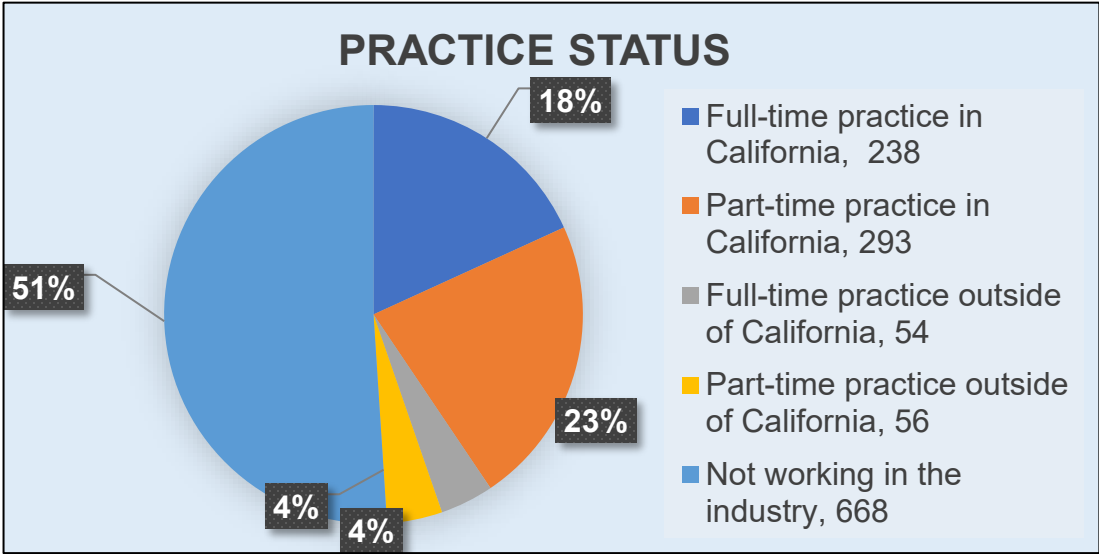
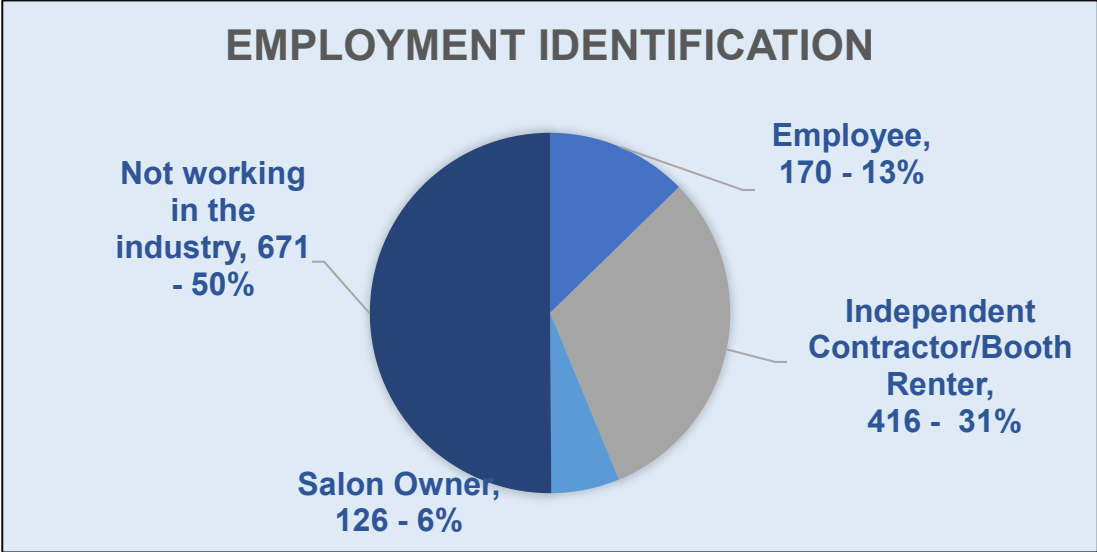
Executive Officer Kristy Underwood attended the Cosmetology and Barbering Interstate Compact Technical Assistance Group October 6-7, 2021 in Washington, D.C.

Tentatively Scheduled:

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

Practice Status Survey Results

July 1 - September 30, 2021



Board of Barbering & Cosmetology

Strategic and Action Plan

2018-2022



Goal 1: Board Administration

The Board promotes organizational success through the development of staff and management.

1. Establish and implement a comprehensive training plan for managers and staff to strengthen and develop their skills in promoting quality customer service in the workplace and improving the experience of stakeholders and consumers when interacting with Board administration.

| Target Completion Date: January 2019 | | | |
|---|-----------------------|-----------------|--------------------|
| Success Measure: Increase in the overall rating of the Department of Consumer Affairs (DCA) Consumer Satisfaction Survey and the Inspection Satisfaction Survey. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Identify SOLID available courses and tailor them to BBC classifications. | Executive Officer | July 2018 | Completed/Ongoing. |
| 2. Identify courses BBC staff is required to take annually (including customer service). | Executive Officer | July 2018 | Completed/Ongoing. |
| 3. Collaborate with SOLID to develop courses that identify specific needs of BBC staff (including diversity and cultural courses). | Board Project Manager | Jan. 2019 | Completed. |
| 4. Develop an upward mobility training plan for all classifications. | Executive Officer | July 2018 | Completed/Ongoing. |
| 5. Develop a customer service agenda item for discussion during monthly unit meetings. | Unit Managers | Sep. 2021 | Completed/Ongoing. |
| 6. Encourage staff to attend training courses. | Unit Managers | Feb. 2018 | Completed/Ongoing. |

2. Establish and implement internal communications to notify Board members and staff of industry issues, health and safety concerns, trends, and products for the furtherance of consumer protection.

| Target Completion Date: February 2018 | | | |
|--|--------------------------|------------------------|---------------------------|
| Success Measure: Newsletter emailed monthly. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Identify issues, health and safety concerns, trends, and products for the newsletter. | Board Project Manager | Feb. 2018 | Completed/Ongoing. |
| 2. Develop the monthly in-house newsletter for staff. | Executive Officer | Feb. 2018 | Completed. |
| 3. Establish submission and publication dates for the newsletter. | Executive Officer | Feb. 2018 | Completed |
| 4. Email newsletter to all staff. | Executive Officer | Feb. 2018 | Completed/Ongoing. |
| 5. Disseminate relevant updates to board members. | Executive Officer | Feb. 2018 | Completed/Ongoing. |

3. Deliver the Board’s *Sunset Review Report* and testify at the Sunset Review Hearing for compliance with legislative mandate and to ensure the Board’s continuance.

| Target Completion Date: March 2019 | | | |
|---|---------------------------------------|------------------------|-------------------|
| Success Measure: Favorable recommendation to continue as a board. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Prepare the Sunset Review Report. | Executive Officer | July 2018 | Completed. |
| 2. Prepare all data reports and supporting documentation for the report. | Executive Officer | July 2018 | Completed. |
| 3. Respond to legislative questionnaire. | Executive Officer | TBD | Completed. |
| 4. Draft initial report to submit to the board members for approval by August 13, 2018 meeting. | Executive Officer | July 2018 | Completed. |
| 5. Present the final report to the Board members for approval by October 21, 2018. | Executive Officer | Oct. 2018 | Completed. |
| 6. Deliver the Sunset Review Report to the Business, Professions, and Economic Development Committee by November 1, 2018. | Board Project Manager | Nov. 2018 | Completed. |
| 7. Testify. | Executive Officer and Board President | Mar. 2019 | Completed. |

Goal 2: Legislation & Regulation

The Board supports legislation and adopts regulations, policies, and procedures that reinforce its mission, vision, and goals.

1. Prepare, propose, and obtain approval on legislative proposals (i.e. continuing education requirements, reassessment of the license types, obtaining sole oversight of schools, revision of the scopes of practice and the assessment of appropriate licensing categories) for the continued relevancy of the professions and for consumer protection.

| Target Completion Date: January 2018 | | | |
|--|-------------------|-----------------|------------|
| Success Measure: Increased board member participation in legislative working relationships. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Hold a Legislative and Budgets Committee for discussion and legislative proposal for board. | Executive Officer | Jan. 2018 | Completed. |

2. Develop and implement a proactive and transparent communications strategy (i.e. mailings and digital correspondence) to ensure consumer and licensee awareness of changes to the Board’s statutes and regulations.

| Target Completion Date: July 2020 | | | |
|--|-----------------------|-----------------|----------|
| Success Measure: Positive results in survey. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Hold a Legislation and Regulation Committee for discussion in developing and implementing a communication strategy. | Executive Officer | Jan. 2019 | On hold. |
| 2. Implement action plan. | Board Project Manager | July 2019 | On hold. |
| 3. Develop survey to measure effectiveness. | Executive Officer | Aug. 2019 | On hold. |
| 4. Analyze survey results. | Executive Officer | July 2020 | On hold. |

3. Create a greater presence by developing relationships with legislators by hosting legislative briefings and by creating policy platforms and priorities to advance the interest of the Board.

| Target Completion Date: March 2019 | | | |
|--|--|------------------------|---------------------------|
| Success Measure: Policy platforms and priorities adopted by legislature. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Hold a Legislative and Budgets Committee for discussion and recommendations relating to policy platforms and legislative priorities of the Board. | Executive Officer | Mar. 2018 | Completed. |
| 2. Implement legislative best practices adopted by board members. | Board Project Manager, Executive Officer | Mar. 2019 | Completed/Ongoing. |
| 3. Review and update best practices annually based on directives from the Legislative and Budgets Committee. | Board Project Manager, Executive Officer | Dec. 2018 | Completed/Ongoing. |

4. Establish and implement regulations for the Personal Service Permit to fulfill the Board’s legislative mandate.

| Target Completion Date: December 2022 | | | |
|--|--------------------------|------------------------|---------------------------|
| Success Measure: Personal Service Permit (PSP) is implemented. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Prepare a risk assessment as required by board members. | Board Project Manager | Jan. 2018 | Completed. |
| 2. Present risk assessment to Licensing and Exam Committee. | Board Project Manager | Jan. 2018 | Completed. |
| 3. Receive direction from the Licensing and Exam Committee to take recommendations to the full board for adoption. | Board Project Manager | May 2018 | Completed. |
| 4. Develop regulations. | Board Project Manager | Dec 2022 | Completed. |
| 5. Develop implementation plan. | Board Project Manager | Dec 2022 | Completed/Ongoing. |
| 6. Assess the need for a budget change proposal. | Executive Officer | Dec 2022 | Completed. |
| 7. Assess the need for BreZE update. | Deputy Executive Officer | Dec 2022 | Completed. |

Goal 3: Examinations

The Board administers written and practical examinations to ensure a candidate’s minimal competency of the profession.

1. Conduct an audit of the National-Interstate Council (NIC) examination, including:
 - Accuracy of examination translations
 - Examination consistency
 - Effectiveness of the examiner trainings

This is to ensure examination relevance in relation to the future professional’s need and NIC’s effectiveness.

| Target Completion Date: December 2022 | | | |
|--|-----------------------|-----------------|------------|
| Success Measure: Completion of the audit and delivery of the Sunset Review Report to the legislature. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Conduct the Cosmetology NIC audit workshop. | Board Project Manager | Jan. 2018 | Completed. |
| 2. Obtain audit from Office of Professional Examinations Services (OPES). | Board Project Manager | June 2018 | Completed. |
| 3. Include audit within the Sunset Review Report. | Board Project Manager | Oct. 2018 | Completed. |
| 4. Review NIC audit by Exam and Licensing Committee and provide recommendations to the Board. | Executive Officer | Dec. 2022 | On hold. |

2. Conduct occupational analysis of the license types to determine NIC examination relevancy in relation to the profession.

| Target Completion Date: December 2021 | | | |
|--|-----------------------|-----------------|------------|
| Success Measure: Completion of occupational analysis for all license types. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Conduct occupational analysis of the barbering profession. | Board Project Manager | Dec. 2018 | Completed. |
| 2. Conduct occupational analysis of the electrology profession. | Board Project Manager | Dec. 2019 | Completed. |
| 3. Conduct occupational analysis of the esthetic profession. | Board Project Manager | Dec. 2020 | Completed. |
| 4. Conduct occupational analysis of the manicuring profession. | Board Project Manager | Dec. 2021 | Completed. |

3. Research the relevancy of the practical examination to evaluate the effectiveness of the examination.

| Target Completion Date: December 2021 | | | |
|---|--------------------------|------------------------|---------------|
| Success Measure: Completed report. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Research and develop a comprehensive report. (States that offer/don't offer the practical exam, pros/cons of the practical exam, BBC survey results from licensees, instructors and schools, fiscal analysis impact, etc.) | TBD | Jan. 2021 | On hold. |
| 2. Present findings to the Licensing and Exam committee for recommendation to the full board. | TBD | Dec. 2021 | On hold. |

Goal 4: Licensing

The Board provides individuals a method for obtaining and maintaining a license.

1. Review and evaluate license-type curricula to ensure students are being educated in relevant subject matters.

| Target Completion Date: January 2023 | | | |
|---|--------------------------|------------------------|-------------------|
| Success Measure: Completed reviews of all license-type curricula. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Conduct a 1,600-hour cosmetology curriculum review. | Board Project Manager | Mar. 2018 | Completed. |
| 2. Present findings to the presiding board members for recommendation and/or adoption. | Executive Officer | May 2018 | Completed. |
| 3. Include report within the Sunset Review Report. | Board Project Manager | Oct. 2018 | Completed. |
| 4. Conduct a 1,500-hour barber curriculum review. | Board Project Manager | July 2019 | On hold. |
| 5. Present findings to the presiding board members for recommendation and/or adoption. | Executive Officer | Jan. 2020 | On hold. |
| 6. Conduct a 600-hour electrology curriculum review. | Board Project Manager | July 2020 | On hold. |
| 7. Present findings to the presiding board members for recommendation and/or adoption. | Executive Officer | Jan. 2021 | On hold. |
| 8. Conduct a 600-hour skin care curriculum review. | Board Project Manager | July 2021 | On hold. |
| 9. Present findings to the presiding board members for recommendation and/or adoption. | Executive Officer | Jan. 2022 | On hold. |
| 10. Conduct a 400-hour nail care curriculum review. | Board Project Manager | July 2022 | On hold. |
| 11. Present findings to the presiding board members for recommendation and/or adoption. | Executive Officer | Jan. 2023 | On hold. |

- Review trends that impact the scope of practice of licensees to be proactive for the industry and to protect consumers.

| Target Completion Date: January 2019 | | | |
|---|--------------------------|------------------------|-------------------|
| Success Measure: Established continual reporting of trends. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Determine the resources to identify the trends impacting the scope of practice. | Board Project Manager | Sep. 2018 | Completed. |
| 2. Develop a tracking system to organize and store the trend information. | Board Project Manager | Dec. 2018 | Completed. |
| 3. Create a standing agenda discussion item for the Enforcement and Inspections Committee with recommendations to the full board. | Executive Officer | Jan 2019 | Delayed. |

Goal 5: Inspections

The Board inspects establishments to determine violations of the laws and regulations and educates individuals on how to be compliant with the laws and regulations governing safe practices in California.

1. Research and proceed with legislation to increase inspector wages including, the adjustment of the bargaining unit to increase the number of inspectors to accurately enforce consumer protection.

| Target Completion Date: December 2018 | | | |
|--|-------------------|-----------------|--------------|
| Success Measure: Increase salary of inspector salary classification. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Research the best possible means to go about increasing the inspectors' salary. | Executive Officer | Jan. 2018 | In progress. |
| 2. Gather statistical information to support increase in salary to be provided during unit bargaining. | Executive Officer | Dec. 2018 | In progress. |

2. Conduct yearly updated training with Board inspectors to develop relevant language access skills, cultural competency, customer services skills, and consistency in reporting writing. This training is to increase consistency in inspection procedures and in the criteria inspectors use to monitor compliance.

| Target Completion Date: December 2019 | | | |
|--|---------------------|-----------------|--------------|
| Success Measure: Full inspector staff compliance with mandatory training. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Research available SOLID and external training. | Inspections Manager | Apr. 2018 | Completed. |
| 2. Edit the 2018 inspector language access protocol. | Inspections Manager | Dec. 2020 | In progress. |
| 3. Develop annual training plan listing all mandatory inspector trainings for staff. | Inspections Manager | Dec. 2018 | Completed. |
| 4. Confirm enrollment compliance with annual training requirements. | Inspections Manager | Dec. 2019 | Completed. |

Goal 6: Enforcement

The Board protects the health and safety of consumer services by effectively investigating complaints and violations and promoting compliance through the issuance of citations and fines, and by educating businesses and individuals on the laws and regulations governing safe practices in California.

1. Investigate and report to the Board ways to mitigate the selling of hours within the regulatory authority of the Board to ensure consumer protection.

| Target Completion Date: December 2018 | | | |
|--|--------------------------|------------------------|-------------------|
| Success Measure: Reporting to board methods to mitigate the selling of hours. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Research and develop data reports to determine selling of hours trends. | Executive Officer | Jan. 2018 | Completed. |
| 2. Discuss enforcement authority with Deputy Attorney General liaison (BC&P §7362 C). | Enforcement Manager | Jan. 2018 | Completed. |
| 3. Develop and implement investigation procedures for the selling of hours. | Enforcement Manager | June 2018 | Completed. |
| 4. Develop a report and possible legislative and regulatory changes on methods to mitigate the selling of hours. | Executive Officer | Dec. 2018 | Completed. |

- Evaluate and establish enforcement procedures by applying best practices consistent with the Board’s mission to protect consumers.

| Target Completion Date: June 2019 | | | |
|--|--------------------------|------------------------|--------------------|
| Success Measure: Increased enforcement unit productivity. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Analyze and distribute monthly individual analyst statistics. | Enforcement Manager | Feb. 2018 | Completed. |
| 2. Update BreEZe system to streamline processes. | Enforcement Manager | Jan. 2018 | Completed/Ongoing. |
| 3. Update procedure manual as processes change. | Enforcement Manager | (ongoing) | Completed/Ongoing. |
| 4. Research and identify enforcement best practices from other DCA programs. | Enforcement Manager | Jan. 2019 | Completed/Ongoing. |
| 5. Develop a list of best practices | Enforcement Manager | June 2019 | Delayed. |

- Propose and create procedures and/or regulations for proactively addressing unlicensed activity including, but not limited to, activity instigated by application-based programs and web-based employment lists for the protection of consumers.

| Target Completion Date: December 2018 | | | |
|---|--------------------------|------------------------|---------------|
| Success Measure: Proactively addressing unlicensed activity. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Monitor the creation of regulations addressing BC&P §7402.5 PSP. | Enforcement Manager | Dec. 2018 | Completed. |
| 2. Hire additional staff to proactively research unlicensed establishments. | Enforcement Manager | Mar. 2018 | Delayed. |
| 3. Develop a flyer for inspectors to distribute during inspections to unlicensed operators. | Deputy Executive Officer | July 2018 | In Progress. |
| 4. Research options for requiring photographs on all individual licenses. | Deputy Executive Officer | Dec. 2018 | Delayed. |

4. Research and collaborate with local municipal government and license-issuing businesses to bring awareness and encourage licensee compliance.

| Target Completion Date: December 2019 | | | |
|---|--------------------------|------------------------|---------------------|
| Success Measure: Improve communication with local municipal government and license-issuing businesses. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Develop letter regarding BBC establishment and individual licensure requirements. | Deputy Executive Officer | Dec. 2019 | In Progress. |
| 2. Inform license-issuing agencies regarding BBC establishment and individual licensure requirements. | Deputy Executive Officer | Dec. 2019 | In Progress. |
| 3. Research business licensing agencies ordinances regarding licensing by state agencies. | Deputy Executive Officer | Dec. 2019 | In Progress. |
| 4. Coordinate with local municipal government and collaborate on outreach opportunities. | Deputy Executive Officer | Dec. 2019 | In Progress. |
| 5. Develop a short video summarizing what is require for establishment ownership and where individuals can go for additional information. | Board Project Manager | Dec. 2019 | In Progress. |

Goal 7: Outreach

The Board educates stakeholders on the laws and regulations and other issues relevant to the industry.

1. Develop and implement proactive and effective communications strategies, accounting for the digital divide and budgetary considerations, to empower consumers and licensees.

| Target Completion Date: December 2019 | | | |
|---|-------------------|-----------------|--------------|
| Success Measure: Implementing the recommendation of the board and holding outreach events. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Hold an Education and Outreach Committee for discussion and recommendations for developing communication strategies. | Executive Officer | Jan. 2019 | Completed. |
| 2. Present recommendation from committee to full board for adoption. | Executive Officer | July 2019 | In Progress. |
| 3. Based on adoption, implement outreach plan. | Executive Officer | Dec. 2019 | Delayed. |

2. Audit, update, and disseminate regulations and statues in simple language for stakeholders (i.e. FAQs) for better understanding.

| Target Completion Date: July 2020 | | | |
|---|-------------------|-----------------|--------------|
| Success Measure: Updated regulations in simple language. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Conduct a complete audit of all the regulations for consumer protection relevancy. | Executive Officer | July 2019 | In Progress. |
| 2. Present audit findings to Enforcement Committee for consideration and discussion. | Executive Officer | Jan. 2020 | Delayed. |
| 3. Submit Enforcement Committee recommendations to the full board for adoption. | Executive Officer | July 2020 | Delayed. |
| 4. Based on adoption, implement outreach plan. | Executive Officer | Jan 2021 | Delayed. |

3. Develop a consumer-facing campaign to educate the public on unlicensed activity.

| Target Completion Date: Jan. 2019 | | | |
|---|--------------------------|------------------------|-------------------|
| Success Measure: Implementation of board adopted consumer outreach campaign. | | | |
| Tasks | Responsible Party | Completion Goal | Status |
| 1. Hold an Education and Outreach Committee for discussion and recommendations for developing a consumer outreach campaign. | Executive Officer | Jan. 2018 | Completed. |
| 2. Present recommendation from committee to full board for adoption. | Executive Officer | Aug. 2018 | Completed. |
| 3. Based on adoption, implement consumer outreach campaign. | Executive Officer | Jan. 2019 | Completed. |

SB 803 Implementation Plan Outline

Below are tentative tasks involved with implementation of SB 803. Tasks are subject to change and timelines are still being developed.

| Business and Professions Code (BPC) Section | Tasks |
|--|--|
| 7303 Board Members | <ul style="list-style-type: none"> • Update Board Member manual |
| 7316 Hairstylist License | <ul style="list-style-type: none"> • Conduct occupational analysis • Develop examination • Prepare regulation package • Update and modify BreEZe |
| 7316 Estheticians | <ul style="list-style-type: none"> • Update website with new scope information |
| 7331 Reciprocity | <ul style="list-style-type: none"> • Modify BreEZe ticket to remove 3-year requirement from transaction checklist for new apps • Update application forms • Update website FAQs and BarberCosmo email signatures |
| 7334 Pre-Apprentice Training | <ul style="list-style-type: none"> • Develop program (project plan, time frame) |
| 7337.5 Removal of Pre-App | <ul style="list-style-type: none"> • Coordinate with PSI and OIS for written examination increases • Modify BreEZe • Determine system to receive POTs from candidates that no show for the practical and were supposed to provide POT • Update website and BarberCosmo automatic response |
| 7338 Removal of Practical | <ul style="list-style-type: none"> • Coordinate staffing issues with DCA HR • Determine status of building leases • Determine what to do with PSI sub-leases • Plan for survey of site equipment and inventory • Update Exam and Re-exam applications • Update Exam Information webpage - remove practical information and CIBs • Create outreach plan for candidates without POT • Receive updated PSI Handbook • Create flyer to hand out with exam results stating don't reapply, wait until Jan 1 • Update BarberCosmo email responses and automatic response • Update website FAQs and 'Helpful Hints' flyer |
| 7355 Mobile Unit | <ul style="list-style-type: none"> • Update application • Update FAQs and BarberCosmo email signatures |

| | |
|-----------------------------|--|
| 7362-7365 School Curriculum | <ul style="list-style-type: none"> • Create Q&A for licensees and schools for homepage of website with BPPE • Amend regs regarding curriculum • Approve new barbering and cosmetology courses with BPPE |
| 7395.1 Externs | <ul style="list-style-type: none"> • Review Extern package already started • Update website FAQs |
| 7401 Survey | <ul style="list-style-type: none"> • Update practice status survey |
| 7407 Fines | <ul style="list-style-type: none"> • Determine definition of “direct impact” • Establish work group to review fine schedule • Prepare regulation package |
| Miscellaneous | <ul style="list-style-type: none"> • Create SB 803 Information page • Prepare recommended clean-up language • Review regs overall for clean up |



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Proposed Board Meeting Dates and Locations for 2022

January 24-25, 2022 – Board Meeting/Reinstatement
Tentative Location: Sacramento

April 25-26, 2022 – Board Meeting/Reinstatement
Tentative Location: Los Angeles

July 25-26, 2022 – Board Meeting/Reinstatement
Tentative Location: Sacramento

October 24-25, 2022 – Board Meeting/Reinstatement
Tentative Location: San Diego



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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. Dead bill.

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 Allen, Archuleta, Dodd, Jones, Melendez, Newman, and Umberg

Bill Number: AB 107

Subject: Licensure: veterans and military spouses.

Version: October 8, 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 certain boards within DCA to issue temporary licenses to practice a profession or vocation within 30 days of receiving required documentation. The bill would require certain boards to submit to the department for approval draft regulations necessary to administer these provisions. 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: Chaptered by Secretary of State - Chapter 693, Statutes of 2021.

Analysis:

This bill no longer requires the Board to issue temporary licenses. 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 and the Board's website has information on this process.

Assembly Bill No. 107

CHAPTER 693

An act to amend Sections 2946 and 5132 of, to amend, repeal, and add Section 115.6 of, and to add Sections 115.8, 115.9, and 10151.3 to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

[Approved by Governor October 8, 2021. Filed with Secretary of State October 8, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 107, 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, on and after January 1, 2023, 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 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. 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. Existing law authorizes the immediate termination of a temporary license upon a finding that the temporary licenseholder failed to meet the requirements for temporary licensure or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure.

This bill, on and after July 1, 2023, would instead provide that these temporary licenses are nonrenewable and shall expire 12 months after issuance, upon issuance or denial of a standard license, upon issuance or denial of a license by endorsement, or upon issuance or denial of an expedited license, whichever occurs first. The bill, on and after July 1, 2023, would also require the board to revoke a temporary license if the board finds that the temporary licenseholder engaged in unprofessional conduct or any other act that is cause for discipline by the board.

This bill would require the Department of Consumer Affairs 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. The bill would also require the Department of Real Estate to compile specified information on military, veteran, and spouse licensure into an annual report for the Legislature.

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.

This bill would incorporate additional changes to Section 2946 of the Business and Professions Code proposed by SB 801 to be operative only if this bill and SB 801 are enacted and this bill is enacted last.

Appropriation: yes.

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

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

115.6. (a) A board within the department shall, after appropriate investigation, issue the following eligible temporary licenses to an applicant if the applicant meets the requirements set forth in subdivision (c):

- (1) Registered nurse license by the Board of Registered Nursing.
 - (2) Vocational nurse license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
 - (3) Psychiatric technician license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
 - (4) Speech-language pathologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
 - (5) Audiologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
 - (6) Veterinarian license issued by the Veterinary Medical Board.
 - (7) All licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists.
 - (8) All licenses issued by the Medical Board of California.
 - (9) All licenses issued by the Podiatric Medical Board of California.
- (b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.

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

(1) The applicant shall supply 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.

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

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that the applicant meets all of the requirements for the temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

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

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

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

(d) A board may adopt regulations necessary to administer this section.

(e) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of the licensed profession upon receipt.

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

(g) A temporary license issued pursuant to this section shall expire 12 months after issuance, upon issuance of an expedited license pursuant to

Section 115.5, or upon denial of the application for expedited licensure by the board, whichever occurs first.

(h) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 2. Section 115.6 is added to the Business and Professions Code, to read:

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

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

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

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

(1) The applicant shall supply 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.

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

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that the applicant meets all of the requirements for the temporary license, and that the information submitted in the application is accurate, to the best of the applicant's knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

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

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

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

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

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

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

(f) (1) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or (d) or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of the licensed profession upon receipt.

(2) Notwithstanding any other law, if, after notice and an opportunity to be heard, a board finds that a temporary licenseholder engaged in unprofessional conduct or any other act that is a cause for discipline by the board, the board shall revoke the temporary license.

(g) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists. The board shall issue a temporary license pursuant to this subdivision within 30 days of receiving documentation that the applicant has met the requirements specified in this subdivision and subdivisions (c) and (d) if the results of the criminal background check do not show grounds for denial.

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

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

(j) (1) This section shall not apply to 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 described in subdivisions (c) and (d).

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

(k) This section shall become operative on July 1, 2023.

SEC. 3. Section 115.8 is added to the Business and Professions Code, to read:

115.8. The Department of Consumer Affairs shall compile information on military, veteran, and spouse licensure into an annual report for the Legislature, which shall be submitted in conformance with Section 9795 of the Government Code. The report shall include all of the following:

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

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

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

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

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

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

SEC. 4. Section 115.9 is added to the Business and Professions Code, to read:

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

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

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

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

SEC. 5. Section 2946 of the Business and Professions Code is amended to read:

2946. (a) The board shall grant a license to any person who passes the board's supplemental licensing examination and, at the time of application, has been licensed for at least five years by a psychology licensing authority

in another state or Canadian province if the requirements for obtaining a certificate or license in that state or province were substantially equivalent to the requirements of this chapter.

(b) A psychologist certified or licensed in another state or province and who has made application to the board for a license in this state may perform activities and services of a psychological nature without a valid license for a period not to exceed 180 calendar days from the time of submitting their application or from the commencement of residency in this state, whichever first occurs.

(c) A psychologist certified or licensed in another state or 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 made application to the board for a license in this state may perform activities and services of a psychological nature without a valid license for a period not to exceed twelve months from the time of submitting their application or from the commencement of residency in this state, whichever first occurs.

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

SEC. 5.5. Section 2946 of the Business and Professions Code is amended to read:

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

(b) A psychologist certified or licensed in another state, territory, or province who has applied to the board for a license in this state may perform activities and services of a psychological nature without a valid California license for a period not to exceed 180 calendar days from the time of submitting their application or from the commencement of residency in this state, whichever first occurs.

(c) A psychologist certified or licensed in another state or 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 made application to the board for a license in this state may perform activities and services of a psychological nature without a valid license for a period not to exceed twelve months from the time of submitting their application or from the commencement of residency in this state, whichever first occurs.

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

Psychology. An applicant shall take and pass the required examinations unless waived by the board pursuant to this section.

SEC. 6. Section 5132 of the Business and Professions Code is amended to read:

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

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

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

SEC. 7. Section 10151.3 is added to the Business and Professions Code, to read:

10151.3. (a) The Department of Real Estate shall compile information on military, veteran, and spouse licensure into an annual report for the Legislature, which shall be submitted in conformance with Section 9795 of the Government Code. The report shall include all of the following:

(1) The number of applications for expedited licenses submitted by veterans and active duty spouses pursuant to paragraphs (c) and (d) of Section 10151.2.

(2) The number of licenses issued and denied per calendar year pursuant to paragraphs (c) and (d) of Section 10151.2.

(3) The average length of time between application and issuance of licenses pursuant to paragraphs (c) and (d) of Section 10151.2 per license type.

(b) This section shall become operative only if Section 10151.2, as proposed to be added by Senate Bill 800 of the 2021–22 Regular Session, is enacted and takes effect.

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

SEC. 9. Section 5.5 of this bill incorporates amendments to Section 2946 of the Business and Professions Code proposed by both this bill and Senate Bill 801. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill

amends Section 294 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 801, in which case Section 5 of this bill shall not become operative.

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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. Dead bill.

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.
 Dead bill.

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: Committee on Labor and Employment

Subject: Worker classification:
employees and independent
contractors

Bill Number: AB 1561

Version: September 30, 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 extend the inoperative date of this exemption for licensed manicurists to January 1, 2025.

Board Position: N/A

Status: Chaptered by Secretary of State - Chapter 422, Statutes of 2021.

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 for another 3 years.

Assembly Bill No. 1561

CHAPTER 422

An act to amend Sections 2778, 2781, 2782, and 2783 of the Labor Code, relating to worker classification.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1561, Committee on Labor and Employment. Worker classification: employees and independent contractors.

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 extend the inoperative date of this exemption for licensed manicurists to January 1, 2025.

Existing law exempts the relationship between a contractor and an individual performing work pursuant to a subcontract in the construction industry, if the contractor demonstrates that specified criteria are satisfied, including that the subcontractor is licensed by the Contractors State License Board and the work is within the scope of that license. Existing law, for construction trucking services, provides that the requirement of having this license does not apply to a subcontractor providing construction trucking services for which a contractor’s license is not required, as specified. This provision applies to work performed before January 1, 2022.

This bill would extend the applicable timeframe for this provision to work performed before January 1, 2025.

Existing law exempts the relationship between a data aggregator and an individual providing feedback to the data aggregator, if certain conditions are satisfied. These conditions include, among others, that any consideration paid for the feedback provided, if prorated to an hourly basis, is an amount equivalent to or greater than the minimum wage.

This bill would delete the above-described condition regarding the consideration paid. The bill would revise the exemption to instead apply to the relationship between a data aggregator and a “research subject,” as defined, and would make related, conforming changes.

Existing law also exempts a person or organization that is licensed by the Department of Insurance or a person who provides underwriting inspections, premium audits, risk management, or loss control work for the insurance and financial service industries.

This bill would expand that exception to also apply to a person who provides claims adjusting or third-party administration, as defined.

Existing law also exempts a manufactured housing salesperson, subject to specified legal obligations and regulations governing manufactured housing salespersons.

This bill, in regard to the above exemption, would provide that the statutorily imposed duties of a manufactured housing dealer are not factors to be considered under the Borello test.

This bill would incorporate additional changes to Section 2783 of the Labor Code proposed by AB 1506 to be operative only if this bill and AB 1506 are enacted and this bill is enacted last.

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

SECTION 1. Section 2778 of the Labor Code is amended to read:

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

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

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

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

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

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

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

(b) For purposes of this section:

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

(2) "Professional services" means services that meet any of the following:

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

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

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

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

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

(D) Graphic design.

(E) Grant writer.

(F) (i) Fine artist.

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

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

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

(I) Services provided by any of the following:

(i) By a still photographer, photojournalist, videographer, or photo editor who works under a written contract that specifies the rate of pay and obligation to pay by a defined time, as long as the individual providing the services is not directly replacing an employee who performed the same

work at the same volume for the hiring entity; the individual does not primarily perform the work at the hiring entity's business location, notwithstanding paragraph (1) of subdivision (a); and the individual is not restricted from working for more than one hiring entity. This subclause is not applicable to a still photographer, photojournalist, videographer, or photo editor who works on motion pictures, which is inclusive of, but is not limited to, theatrical or commercial productions, broadcast news, television, and music videos. Nothing in this section restricts a still photographer, photojournalist, photo editor, or videographer from distributing, licensing, or selling their work product to another business, except as prohibited under copyright laws or workplace collective bargaining agreements.

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

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

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

(II) "Digital content aggregator" means a licensing intermediary that obtains a license or assignment of copyright from a still photographer, photojournalist, videographer, or photo editor for the purposes of distributing that copyright by way of sublicense or assignment, to the intermediary's third-party end users.

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

(K) Services provided by an individual as a content contributor, advisor, producer, narrator, or cartographer for a journal, book, periodical, evaluation, other publication or educational, academic, or instructional work in any format or media, who works under a written contract that specifies the rate of pay, intellectual property rights and obligation to pay by a defined time, as long as the individual providing the services is not directly replacing an employee who performed the same work at the same volume for the hiring entity, the individual does not primarily perform the work at the hiring entity's business location notwithstanding paragraph (1) of subdivision (a); and the individual is not restricted from working for more than one hiring entity.

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

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

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

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

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

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

(vi) This subparagraph shall become inoperative, with respect to licensed manicurists, on January 1, 2025.

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

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

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

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

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

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

(B) For purposes of workers’ compensation by Section 3200 et seq.

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

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

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

SEC. 2. Section 2781 of the Labor Code is amended to read:

2781. Section 2775 and the holding in *Dynamex* do not apply to the relationship between a contractor and an individual performing work pursuant to a subcontract in the construction industry, and instead the determination of whether the individual is an employee of the contractor shall be governed by Section 2750.5 and by *Borello*, if the contractor demonstrates that all the following criteria are satisfied:

- (a) The subcontract is in writing.
- (b) The subcontractor is licensed by the Contractors State License Board and the work is within the scope of that license.
- (c) If the subcontractor is domiciled in a jurisdiction that requires the subcontractor to have a business license or business tax registration, the subcontractor has the required business license or business tax registration.
- (d) The subcontractor maintains a business location that is separate from the business or work location of the contractor.
- (e) The subcontractor has the authority to hire and to fire other persons to provide or to assist in providing the services.
- (f) The subcontractor assumes financial responsibility for errors or omissions in labor or services as evidenced by insurance, legally authorized indemnity obligations, performance bonds, or warranties relating to the labor or services being provided.
- (g) The subcontractor is customarily engaged in an independently established business of the same nature as that involved in the work performed.
- (h) (1) Subdivision (b) shall not apply to a subcontractor providing construction trucking services for which a contractor's license is not required by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, provided that all of the following criteria are satisfied:
 - (A) The subcontractor is a business entity formed as a sole proprietorship, partnership, limited liability company, limited liability partnership, or corporation.
 - (B) For work performed after January 1, 2020, the subcontractor is registered with the Department of Industrial Relations as a public works contractor pursuant to Section 1725.5, regardless of whether the subcontract involves public work.
 - (C) The subcontractor utilizes its own employees to perform the construction trucking services, unless the subcontractor is a sole proprietor who operates their own truck to perform the entire subcontract and holds a valid motor carrier permit issued by the Department of Motor Vehicles.
 - (D) The subcontractor negotiates and contracts with, and is compensated directly by, the licensed contractor.
- (2) For work performed after January 1, 2020, any business entity that provides construction trucking services to a licensed contractor utilizing more than one truck shall be deemed the employer for all drivers of those trucks.
- (3) For purposes of this subdivision, "construction trucking services" mean hauling and trucking services provided in the construction industry

pursuant to a contract with a licensed contractor utilizing vehicles that require a commercial driver’s license to operate or have a gross vehicle weight rating of 26,001 or more pounds.

(4) This subdivision shall only apply to work performed before January 1, 2025.

(5) Nothing in this subdivision prohibits an individual who owns their truck from working as an employee of a trucking company and utilizing that truck in the scope of that employment. An individual employee providing their own truck for use by an employer trucking company shall be reimbursed by the trucking company for the reasonable expense incurred for the use of the employee-owned truck.

SEC. 3. Section 2782 of the Labor Code is amended to read:

2782. (a) Section 2775 and the holding in *Dynamex* do not apply to the relationship between a data aggregator and a research subject, and instead the holding in *Borello* shall apply, if all of the following conditions are satisfied:

(1) The research subject is free from control and direction with respect to the substance and content of the feedback.

(2) The nature of the feedback requested requires the research subject to exercise independent judgment and discretion.

(3) The research subject has the ability to reject feedback requests, without being penalized in any form by the data aggregator.

(b) As used in this section:

(1) “Data aggregator” is a business, research institution, or organization that requests and gathers feedback on user interface, products, services, people, concepts, ideas, offerings, or experiences from research subjects willing to provide it.

(2) “Research subject” is any person who willingly engages with a data aggregator in order to provide individualized feedback on user interface, products, services, people, concepts, ideas, offerings, or experiences, and does not engage solely for the purposes of completing individual tasks, except as the tasks relate to providing such feedback.

SEC. 4. Section 2783 of the Labor Code is amended to read:

2783. Section 2775 and the holding in *Dynamex* do not apply to the following occupations as defined in the paragraphs below, and instead, the determination of employee or independent contractor status for individuals in those occupations shall be governed by *Borello*:

(a) A person or organization that is licensed by the Department of Insurance pursuant to Chapter 5 (commencing with Section 1621), Chapter 6 (commencing with Section 1760), or Chapter 8 (commencing with Section 1831) of Part 2 of Division 1 of the Insurance Code or a person who provides underwriting inspections, premium audits, risk management, claims adjusting, third-party administration consistent with use of the term “third-party administrator,” as defined in subdivision (cc) of Section 10112.1 of Title 8 of the California Code of Regulations, or loss control work for the insurance and financial service industries.

(b) A physician and surgeon, dentist, podiatrist, psychologist, or veterinarian licensed by the State of California pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, performing professional or medical services provided to or by a health care entity, including an entity organized as a sole proprietorship, partnership, or professional corporation as defined in Section 13401 of the Corporations Code. Nothing in this subdivision shall circumvent, undermine, or restrict the rights under federal law to organize and collectively bargain.

(c) An individual who holds an active license from the State of California and is practicing one of the following recognized professions: lawyer, architect, landscape architect, engineer, private investigator, or accountant.

(d) A securities broker-dealer or investment adviser or their agents and representatives that are either of the following:

(1) Registered with the Securities and Exchange Commission or the Financial Industry Regulatory Authority.

(2) Licensed by the State of California under Chapter 2 (commencing with Section 25210) or Chapter 3 (commencing with Section 25230) of Division 1 of Part 3 of Title 4 of the Corporations Code.

(e) A direct sales salesperson as described in Section 650 of the Unemployment Insurance Code, so long as the conditions for exclusion from employment under that section are met.

(f) A manufactured housing salesperson, subject to all obligations under Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code, including all regulations promulgated by the Department of Housing and Community Development relating to manufactured home salespersons and all other obligations of manufactured housing salespersons to members of the public. The statutorily imposed duties of a manufactured housing dealer under Section 18060.5 of the Health and Safety Code are not factors to be considered under the Borello test.

(g) A commercial fisher working on an American vessel.

(1) For the purposes of this subdivision:

(A) “American vessel” has the same meaning as defined in Section 125.5 of the Unemployment Insurance Code.

(B) “Commercial fisher” means a person who has a valid, unrevoked commercial fishing license issued pursuant to Article 3 (commencing with Section 7850) of Chapter 1 of Part 3 of Division 6 of the Fish and Game Code.

(C) “Working on an American vessel” means the taking or the attempt to take fish, shellfish, or other fishery resources of the state by any means, and includes each individual aboard an American vessel operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, including maintaining the vessel or equipment used aboard the vessel. However, “working on an American vessel” does not apply to anyone aboard a licensed commercial fishing vessel as a visitor or guest who does not directly or indirectly participate in the taking.

(2) For the purposes of this subdivision, a commercial fisher working on an American vessel is eligible for unemployment insurance benefits if they

meet the definition of “employment” in Section 609 of the Unemployment Insurance Code and are otherwise eligible for those benefits pursuant to the provisions of the Unemployment Insurance Code.

(3) (A) On or before March 1, 2021, and each March 1 thereafter, the Employment Development Department shall issue an annual report to the Legislature on the use of unemployment insurance in the commercial fishing industry. This report shall include, but not be limited to, all of the following:

- (i) Reporting the number of commercial fishers who apply for unemployment insurance benefits.
- (ii) The number of commercial fishers who have their claims disputed.
- (iii) The number of commercial fishers who have their claims denied.
- (iv) The number of commercial fishers who receive unemployment insurance benefits.

(B) The report required by this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(4) This subdivision shall become inoperative on January 1, 2023, unless extended by the Legislature.

(h) (1) A newspaper distributor working under contract with a newspaper publisher, as defined in paragraph (2), or a newspaper carrier.

(2) For purposes of this subdivision:

(A) “Newspaper” means a newspaper of general circulation, as defined in Section 6000 of the Government Code, and any other publication circulated to the community in general as an extension of or substitute for that newspaper’s own publication, whether that publication be designated a “shoppers’ guide,” as a zoned edition, or otherwise.

(B) “Publisher” means the natural or corporate person that manages the newspaper’s business operations, including circulation.

(C) “Newspaper distributor” means a person or entity that contracts with a publisher to distribute newspapers to the community.

(D) “Carrier” means a person who effects physical delivery of the newspaper to the customer or reader.

(3) This subdivision shall become inoperative on January 1, 2022, unless extended by the Legislature.

(i) An individual who is engaged by an international exchange visitor program that has obtained and maintains full official designation by the United States Department of State under Part 62 (commencing with Section 62.1) of Title 22 of the Code of Federal Regulations for the purpose of conducting, instead of participating in, international and cultural exchange visitor programs and is in full compliance with Part 62 (commencing with Section 62.1) of Title 22 of the Code of Federal Regulations.

(j) A competition judge with a specialized skill set or expertise providing services that require the exercise of discretion and independent judgment to an organization for the purposes of determining the outcome or enforcing the rules of a competition. This includes, but is not limited to, an amateur umpire or referee.

SEC. 4.5. Section 2783 of the Labor Code is amended to read:

2783. Section 2775 and the holding in *Dynamex* do not apply to the following occupations as defined in the paragraphs below, and instead, the determination of employee or independent contractor status for individuals in those occupations shall be governed by *Borello*:

(a) A person or organization that is licensed by the Department of Insurance pursuant to Chapter 5 (commencing with Section 1621), Chapter 6 (commencing with Section 1760), or Chapter 8 (commencing with Section 1831) of Part 2 of Division 1 of the Insurance Code or a person who provides underwriting inspections, premium audits, risk management, claims adjusting, third-party administration consistent with use of the term “third-party administrator,” as defined in subdivision (cc) of Section 10112.1 of Title 8 of the California Code of Regulations, or loss control work for the insurance and financial service industries.

(b) A physician and surgeon, dentist, podiatrist, psychologist, or veterinarian licensed by the State of California pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, performing professional or medical services provided to or by a health care entity, including an entity organized as a sole proprietorship, partnership, or professional corporation as defined in Section 13401 of the Corporations Code. Nothing in this subdivision shall circumvent, undermine, or restrict the rights under federal law to organize and collectively bargain.

(c) An individual who holds an active license from the State of California and is practicing one of the following recognized professions: lawyer, architect, landscape architect, engineer, private investigator, or accountant.

(d) A securities broker-dealer or investment adviser or their agents and representatives that are either of the following:

(1) Registered with the Securities and Exchange Commission or the Financial Industry Regulatory Authority.

(2) Licensed by the State of California under Chapter 2 (commencing with Section 25210) or Chapter 3 (commencing with Section 25230) of Division 1 of Part 3 of Title 4 of the Corporations Code.

(e) A direct sales salesperson as described in Section 650 of the Unemployment Insurance Code, so long as the conditions for exclusion from employment under that section are met.

(f) A manufactured housing salesperson, subject to all obligations under Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code, including all regulations promulgated by the Department of Housing and Community Development relating to manufactured home salespersons and all other obligations of manufactured housing salespersons to members of the public. The statutorily imposed duties of a manufactured housing dealer under Section 18060.5 of the Health and Safety Code are not factors to be considered under the *Borello* test.

(g) A commercial fisher working on an American vessel.

(1) For the purposes of this subdivision:

(A) “American vessel” has the same meaning as defined in Section 125.5 of the Unemployment Insurance Code.

(B) “Commercial fisher” means a person who has a valid, unrevoked commercial fishing license issued pursuant to Article 3 (commencing with Section 7850) of Chapter 1 of Part 3 of Division 6 of the Fish and Game Code.

(C) “Working on an American vessel” means the taking or the attempt to take fish, shellfish, or other fishery resources of the state by any means, and includes each individual aboard an American vessel operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, including maintaining the vessel or equipment used aboard the vessel. However, “working on an American vessel” does not apply to anyone aboard a licensed commercial fishing vessel as a visitor or guest who does not directly or indirectly participate in the taking.

(2) For the purposes of this subdivision, a commercial fisher working on an American vessel is eligible for unemployment insurance benefits if they meet the definition of “employment” in Section 609 of the Unemployment Insurance Code and are otherwise eligible for those benefits pursuant to the provisions of the Unemployment Insurance Code.

(3) (A) On or before March 1, 2021, and each March 1 thereafter, the Employment Development Department shall issue an annual report to the Legislature on the use of unemployment insurance in the commercial fishing industry. This report shall include, but not be limited to, all of the following:

(i) Reporting the number of commercial fishers who apply for unemployment insurance benefits.

(ii) The number of commercial fishers who have their claims disputed.

(iii) The number of commercial fishers who have their claims denied.

(iv) The number of commercial fishers who receive unemployment insurance benefits.

(B) The report required by this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(4) This subdivision shall become inoperative on January 1, 2023, unless extended by the Legislature.

(h) (1) A newspaper distributor working under contract with a newspaper publisher, as defined in paragraph (2), or a newspaper carrier.

(2) For purposes of this subdivision:

(A) “Newspaper” means a newspaper of general circulation, as defined in Section 6000 or 6008 of the Government Code, and any other publication circulated to the community in general as an extension of or substitute for that newspaper’s own publication, whether that publication be designated a “shoppers’ guide,” as a zoned edition, or otherwise. “Newspaper” may also be a publication that is published in print and that may be posted in a digital format, and distributed periodically at daily, weekly, or other short intervals, for the dissemination of news of a general or local character and of a general or local interest.

(B) “Publisher” means the natural or corporate person that manages the newspaper’s business operations, including circulation.

(C) “Newspaper distributor” means a person or entity that contracts with a publisher to distribute newspapers to the community.

(D) “Newspaper carrier” means a person who effects physical delivery of the newspaper to the customer or reader, who is not working as an app-based driver, as defined in Chapter 10.5 (commencing with Section 7448) of Division 3 of the Business and Professions Code, during the time when the newspaper carrier is performing the newspaper delivery services.

(3) (A) On or before March 1, 2022, March 1, 2023, and March 1, 2024, every newspaper publisher or distributor that hires or directly contracts with newspaper carriers shall submit to the Labor and Workforce Development Agency, in a manner prescribed by the agency and in conformity with existing law, the following information related to their workforce for the current year:

(i) The number of carriers for which the publisher or distributor paid payroll taxes in the previous year and the number of carriers for which the publisher or distributor did not pay payroll taxes in the previous year.

(ii) The average wage rate paid to carriers classified as independent contractors and as employees.

(iii) The number of carrier wage claims filed, if any, with the Labor Commissioner or in a court of law.

(B) For the March 1, 2022, reporting date only, every newspaper publisher and distributor shall also report the number of carrier wage claims filed with the Labor Commissioner or in a court of law for the preceding three years.

(C) Information that is submitted shall only be disclosed in accordance with subdivision (k) of Section 6254 of the Government Code, relating to trade secrets or other proprietary business information.

(4) This subdivision shall become inoperative on January 1, 2025, unless extended by the Legislature.

(i) An individual who is engaged by an international exchange visitor program that has obtained and maintains full official designation by the United States Department of State under Part 62 (commencing with Section 62.1) of Title 22 of the Code of Federal Regulations for the purpose of conducting, instead of participating in, international and cultural exchange visitor programs and is in full compliance with Part 62 (commencing with Section 62.1) of Title 22 of the Code of Federal Regulations.

(j) A competition judge with a specialized skill set or expertise providing services that require the exercise of discretion and independent judgment to an organization for the purposes of determining the outcome or enforcing the rules of a competition. This includes, but is not limited to, an amateur umpire or referee.

SEC. 5. Section 4.5 of this bill incorporates amendments to Section 2783 of the Labor Code proposed by both this bill and Assembly Bill 1506. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 2783 of the Labor Code, and (3) this bill is enacted after Assembly Bill 1506, in which case Section 4 of this bill shall not become operative.



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senators Min and Roth

Subject: Professions and Vocations

Bill Number: SB 607

Version: September 28, 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: Support

Status: Chaptered by Secretary of State. Chapter 367, Statutes of 2021.

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.

Senate Bill No. 607

CHAPTER 367

An act to amend Sections 1724, 1753, 1753.55, 1753.6, 1901, 1903, 4928, 4934, 6510, 7137, 7583.22, 7583.23, 7583.24, 7583.27, 7583.29, 7583.47, 8520, 8528, 9810, 9882, and 22259 of, to amend, repeal, and add Sections 115.5, 7071.6, 7071.8, and 7071.9 of, to add Sections 1636.5, 1636.6, and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, to amend Section 94909 of, and to repeal Sections 94811 and 94904 of, the Education Code, and to amend Section 17973 of the Health and Safety Code, relating to business and professions, and making an appropriation therefor.

[Approved by Governor September 28, 2021. Filed with
Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 607, Min. Business and professions.

(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

Repair. Existing law subjects the bureau to review by the appropriate policy committees of the Legislature, as specified, and requires that review to be performed as if the act were scheduled to be repealed on January 1, 2023.

This bill would extend the above-described date to January 1, 2024.

(12) Existing law, the Tax Preparation Act, provides for the licensure and regulation of tax preparers by the California Tax Education Council. Existing law subjects the act to review by the appropriate policy committees of the Legislature and repeals the act on January 1, 2023.

This bill would extend the operation of the act to January 1, 2024.

(13) Existing law, the California Private Postsecondary Education Act of 2009, provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education in the Department of Consumer Affairs. The act requires an institution to enroll each student solely by means of executing an enrollment agreement, and requires an ability-to-benefit student, before enrolling, to take and achieve a passing score on an independently administered examination, as specified. The act is repealed by its own provisions on January 1, 2022.

This bill would repeal the provisions related to the ability-to-benefit students and ability-to-benefit testing.

(14) 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.

(15) This bill would incorporate additional changes to Section 7583.23 of the Business and Professions Code proposed by AB 1096 to be operative only if this bill and AB 1096 are enacted and this bill is enacted last. The bill would also incorporate additional changes to Section 9882 of the Business and Professions Code proposed by AB 471 to be operative only if this bill and AB 471 are enacted and this bill is enacted last.

Appropriation: yes.

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

SECTION 1. Section 115.5 of the Business and Professions Code is amended to read:

115.5. (a) A board within the department shall expedite the licensure process for an applicant who meets both of the following requirements:

(1) 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.

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

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

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

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

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

(1) 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.

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

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

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

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

1636.5. Notwithstanding Section 1636.4, any foreign dental school whose program was renewed by the board prior to January 1, 2020, through any date between January 1, 2024, and June 30, 2026, shall maintain approval through that date. Upon expiration of the approval, the foreign dental school shall be required to comply with the provisions of Section 1636.4.

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

1636.6. Notwithstanding Section 1636.4, 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, shall be eligible for licensure pursuant to Section 1628.

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

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

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



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Roth

Subject: Barbering and
Cosmetology

Bill Number: SB 803

Version: October 7, 2021

Existing Law:

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

This Bill:

This bill will change various aspects of the Board. Most significantly, it will:

1. Increase the number of board members to 13
2. Extend the Board of Barbering and Cosmetology's sunset date to January 1, 2027
3. Add tinting and perming of eyelashes and brows to esthetics
4. Establish a hairstylist license which requires a 600 hour program
5. Remove the 3-year out of state licensure requirement for an endorsement applicant
6. Require apprentice applicants to complete pre-apprentice training administered by the Board
7. Remove the pre-application process
8. Remove the practical examination
9. Modify mobile unit requirements
10. Reduce barbering and cosmetology courses to not less than 1,000 hours
11. Remove the requirement of the Board to determine subjects of instruction for courses
12. Allow cosmetology externs to be paid and start work after completing 25% of clock hours
13. Require licensees to identify whether they are/have an independent contractor operating in the establishment upon renewal
14. Require administrative fines to be for violations that directly impact consumer safety

Board Position: Support if Amended

Status: Chaptered by Secretary of State. Chapter 648, Statutes of 2021.

Analysis:

The Board did not receive clarification regarding what the barbering and cosmetology hours would consist of and the requirements specifically listed under those sections nor were the issues with the externship language addressed. The Board is working on an implementation plan for all the changes that will reduce barriers to entry into the industry while still maintaining professionalism and consumer protection.

Senate Bill No. 803

CHAPTER 648

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, 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.

[Approved by Governor October 7, 2021. Filed with Secretary
of State October 7, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 803, 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, 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 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.

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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

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

SECTION 1. It is the intent of the Legislature to provide safe harbor from the changes made by this act to Sections 7334, 7362, 7362.5, 7364, and 7365 of the Business and Professions Code to persons who have commenced preapprentice training pursuant to Section 7334 of the Business and Professions Code and to students who are currently enrolled in board-approved courses and schools.

SEC. 2. Section 7303 of the Business and Professions Code is amended to read:

7303. (a) Notwithstanding Article 8 (commencing with Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, there is in the Department of Consumer Affairs the State Board of Barbering and Cosmetology in which the administration of this chapter is vested.

(b) (1) The board shall consist of 13 members. Seven members shall be public members, and six members shall represent the professions.

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

(A) A cosmetologist.

(B) A barber.

(C) An esthetician.

(D) An electrologist.

(E) A manicurist.

(F) An establishment owner.

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

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

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

(c) The board may appoint an executive officer who is exempt from civil service. The executive officer shall exercise the powers and perform the duties delegated by the board and vested in the executive officer by this chapter. The appointment of the executive officer is subject to the approval of the director. In the event that a newly authorized board replaces an existing or previous bureau, the director may appoint an interim executive officer

for the board who shall serve temporarily until the new board appoints a permanent executive officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Domestic violence.

(2) Sexual assault.

(3) Human trafficking.

(4) Elder abuse.

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

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

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

(1) Shaving or trimming the beard or cutting the hair.

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

(3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.

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

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

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

(1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means the hair of any person.

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

or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

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

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

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

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

(7) Tinting and perming of the eyelashes and brows, or applying eyelashes to any person.

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

(1) Giving facials, massaging, stimulating, exfoliating, cleansing, or beautifying the face, scalp, neck, hands, arms, feet, legs, or upper part of the human body by the use of hands, esthetic devices, cosmetic products, antiseptics, lotions, tonics, or creams for the purpose of improving the appearance or well-being of the skin that do not result in the ablation or destruction of the live tissue.

(2) Tinting and perming of the eyelashes and brows, or applying eyelashes to any person.

(3) Removing superfluous hair from the body of any person by use of depilatories, tweezers, sugaring, nonprescription chemical, or waxing, or by the use of devices and appliances of any kind or description, except by the use of lasers or light waves, which are commonly known as rays.

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

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

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

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

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

(f) Notwithstanding paragraph (2) of subdivision (e), a person who engages in natural hairstyling, which is defined as the provision of natural hair braiding services together with any of the services or procedures defined

within the regulated practices of barbering or cosmetology, is subject to regulation pursuant to this chapter and shall obtain and maintain a barbering or cosmetology license as applicable to the services respectively offered or performed.

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

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

(h) The practice of hairstyling is all or any combination of the following:

(1) Styling of all textures of hair by standard methods that are current at the time of the hairstyling.

(2) Arranging, blow drying, cleansing, curling, cutting, dressing, shampooing, waving, or nonchemically straightening the hair of any person using both electrical and nonelectrical devices.

(3) Massaging, cleaning, or stimulating the scalp, face, and neck by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, lotions, or creams.

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

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

(b) Nothing in this chapter shall be interpreted to grant any privileges reserved for persons certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2.

SEC. 8. Section 7322 is added to the Business and Professions Code, to read:

7322. The board shall 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 fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

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

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in hairstyling from a school approved by the board.

(2) Practiced hairstyling as defined in this chapter outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in hairstyling from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

SEC. 9. Section 7331 of the Business and Professions Code is amended to read:

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

- (a) A completed application form and all fees required by the board.
- (b) Proof of a current license issued by another state to practice that meets both of the following requirements:

- (1) It is not revoked, suspended, or otherwise restricted.
- (2) It is in good standing.

SEC. 10. Section 7334 of the Business and Professions Code is amended to read:

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

- (1) Is over 16 years of age.
- (2) Has completed the 10th grade in the public schools of this state or its equivalent.
- (3) Is not subject to denial pursuant to Section 480.
- (4) Has submitted evidence acceptable to the board that any training the apprentice is required by law to obtain shall be conducted in a licensed establishment and under the supervision of a licensee approved by the board.

(b) The board may license as an apprentice in electrolysis any person who has made application to the board upon the proper form, has paid the fee required by this chapter, and who is qualified as follows:

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

(c) All persons making application as an apprentice in barbering shall also complete a minimum of 39 hours of preapprentice training that is administered by the board.

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

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

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

SEC. 11. Section 7337.5 of the Business and Professions Code is repealed.

SEC. 12. Section 7338 of the Business and Professions Code is amended to read:

7338. (a) The examination of applicants for a license shall consist of a written examination that evaluates competency in protecting the health and safety of consumers of the services provided by licensees.

(b) The examination shall include written tests to determine the applicant's skill in, and knowledge of, the practice of the occupation for which a license is sought and shall include written tests in antisepsis, disinfection, and the use of mechanical apparatus and electricity as applicable to the practice for which the applicant has applied for licensure.

SEC. 13. Section 7347 of the Business and Professions Code is amended to read:

7347. (a) Any person, firm, or corporation desiring to operate an establishment shall make an application to the board for a license accompanied by the fee prescribed by this chapter. The application shall be required whether the person, firm, or corporation is operating a new establishment or obtaining ownership of an existing establishment. The application shall include a signed acknowledgment that the applicant understands that establishments are responsible for compliance with any applicable labor laws of the state and that the applicant understands the informational materials on basic labor laws, as specified in Section 7314.3, the applicant is provided by the board with the application. Every electronic application to renew a license shall include a signed acknowledgment that the renewal applicant understands that establishments are responsible for compliance with any applicable labor laws of the state and that the applicant understands the informational materials on basic labor laws, as specified in Section 7314.3, that the renewal applicant is provided by the board with the renewal application. If the applicant is obtaining ownership of an existing establishment, the board may establish the fee in an amount less than the fee prescribed by this chapter. The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the establishment only at the location for which the license is issued. Operation of the establishment at any other location shall be unlawful unless a license for the new location has been obtained upon compliance with this section, applicable to the issuance of a license in the first instance.

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

SEC. 14. Section 7353 of the Business and Professions Code is repealed.

SEC. 15. Section 7354 of the Business and Professions Code is amended to read:

7354. For purposes of this article, "mobile unit" means any self-contained, self-supporting, enclosed mobile unit which is licensed as a mobile unit for the practice of any occupation licensed by the board and

which complies with this article and all health and safety regulations established by the board.

SEC. 16. Section 7355 of the Business and Professions Code is amended to read:

7355. (a) Any person, firm, or corporation desiring to operate a mobile unit shall make an application to the board for a license containing the information and data set forth in subdivision (b). The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure pursuant to Section 480.

(b) Each application shall include the following:

(1) A detailed floor plan showing the layout and dimensions of the mobile unit and all necessary systems and equipment contained therein.

(2) Proof of purchase or lease of the mobile unit.

(3) The required fee.

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

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

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

SEC. 17. Section 7356 of the Business and Professions Code is amended to read:

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

(a) A detailed floor plan showing the layout and dimensions of the mobile unit and all necessary systems and equipment contained therein.

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

(c) The existing mobile unit license.

(d) The required fee.

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

SEC. 18. Section 7357 of the Business and Professions Code is amended to read:

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

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

(1) A self-contained, potable water supply if shampooing services are offered.

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

(3) A system of adequate ventilation.

SEC. 19. Section 7362 of the Business and Professions Code is amended to read:

7362. (a) A school approved by the board is one that is first approved by the board and subsequently approved by the Bureau for Private Postsecondary Education or is a public school in this state, and provides a course of instruction approved by the board. However, notwithstanding any other law, both the board and the Bureau for Private Postsecondary Education may simultaneously process a school's application for approval.

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

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

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

(B) Repeated similar negligent acts.

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

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

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

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

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

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

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

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

SEC. 20. Section 7362.5 of the Business and Professions Code is amended to read:

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

(b) The curriculum for a barbering course shall, at a minimum, include technical and practical instruction in the following areas:

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

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

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

(4) Two hundred hours in hairstyling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting, including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

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

(c) The curriculum for a cosmetology course shall, at a minimum, include technical and practical instruction in the following areas:

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

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

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

(4) Two hundred hours in hairstyling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting, including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

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

(6) Fifty hours in hair removal and lash and brow beautification, which includes tinting and perming eyelashes and brows and applying eyelashes to any person, and includes removing superfluous hair from the body of any

person by use of depilatories, tweezers, sugaring, nonprescription chemicals, or waxing, or by the use of devices and appliances of any kind or description, except by the use of lasers or light waves, which are commonly known as rays.

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

SEC. 21. Section 7363 is added to the Business and Professions Code, to read:

7363. (a) A course in hairstyling established by a school shall consist of not less than 600 hours of practical and technical instruction.

(b) The curriculum for a hairstyling course shall include, at a minimum, technical and practical instruction in the following areas:

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

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

(3) Two hundred hours in hair styling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

SEC. 22. Section 7364 of the Business and Professions Code is amended to read:

7364. (a) A course in skin care course established by a school shall consist of not less than 600 hours of practical and technical instruction.

(b) The curriculum for a skin care course shall, at a minimum, include technical and practical instruction in the following areas:

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

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

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

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

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

7365. (a) A nail care course established by a school shall consist of not less than 400 hours of practical and technical instruction.

(b) The curriculum for a nail care course shall, at a minimum, include the technical and practical instruction in the following areas:

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

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

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

SEC. 24. Section 7389.5 of the Business and Professions Code is amended to read:

7389.5. A course of training in barbering, cosmetology, or hairstyling established by federal or state correctional institutions in California may qualify a person thereby trained to take the examination for licensure as a barber, cosmetologist, or hairstylist, provided the course complies with all applicable provisions of this act and the regulations adopted pursuant thereto.

SEC. 25. Section 7395.1 of the Business and Professions Code is amended to read:

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

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

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

(1) The establishment is licensed by the board.

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

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

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

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

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

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

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

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

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

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

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

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

(3) An extern may perform only acts listed within the definition of the practice of cosmetology as provided in Section 7316, if a licensee directly supervises those acts, except that an extern may not use or apply chemical treatments unless the extern has received appropriate training in application of those treatments from an approved cosmetology school. An extern may

work on a paying client only in an assisting capacity and only with the direct and immediate supervision of a licensee.

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

SEC. 26. Section 7401 of the Business and Professions Code is amended to read:

7401. (a) An individual licensed pursuant to Section 7396 shall report to the board at the time of license renewal their practice status, designated as one of the following:

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

(b) An individual licensed pursuant to Section 7396 shall, at the time of license renewal, identify themselves on the application as one of the following:

- (1) Employee.
- (2) Independent contractor.
- (3) Salon owner.

(c) An individual licensed pursuant to Section 7347 shall report to the board at the time of license renewal whether they have an independent contractor operating in the establishment.

SEC. 27. Section 7402 of the Business and Professions Code is repealed.

SEC. 28. Section 7407 of the Business and Professions Code is amended to read:

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

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

SEC. 29. Section 7423 of the Business and Professions Code is amended to read:

7423. The amounts of the fees required by this chapter relating to licenses for individual practitioners are as follows:

(a) (1) Cosmetologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A cosmetologist initial license fee shall not be more than fifty dollars (\$50).

(b) (1) An esthetician application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) An esthetician initial license fee shall not be more than forty dollars (\$40).

(c) (1) A manicurist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A manicurist initial license fee shall not be more than thirty-five dollars (\$35).

(d) (1) A barber application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A barber initial license fee shall be not more than fifty dollars (\$50).

(e) (1) An electrologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) An electrologist initial license fee shall be not more than fifty dollars (\$50).

(f) An apprentice application and license fee shall be not more than twenty-five dollars (\$25).

(g) The license renewal fee for individual practitioner licenses that are subject to renewal shall be not more than fifty dollars (\$50).

(h) A hairstylist application and examination fee shall be fifty dollars (\$50) or a fee in an amount as determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination, not to exceed fifty dollars (\$50).

(i) Notwithstanding Section 163.5 the license renewal delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal.

SEC. 30. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



MEMORANDUM

DATE October 25, 2021
TO: Members, Board of Barbering and Cosmetology
FROM: Kristy Underwood, Executive Officer
SUBJECT: Regulations Update

Instructional Materials (Title 16, CCR Section 961)

This initial package was filed with the Office of Administrative Law on August 31, 2021 and published in the California Regulatory Notice Register on September 10, 2021. The 45-day comment period ends on October 26, 2021.

The following regulation packages are on hold pending the passage of SB-803:

- Title 16, CCR Section 950.10 (Transfer of Credit or Training)
- Title 16, CCR Sections 962, 962.1, and 962.2 (Externs)
- Title 16, CCR Section 974.1 (Disciplinary Review Committee)

The following regulation packages are under internal review by DCA/Agency:

- 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)
- Title 16, CCR Section 972 (Disciplinary Guidelines)