

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**JANUARY 24, 2022  
BOARD MEETING**

**TELECONFERENCE**

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

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

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**BOARD MEMBERS:**  
Steve Weeks,  
President  
Calimay Pham,  
Vice-President  
Jacquelyn Crabtree  
Megan Ellis  
Tonya Fairley  
Reese Isbell  
Derick Matos

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**PUBLIC TELECONFERENCE  
MEETING**

**January 24, 2022  
10:00am - 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=mb12da5a0c1fc8a16f48dc9069a873733>

**Event number:** 2493 094 3332  
**Event password:** BBC01242022

**Instructions to connect to the meeting can be found at:**

[https://www.barbercosmo.ca.gov/about\\_us/meetings/how\\_to\\_join\\_webex\\_event.pdf](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. Board President's Opening Remarks (**Mr. Steve Weeks**)
3. Board Member Remarks – Informational only
4. Annual Election of Officers
5. Appointment of Committee Members to Standing Committees for 2022
  - Disciplinary Review Committee
  - Education and Outreach Committee
  - Enforcement and Inspection Committee
  - Legislative and Budget Committee
  - Health and Safety Advisory Committee
  - Licensing and Examination Committee
6. Discussion and Possible Approval of the October 25, 2021 Board Meeting Minutes
7. Executive Officer's Report (**Kristy Underwood**)
  - Licensing Statistics
  - Examination Statistics
  - Disciplinary Review Committee Statistics
  - Enforcement Statistics
  - Budget Updates
  - Outreach Updates
  - SB 803 (Roth) Implementation Plan
8. Status Updates Regarding Rulemaking Proposals:
  - 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 sections 962, 962.1 and 962.2 (Externs)
  - c. Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
  - d. Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)

9. Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 917, 928, 931, 932, 934, 937, 950.1, 950.2, 950.3, 950.4, 962 (SB 803 Clean Up)
10. Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Title 16, CCR Section 950.10 (Transfer of Credit or Training).
11. Consideration of and Possible Action on Comments Received Regarding Proposed Regulation to Amend Title 16, CCR Section 961 (Instructional Materials)
12. 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))*
13. Suggestions for Future Agenda Items
14. Adjournment

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

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

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



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



## MEMORANDUM

DATE January 24, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Appointment of Committee Members to Standing Committees for 2022

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### **Action Required:**

The Board by motion, will need to establish which Board Members will participate in the following committees:

- Disciplinary Review
- Education and Outreach
- Enforcement and Inspections
- Health and Safety Advisory
- Legislative and Budget
- Licensing and Examination

**DISCIPLINARY REVIEW COMMITTEE**

The purpose of the Disciplinary Review Committee is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citations including any fine amounts. The Board President shall annually appoint members of the committee; the appointments will be made concurrently with the annual election of officers. The Board President shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.

**EDUCATION AND OUTREACH COMMITTEE**

The purpose of the Education and Outreach Committee is to provide recommendations to the Board on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines and attending trade shows.

**ENFORCEMENT AND INSPECTIONS COMMITTEE**

The purpose of the Enforcement and Inspections Committee is to advise the Board on policy matters that relate to protecting the health and safety of consumers. This includes recommendations on how inspections are conducted, the types of violations issued, maintenance of disciplinary guidelines, and other recommendations on the enforcement of the Board's statutes and regulations.

**HEALTH AND SAFETY ADVISORY COMMITTEE**

The purpose of the Health and Safety Advisory Committee is to provide the Board with advice and recommendations on health and safety issues, as well as ensuring licensees are aware of basic labor laws.

**LEGISLATIVE AND BUDGET COMMITTEE**

The purpose of the Legislative and Budget Committee is to review and track legislation that affects the Board. The committee shall make recommendations on what position the Board should take on legislation that could potentially affect the operation of the Board, the health and safety of consumers and the Board's licensees. In addition, the committee provides information and recommendations to the Board on potential policy matters relating to the budget.

**LICENSING AND EXAMINATION COMMITTEE**

The purpose of the Licensing and Examination Committee is to advise the Board on policy matters relating to the examining and licensing of individuals who want to practice barbering and cosmetology in California. The committee may also provide information and recommendations to the Board on issues relating to curriculum and school approval, exam appeals, laws and regulations.

**DRAFT**  
**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**  
**BOARD TELECONFERENCE MEETING**  
**MINUTES OF OCTOBER 25, 2021**

**BOARD MEMBERS PRESENT**

Steve Weeks, President  
Calimay Pham, Vice President  
Jacquelyn Crabtree  
Megan Ellis  
Tonya Fairley  
Reese Isbell  
Derick Matos

**STAFF MEMBERS PRESENT**

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

**BOARD MEMBERS ABSENT**

Christie Tran

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

Steve Weeks, Board President, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum. Mr. Weeks explained that the meeting will begin with an open session, followed by two reinstatement hearings.

**2. Agenda Item #2, PETITION FOR REINSTATEMENT HEARINGS**

- **Linda Lowery**
- **Joanna Velador**

**CLOSED SESSION**

- a. Pursuant to Government Code Section 11126(c)(3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters.**

The Board met in closed session as permitted by law to deliberate on disciplinary matters.

- b. Adjourn Closed Session and Reconvene Open Session**

Mr. Weeks reconvened the meeting. He welcomed the board members back and confirmed the presence of a quorum.

### **3. Agenda Item #3, BOARD PRESIDENT’S OPENING REMARKS**

Mr. Weeks welcomed the newest member of the board, Reese Isbell. He gave the members information on his background and how he feels Mr. Isbell will be a real asset with his experience in nonprofit projects and his public service background. Mr. Weeks reiterated that he knows there are many questions about senate bill 803, but this is a scheduled board meeting and that all questions should be e-mailed to the Board.

### **4. Agenda Item #4, BOARD MEMBER REMARKS – INFORMATIONAL ONLY**

No board member remarks were made.

### **5. Agenda Item #5, DISCUSSION AND POSSIBLE APPROVAL OF THE JULY 26, 2021 BOARD MEETING MINUTES**

**MOTION:** Ms. Pham moved to approve the minutes. Ms. Fairley seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members votes “Yes”: Steve Weeks, Calimay Pham, Jacquelyn Crabtree, Megan Ellis, Tonya Fairley, Reese Isbell, Derick Matos.

### **6. Agenda Item #6, DEPARTMENT OF CONSUMER AFFAIRS (DCA) UPDATE, WHICH MAY INCLUDE UPDATES ON DCA’S ADMINISTRATIVE SERVICES, HUMAN RESOURCES, ENFORCEMENT, INFORMATION TECHNOLOGIES, COMMUNICATION AND OUTREACH, AND LEGISLATIVE, REGULATORY, OR POLICY MATTERS**

Carrie Holmes, Deputy Director of Board and Bureau Relations, provided a DCA update. She welcomed and congratulated Reese Isbell and Megan Ellis on becoming board members. She explained that DCA is implementing new safety measures. Employees must show proof of vaccinations or be subject to weekly testing. Remote meetings will be allowed until January 30<sup>th</sup>, 2022. The Board currently has one vacancy for one public member, but there will be four vacancies in January. Licensees interested in being appointed as board members may visit the board member resources on DCA’s webpage or the Governor’s homepage to apply.

### **7. Agenda Item #7, EXECUTIVE OFFICER’S REPORT- By 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**



Kristy Underwood reviewed the statistics and update reports, which were included in the meeting packet. She noted that only the first quarter is reflected in the statistics as we are in a new fiscal year. Exams are booked until the end of the year.

Mr. Weeks stated that he believes the fine for denying inspectors entry into establishments is too low. Mr. Matos noted that there is more failure of the written than the practical exam and asked how the removal of practical exam will affect candidates. Ms. Underwood stated that we won't see a difference because candidates still must pass the written anyway. Ms. Pham asked how many Disciplinary Review Committee hearings it would take to catch up. Ms. Underwood answered that we have about three months' worth pending.

Ms. Underwood explained that Strategic Plan development started in 2017 and the Board will start a new plan in 2022. Many of the items that have not been completed yet were on hold because Sunset Review was supposed to occur in 2018.

Ms. Underwood stated that SB 803 links were added to the Board's website and encouraged licensees to read the bill text. Ms. Underwood reviewed the SB 803 Implementation Plan and explained that some items will have a slower implementation as regulations are required. She has been in contact with the Department of Consumer Affairs and the Bureau for Private Post-secondary Education for assistance.

#### **8. Agenda Item #8, PROPOSED BOARD MEETING DATES AND LOCATIONS FOR 2022**

Ms. Underwood told the board that the dates are flexible and she would like the January 2022 meeting to be in-person. She would like it to be a hybrid meeting with all members present and the public given the option to attend or call in.

#### **9. Agenda Item #9, LEGISLATIVE UPDATE, DISCUSSION AND POSSIBLE ACTION ON PROPOSED BILLS**

- a) **AB 29 (COOPER)** – Bill did not move.
- b) **AB 107 (SALAS)** – Bill no longer impacts the Board.
- c) **AB 231 (NGUYEN)** – Bill did not move.
- d) **AB 492 (PATTERSON)** – Language was moved to SB 803.
- e) **AB 1561 (COMMITTEE ON LABOR AND EMPLOYMENT)** – Impacts manicurists, Board didn't take a position, but it was signed.
- f) **SB 607 (MIN AND ROTH)** – Bill signed, requires a waiver of the license application fee for those in the military.
- g) **SB 803 (ROTH)** – Bill was already discussed in Agenda Item #7.

## **10. Agenda Item #10, REGULATIONS STATUS UPDATE**

- a) **Rulemaking Proposal to Amend title 16. California Code of Regulations (CPR) sections 913, 913.1, 914, 914.1, 914.2, 915, 916, 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 material) – No motions needed, just an update.**
- 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)**

Ms. Underwood stated that Instructional Materials package is currently going through the 45-day comment period. The Transfer of Credit, Externs, and Disciplinary Review Committee regulation packages were put on hold because SB 803 impacted the language. Now that SB 803 was signed, Board staff will review the packages to determine whether they need to be updated before continuing with moving the packages. The Apprenticeship and Disciplinary Guidelines packages are under review by the DCA Regulations Unit.

## **11. Agenda Item #11, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

- Wendy Jacobs suggested that the tint issue is becoming problematic. Henna is also an issue due to it not being made in the traditional Indian way. She also brought up the fact the EU has been allowing brow and eyelash tints with little to no reported injuries.
- Tala D., litigation counsel for PETA, wanted to discuss the unlawful fish spa services being offered and requested that the board take action to enforce the current ban.
- Peter W. wanted to know what will be required of theory hours under SB 803 for cosmetology.
- “MacBook” wanted to know if there how to transfer existing credits to a new program.
- Sandra Honesto stated her students are in limbo and wants to know which test to prepare students for.
- “Mvasq” asked if dermaplaning can be performed by a licensed cosmetologist or barber since estheticians are allowed to perform it.
- Alicia feels all benefit from the raising fines of denying inspectors entry, as it is for the public’s safety and well-being.
- Jamie Schrabek feels there are going to be issues with labor in the future as the board does not report to the labor committee. She wants to see apprentices and externs as permits, not licenses.

**12. Agenda Item #12, SUGGESTIONS FOR FUTURE AGENDA ITEMS**

No suggestions for future agenda items were offered.

**13. Agenda Item #13, ADJOURNMENT**

There being no further business, the meeting adjourned at approximately 1:09 p.m.

## Quarterly Applications Received Fiscal Year 21/22

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
<b>Establishment</b>	1,927	1,551			
<b>Mobile Unit</b>	3	2			
<b>Barber</b>					
Pre-App	311	64			
Initial Application	362	367			
Re-Exam	532	392			
<b><i>Sub-Total</i></b>	<b><u>1,205</u></b>	<b><u>823</u></b>			
Reciprocity	42	29			
Apprentice	346	324			
<b>Cosmetology</b>					
Pre-App	615	130			
Initial Application	845	861			
Re-Exam	1,099	857			
<b><i>Sub-Total</i></b>	<b><u>2,559</u></b>	<b><u>1,848</u></b>			
Reciprocity	305	247			
Apprentice	198	229			
<b>Electrology</b>					
Pre-App	13	6			
Initial Application	8	6			
Re-Exam	6	6			
<b><i>Sub-Total</i></b>	<b><u>27</u></b>	<b><u>18</u></b>			
Reciprocity	--	--			
Apprentice	--	--			
<b>Esthetician</b>					
Pre-App	984	248			
Initial Application	1,039	1,025			
Re-Exam	1,154	1,055			
<b><i>Sub-Total</i></b>	<b><u>3,177</u></b>	<b><u>2,328</u></b>			
Reciprocity	117	90			
<b>Manicurist</b>					
Pre-App	673	146			
Initial Application	658	726			
Re-Exam	1,034	606			
<b><i>Sub-Total</i></b>	<b><u>2,365</u></b>	<b><u>1,478</u></b>			
Reciprocity	113	134			
<b>Total</b>	<b>12,381</b>	<b>9,099</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Practical Exam Results October 1, 2021 - December 31, 2021**

<b>Administered</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Barber	661	148	809	82%
Cosmetologist	1,405	348	1,753	80%
Electrologist	17	2	19	89%
Esthetician	1,706	551	2,257	76%
Manicurist	1,225	537	1,762	70%
<b>Total</b>	<b>5,014</b>	<b>1,586</b>	<b>6,600</b>	<b>76%</b>

**Written Exam Results October 1, 2021 - December 31, 2021**

<b>Barber</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	606	363	969	63%
Korean	1	4	5	20%
Spanish	59	109	168	35%
Vietnamese	22	2	24	92%
<b>Total</b>	<b>688</b>	<b>478</b>	<b>1,166</b>	<b>59%</b>

<b>Cosmo</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	1,093	653	1,746	63%
Korean	14	2	16	88%
Spanish	157	332	489	32%
Vietnamese	118	34	152	78%
<b>Total</b>	<b>1,382</b>	<b>1,021</b>	<b>2,403</b>	<b>58%</b>

<b>Esthetician</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	1,468	952	2,420	61%
Korean	7	6	13	54%
Spanish	9	24	33	27%
Vietnamese	219	124	343	64%
<b>Total</b>	<b>1,703</b>	<b>1,106</b>	<b>2,809</b>	<b>61%</b>

<b>Manicurist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	271	233	504	54%
Korean	--	3	3	N/A
Spanish	10	7	17	59%
Vietnamese	494	181	675	73%
<b>Total</b>	<b>775</b>	<b>424</b>	<b>1,199</b>	<b>65%</b>

<b>Electrologist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	20	5	25	80%
Korean	0	0	0	N/A
Spanish	0	0	0	N/A
Vietnamese	0	0	0	N/A
<b>Total</b>	<b>20</b>	<b>5</b>	<b>25</b>	<b>80%</b>

**Practical Exam Results October 1, 2021 - December 31, 2021  
Comparison of Schools, Apprentice Programs, and Out of Country**

**Practical Exam Results - Apprentice Program**

License Type	Passed	Failed	Total	Pass Rate
Barber	147	53	200	74%
Cosmetologist	173	67	240	72%
<b>Total</b>	<b>320</b>	<b>120</b>	<b>440</b>	<b>73%</b>

**Practical Exam Results - School Program**

License Type	Passed	Failed	Total	Pass Rate
Barber	507	89	596	85%
Cosmetologist	1,164	253	1,417	82%
Electrologist	17	2	19	89%
Esthetician	1,692	543	2,235	76%
Manicurist	1,209	535	1,744	69%
<b>Total</b>	<b>4,589</b>	<b>1,422</b>	<b>6,011</b>	<b>76%</b>

**Practical Exam Results - Out of Country**

License Type	Passed	Failed	Total	Pass Rate
Barber	7	6	13	54%
Cosmetologist	68	28	96	71%
Esthetician	14	8	22	64%
Manicurist	16	2	18	89%
<b>Total</b>	<b>105</b>	<b>44</b>	<b>149</b>	<b>70%</b>

**Written Exam Results - Apprentice Program**

License Type	Passed	Failed	Total	Pass Rate
Barber	142	163	305	47%
Cosmetologist	140	232	372	38%
<b>Total</b>	<b>282</b>	<b>395</b>	<b>677</b>	<b>42%</b>

**Written Exam Results - School Program**

License Type	Passed	Failed	Total	Pass Rate
Barber	536	283	819	65%
Cosmetologist	1,187	650	1,837	65%
Electrologist	20	5	25	80%
Esthetician	1,695	1,090	2,785	61%
Manicurist	771	409	1,180	65%
<b>Total</b>	<b>4,209</b>	<b>2,437</b>	<b>6,646</b>	<b>63%</b>

**Written Exam Results - Out of Country**

License Type	Passed	Failed	Total	Pass Rate
Barber	10	32	42	24%
Cosmetologist	55	139	194	28%
Esthetician	8	16	24	33%
Manicure	4	15	19	21%
<b>Total</b>	<b>77</b>	<b>202</b>	<b>279</b>	<b>28%</b>

**Written Exam Results by Language October 1, 2021 - December 31, 2021  
Comparison of Schools, Apprentice Programs, and Out of Country**

**Apprentice Programs**

Barber	Passed	Failed	Total	Pass Rate
English	129	115	244	53%
Spanish	10	48	58	17%
Vietnamese	3	0	3	100%
<b>Total</b>	<b>142</b>	<b>163</b>	<b>305</b>	<b>47%</b>

**School Programs**

Barber	Passed	Failed	Total	Pass Rate
English	476	233	709	67%
Korean	1	4	5	20%
Spanish	41	44	85	48%
Vietnamese	18	2	20	90%
<b>Total</b>	<b>536</b>	<b>283</b>	<b>819</b>	<b>65%</b>

Cosmo	Passed	Failed	Total	Pass Rate
English	53	46	99	54%

Cosmo	Passed	Failed	Total	Pass Rate
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Spanish	85	186	271	31%
Vietnamese	2	0	2	100%
<b>Total</b>	<b>140</b>	<b>232</b>	<b>372</b>	<b>38%</b>

**Out of Country Candidates**

Barber	Passed	Failed	Total	Pass Rate
English	1	15	16	6%
Spanish	8	17	25	32%
Vietnamese	1	0	1	100%
<b>Total</b>	<b>10</b>	<b>32</b>	<b>42</b>	<b>24%</b>

Cosmetologist	Passed	Failed	Total	Pass Rate
English	33	76	109	30%
Korean	4	0	4	100%
Spanish	10	61	71	14%
Vietnamese	8	2	10	80%
<b>Total</b>	<b>55</b>	<b>139</b>	<b>194</b>	<b>28%</b>

Esthetician	Passed	Failed	Total	Pass Rate
English	7	12	19	37%
Spanish	0	4	4	0%
Vietnamese	1	0	1	100%
<b>Total</b>	<b>8</b>	<b>16</b>	<b>24</b>	<b>33%</b>

Manicurist	Passed	Failed	Total	Pass Rate
English	1	13	14	7%
Vietnamese	3	2	5	60%
<b>Total</b>	<b>4</b>	<b>15</b>	<b>19</b>	<b>21%</b>

English	1,007	531	1,538	65%
Korean	10	2	12	83%
Spanish	62	85	147	42%
Vietnamese	108	32	140	77%
<b>Total</b>	<b>1,187</b>	<b>650</b>	<b>1,837</b>	<b>65%</b>

Electrologist	Passed	Failed	Total	Pass Rate
English	20	5	25	80%
<b>Total</b>	<b>20</b>	<b>5</b>	<b>25</b>	<b>80%</b>

Esthetician	Passed	Failed	Total	Pass Rate
English	1,461	940	2,401	61%
Korean	7	6	13	54%
Spanish	9	20	29	31%
Vietnamese	218	124	342	64%
<b>Total</b>	<b>1,695</b>	<b>1,090</b>	<b>2,785</b>	<b>61%</b>

Manicurist	Passed	Failed	Total	Pass Rate
English	270	220	490	55%
Korean	0	3	3	0%
Spanish	10	7	17	59%
Vietnamese	491	179	670	73%
<b>Total</b>	<b>771</b>	<b>409</b>	<b>1,180</b>	<b>65%</b>

## Licenses Issued Fiscal Year 21/22

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Barber	607	548			1,155
Barber Apprentice	438	305			743
Cosmetology	1,709	1,269			2,978
Cosmetology Apprentice	257	209			466
Electrology	12	14			26
Electrology Apprentice	0	0			0
Esthetician	1,330	1,458			2,788
Manicurist	511	827			1,338
Establishment	1,932	1,558			3,490
Mobile Unit	0	0			0
<b>Totals</b>	<b>6,796</b>	<b>6,188</b>			<b>12,984</b>

## 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	1,155
Barber Apprentice	885	854	810	874	743
Cosmetology	7,085	6,468	4,810	3,153	2,978
Cosmetology Apprentice	727	842	642	584	466
Electrology	22	31	30	26	26
Electrology Apprentice	1	0	0	0	0
Esthetician	4,007	4,890	3,699	2,887	2,788
Manicurist	3,787	4,414	3,437	2,065	1,338
Establishment	7,609	7,706	6,937	6,302	3,490
Mobile Unit	2	0	0	0	0
<b>Totals</b>	<b>26,384</b>	<b>27,171</b>	<b>22,056</b>	<b>16,976</b>	<b>12,984</b>

\*Data updated through December, 2021

## License Population

Barber	33,553
Barber Apprentice	2,057
Cosmetology	302,668
Cosmetology Apprentice	1,486
Electrology	1,584
Electrology Apprentice	-
Esthetician	93,022
Manicurist	125,533
Establishment	55,577
Mobile Unit	57
<b>Total</b>	<b>615,537</b>



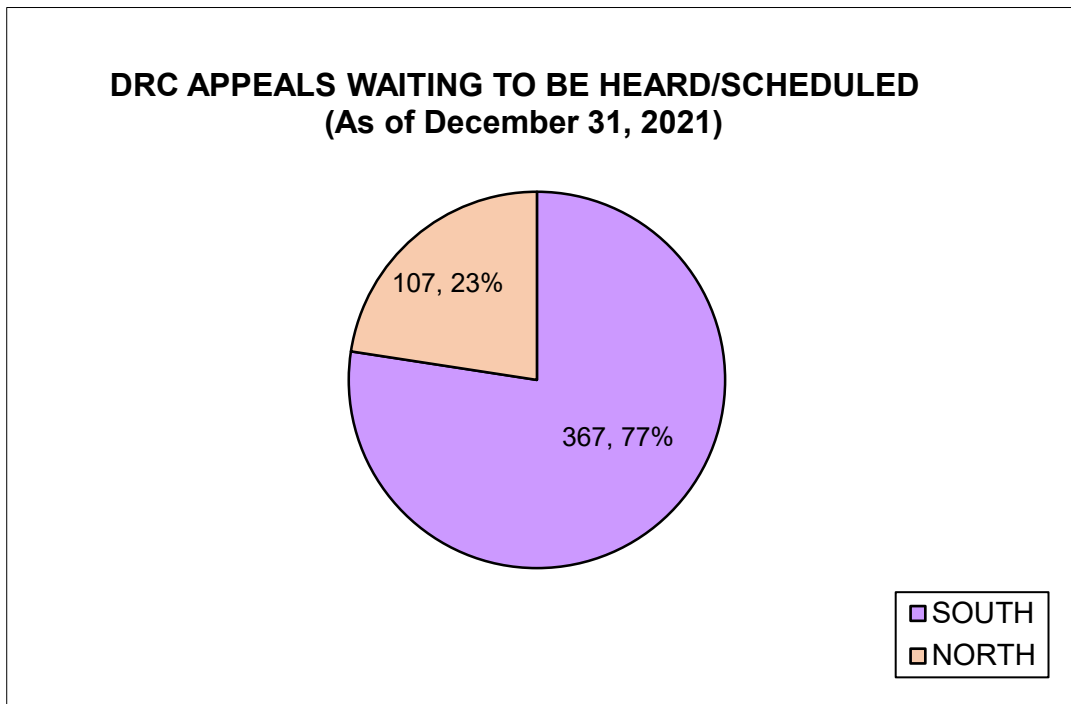
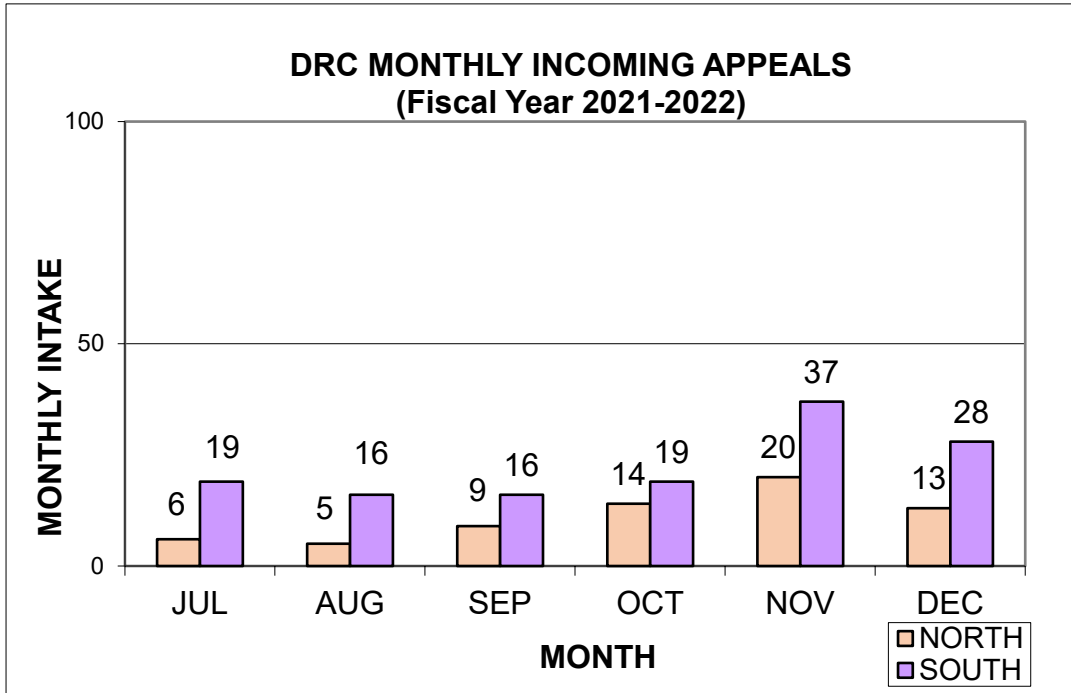
## Disciplinary Review Committee Appeals Fiscal Year 21/22

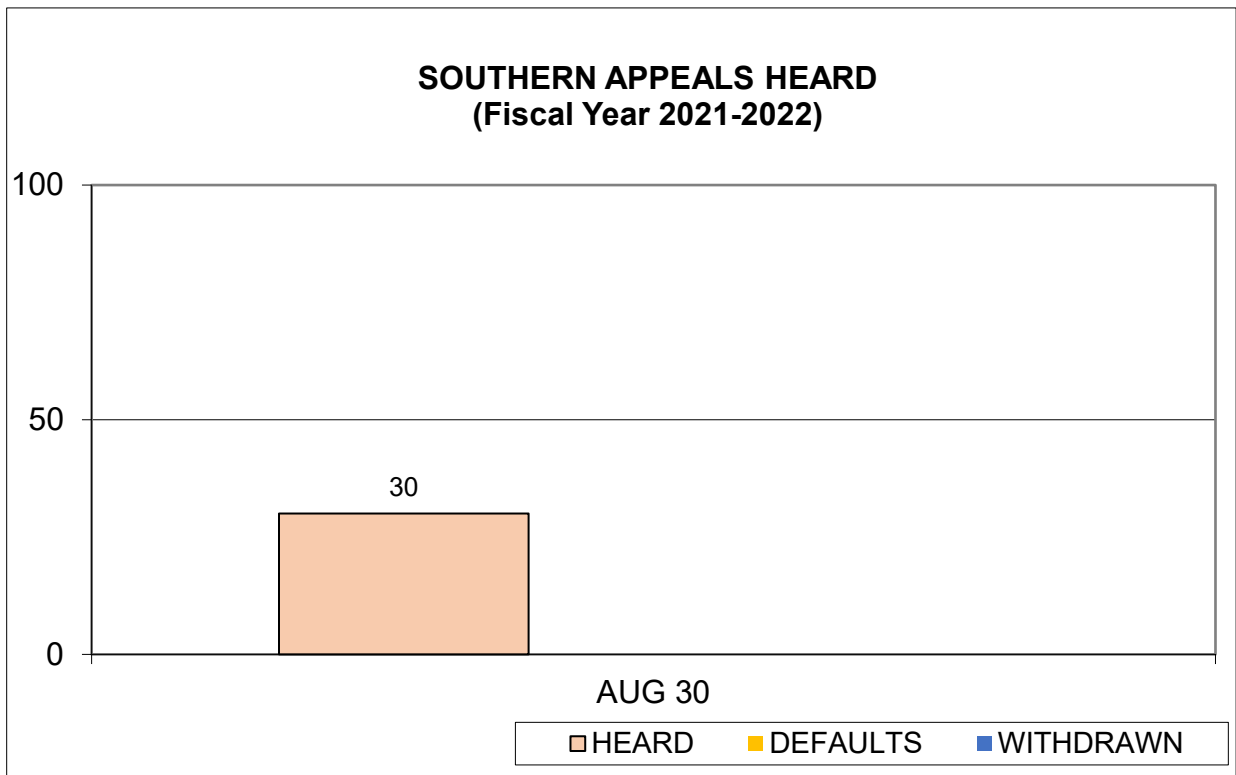
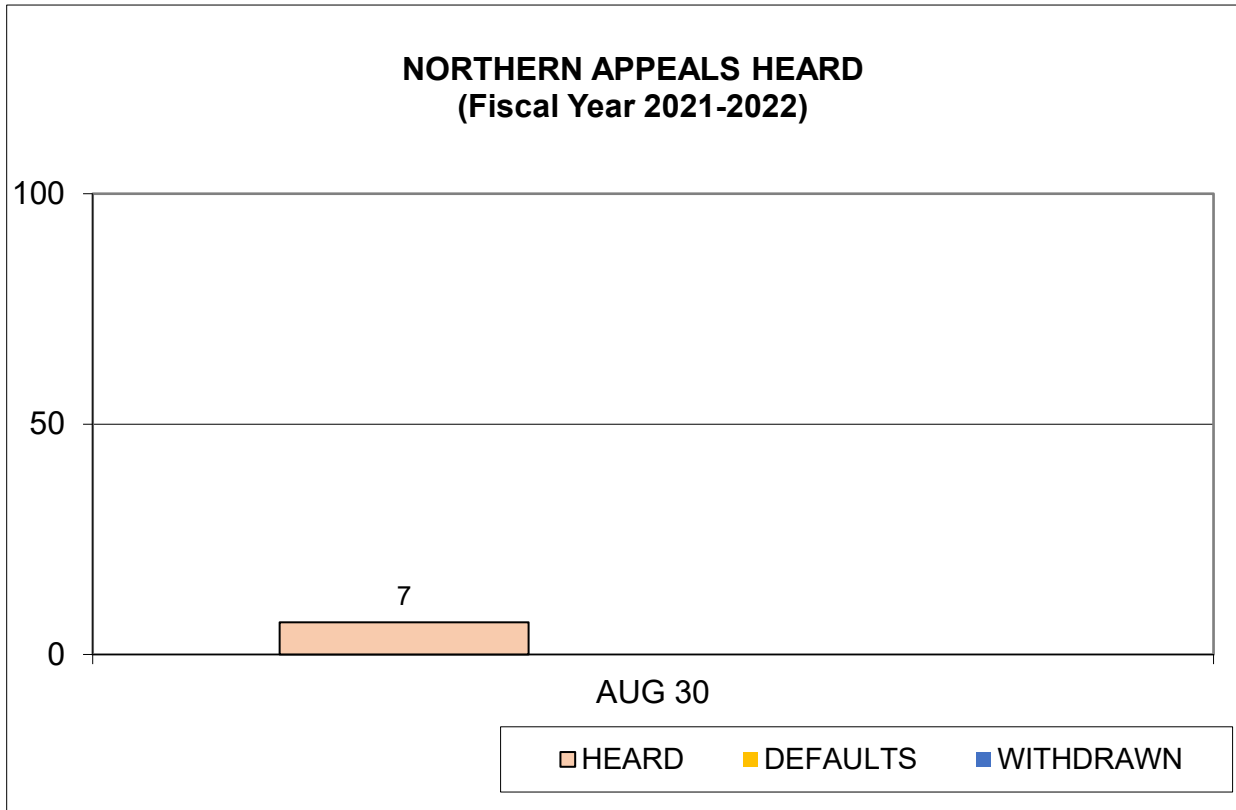
Northern	Jul - Sept	Oct - Dec	YTD
Heard	7	0	7
Received	20	47	67
Pending <sup>1</sup>	61	107	107 <sup>2</sup>

Southern	Jul - Sept	Oct - Dec	YTD
Heard	30	0	30
Received	51	84	135
Pending <sup>1</sup>	287	367	367 <sup>2</sup>

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

<sup>2</sup>Figure represents number of pending requests as of report date 12/31/2021.





### Quarterly Enforcement Statistics Fiscal Year 20/21

<b>COMPLAINTS</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Complaints Received	1126	1083			2209
Referred to DOI	3	0			3
Complaints Closed	1305	1190			2495
Total Complaints Pending	1186	1095			1095
Average Days to Close	135	116			116

<b>APPLICATION INVESTIGATIONS*</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Received	1	2			3
Pending	11	13			13
Closed	1	3			4

<b>ATTORNEY GENERAL</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Referred	6	8			14
Accusations Filed	2	5			7
Statement of Issues Filed	0	0			0
Total Pending	18	20			20

<b>DISCIPLINARY PROCESS</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Proposed Decisions	2	1			3
Default Decision	0	0			0
Stipulation	3	1			4

<b>DISCIPLINARY OUTCOMES</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Revocation	2	0			2
Revoke, Stay, Probation	1	1			2
Revoke, Stay, Suspend/Prob	4	2			6
Revocation, Stay w/ Suspend	0	0			0
Probation Only	0	0			0
Suspension Only	0	0			0
Suspension & Probation	0	0			0
Suspension, Stay, Probation	0	0			0
Surrender of License	2	0			2
Public Reprimands	0	0			0
License Denied	0	0			0
Other	0	0			0
<b>Total</b>	<b>9</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>12</b>

<b>PROBATION</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Active	103	102			102

<b>CITATIONS</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan-Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Establishments	736	1027			1763
Barber	56	68			124
Barber Apprentice	19	31			50
Cosmetologist	83	188			271
Cosmetologist Apprentice	5	5			10
Electrologist	0	0			0
Electrologist Apprentice	0	0			0
Manicurist	65	149			214
Esthetician	24	42			66
Unlicensed Est.	53	91			144
Unlicensed Individual	59	70			129
<b>Total</b>	<b>1100</b>	<b>1671</b>	<b>0</b>	<b>0</b>	<b>2771</b>

<b>INSPECTIONS</b>	<b>Jul-Sep</b>	<b>Oct-Dec*</b>	<b>Jan-Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Establishments w/ Violations	1471	784			2255
Establishments w/o Violations	889	398			1287
<b>Total</b>	<b>2360</b>	<b>1182</b>	<b>N/A</b>	<b>N/A</b>	<b>3542</b>

\*Data updated through October, 2021

## Complaints Received October - December 2021

Complaint Type	Anonymous	Internal	Public	Totals
Fraud	3	0	2	5
Health & Safety	306	45	93	444
Non-Jurisdictional	57	0	56	113
Incompetence/Negligence	0	0	79	79
Other	2	0	4	6
Personal Conduct	0	0	0	0
Unlicensed Activity	243	131	58	432
App Investigation	0	4	0	4
<b>Total</b>	<b>611</b>	<b>180</b>	<b>292</b>	<b>1083</b>

## 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	7
Health & Safety	1604	1637	3462	4976	941
Non-Jurisdictional	319	354	643	337	228
Incompetence/Negligence	438	407	258	124	162
Other	19	39	80	95	13
Personal Conduct	6	2	2	2	1
Unlicensed Activity	1555	1841	1791	809	851
App Investigation	1061	194	12	12	6
<b>Total</b>	<b>5086</b>	<b>4560</b>	<b>6298</b>	<b>6413</b>	<b>2209</b>

\*Data updated through December, 2021

**Board of Barbering and Cosmetology**  
**FM 5 Fiscal Year 2021/22**  
**Projected Expenditures 11/30/2021**

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
5100 Permanent	5,621,000	4,476,313	1,144,687
5100 Temporary	587,000	633,446	(46,446)
5105-5108 Per Diem, Overtime & Lump Sum	0	273,941	(273,941)
5150 Staff Benefits	3,221,000	2,922,499	298,501
5170 Salary Savings	0	0	0
<b>Total of Personnel Services</b>	<b>9,429,000</b>	<b>8,306,199</b>	<b>1,122,801</b>
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
5301 General Expense	166,000	105,719	60,281
5302 Printing	250,000	546,837	(296,837)
5304 Communication	21,000	45,425	(24,425)
5306 Postage	232,000	15,047	216,953
5308 Insurance	4,000	9,952	(5,952)
53202-204 Travel In State	73,000	35,500	37,500
53206-208 Travel, Out-of-State	0	3,061	(3,061)
5322 Training	11,000	4,572	6,428
5324 Facilities Operations	1,022,000	2,227,654	(1,205,654)
53402-53404 Attorney General, OAH, C&P S	1,672,000	465,700	1,206,300
53404-53405 Consultant & Professional Svcs	1,646,000	1,883,523	(237,523)
5342 DCA Pro Rata	6,144,000	5,329,369	814,631
5342 Interagency Services	1,000	155,855	(154,855)
5344 Consolidated Data Center	68,000	50,540	17,460
5346 Information Technology	38,000	135,176	(97,176)
5362-5368 Equipment	131,000	209,031	(78,031)
5390 Other Items of Expense & Vehicles	43,000	67,524	(24,524)
54 Special Items and Expenses	0	34,846	(34,846)
<b>Total Operating Expenses &amp; Equipment</b>	<b>11,522,000</b>	<b>11,325,331</b>	<b>196,669</b>
<b>Total Expenses</b>	<b>20,951,000</b>	<b>19,631,530</b>	<b>1,319,470</b>
Schedule Reim. Other			
<b>Net Appropriation</b>	<b>20,951,000</b>	<b>19,631,530</b>	<b>1,319,470</b>

# 0069 - Barbering and Cosmetology Contingency Fund

## Analysis of Fund Condition

Prepared 1.11.22

(Dollars in Thousands)

### 2022-23 Governor's Budget

w\_FM 5 Projections

	PY 2020-21	CY 2021-22	Governor's Budget BY 2022-23	BY+1 2023-24
<b>BEGINNING BALANCE</b>	\$ 46,274	\$ 23,812	\$ 22,272	\$ 13,089
Prior Year Adjustment	\$ 439	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 46,713	\$ 23,812	\$ 22,272	\$ 13,089
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
4121200 Delinquent Fees	\$ 1,047	\$ 288	\$ 288	\$ 1,106
4127400 Renewal Fees	\$ 9,306	\$ 568	\$ 568	\$ 9,838
4129200 Other Regulatory Fees	\$ 1,127	\$ 1,616	\$ 1,616	\$ 5,289
4129400 Other Regulatory Licenses and Permits	\$ 2,974	\$ 3,818	\$ 3,818	\$ 3,149
4143500 Miscellaneous Services to the Public	\$ 20	\$ 16	\$ 16	\$ -
4163000 Investment Income - Surplus Money Investments	\$ 184	\$ 102	\$ 193	\$ 542
4171400 Escheat - Unclaimed Checks, Warrants, Bonds, and Coupons	\$ 16	\$ 16	\$ 16	\$ 12
4172500 Miscellaneous Revenue	\$ 5	\$ 3	\$ 3	\$ 8
4173500 Settlements and Judgements	\$ 8	\$ -	\$ -	\$ -
Total Revenues	\$ 14,687	\$ 6,427	\$ 6,518	\$ 19,944
Transfers to Other Funds				
Loan from the Barbering and Cosmetology Contingent Fund (0069) to the General Fund (0001) per Item 1111-011-0069, Budget Act of 2020	\$ -25,000	\$ -	\$ -	\$ -
Total Revenues, Transfers, and Other Adjustments	\$ -10,313	\$ 6,427	\$ 6,518	\$ 19,944
Total Resources	\$ 36,400	\$ 30,239	\$ 28,790	\$ 33,033
<b>EXPENDITURES</b>				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 18,313	\$ 19,262	\$ 19,840	\$ 20,435
9892 Supplemental Pension Payments (State Operations)	\$ 316	\$ 316	\$ 316	\$ 316
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 1,115	\$ 1,189	\$ 1,189	\$ 1,189
Less funding provided by the General Fund (State Operations)	\$ -7,156	\$ -12,800	\$ -5,644	\$ -
Total Disbursements	\$ 12,588	\$ 7,967	\$ 15,701	\$ 21,940
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 23,812	\$ 22,272	\$ 13,089	\$ 11,093
<b>Months in Reserve</b>	35.9	17.0	7.2	5.9

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 1.5%.



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## MEMORANDUM

DATE January 24, 2022  
TO: Members, Board of Barbering and Cosmetology  
FROM: Kristy Underwood, Executive Officer  
SUBJECT: Outreach Update

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Executive Officer Kristy Underwood participated in several outreach events regarding SB 803. She shared information on the Board's implementation plan and how the bill will affect the industry; the curriculum changes, practical examination status, and the 600-hour Hairstylist license.

### **Participated:**

Professional Beauty Federation of California (PBFC) (Virtual Event)  
November 1, 2021 - Kristy Underwood

Professional Beauty Association (PBA) (Virtual Event)  
November 8, 2021 - Kristy Underwood

California Aesthetic Alliance (Virtual Event)  
December 3, 2021 - Kristy Underwood

### **Tentatively Scheduled:**

California Esthetics Compliance Conference, Ventura  
February 26, 2022 - Kristy Underwood

The Council of State Governments - Document Team, Washington DC  
March 1-2, 2022 - Kristy Underwood

International Salon and Spa Expo (ISSE), Long Beach  
June 25-26, 2022 - Kristy Underwood, Allison Lee, and Marcene Melliza





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## **SB 803 Implementation Plan Outline**

Below is an updated of the tasks involved with implementation of SB 803.

<b>Business and Professions Code (BPC) Section</b>	<b>Tasks</b>	<b>Status</b>
7303 Board Members	<ul style="list-style-type: none"> <li>Update Board Member manual</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> </ul>
7316 Hairstylist License	<ul style="list-style-type: none"> <li>Conduct occupational analysis</li> <li>Develop examination</li> <li>Prepare regulation package</li> <li>Update and modify BreZE</li> </ul>	Board staff have met with DCA's Office of Professional Examination Services to begin process. Occupational analysis and exam development will be approximately 18 months.
7316 Estheticians	<ul style="list-style-type: none"> <li>Update website with new scope information</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> </ul>
7331 Reciprocity	<ul style="list-style-type: none"> <li>Modify BreZE ticket to remove 3-year requirement from transaction checklist for new apps</li> <li>Update application forms</li> <li>Update website FAQs and BarberCosmo email signatures</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> </ul>
7334 Pre-Apprentice Training	<ul style="list-style-type: none"> <li>Develop program (project plan, time frame)</li> </ul>	<ul style="list-style-type: none"> <li>Board staff are working with DCA to develop on-line training system for the pre-apprentice training.</li> </ul>
7337.5 Removal of Pre-App	<ul style="list-style-type: none"> <li>Coordinate with PSI and OIS for written examination increases</li> <li>Modify BreZE</li> <li>Determine system to receive POTs from candidates that no show for the practical and were supposed to provide POT</li> <li>Update website and BarberCosmo automatic response</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> </ul>

<p>7338 Removal of Practical</p>	<ul style="list-style-type: none"> <li>• Coordinate staffing issues with DCA HR</li> <li>• Determine status of building leases</li> <li>• Determine what to do with PSI sub-leases</li> <li>• Plan for survey of site equipment and inventory</li> <li>• Update Exam and Re-exam applications</li> <li>• Update Exam Information webpage - remove practical information and CIBs</li> <li>• Create outreach plan for candidates without POT</li> <li>• Receive updated PSI Handbook</li> <li>• Create flyer to hand out with exam results stating don't reapply, wait until Jan 1</li> <li>• Update BarberCosmo email responses and automatic response</li> <li>• Update website FAQs and 'Helpful Hints' flyer</li> </ul>	<ul style="list-style-type: none"> <li>• Completed</li> </ul>
<p>7355 Mobile Unit</p>	<ul style="list-style-type: none"> <li>• Update application</li> <li>• Update FAQs and BarberCosmo email signatures</li> </ul>	<ul style="list-style-type: none"> <li>• Completed</li> </ul>
<p>7362-7365 School Curriculum</p>	<ul style="list-style-type: none"> <li>• Create Q&amp;A for licensees and schools for homepage of website with BPPE</li> <li>• Amend regs regarding curriculum</li> <li>• Approve new barbering and cosmetology courses with BPPE</li> </ul>	<ul style="list-style-type: none"> <li>• As of January 13, 2022 the Board has received new course applications from 159 schools. 146 have been approved with 13 pending. (There are 246 schools in CA).</li> <li>• Q and A completed.</li> <li>• Regulations are in process</li> </ul>
<p>7395.1 Externs</p>	<ul style="list-style-type: none"> <li>• Review Extern package already started</li> <li>• Update website FAQs</li> </ul>	<ul style="list-style-type: none"> <li>• Board staff have asked for clean up language to include barbers as externs.</li> </ul>
<p>7401 Survey</p>	<ul style="list-style-type: none"> <li>• Update practice status survey</li> </ul>	<ul style="list-style-type: none"> <li>• Completed</li> </ul>
<p>7407 Fines</p>	<ul style="list-style-type: none"> <li>• Determine definition of "direct impact"</li> <li>• Establish work group to review fine schedule</li> <li>• Prepare regulation package</li> </ul>	<ul style="list-style-type: none"> <li>• Staff are preparing history of each violation and will be discussing this topic at the next Health and Safety Committee meeting planned for March 2022.</li> </ul>
<p>Miscellaneous</p>	<ul style="list-style-type: none"> <li>• Create SB 803 Information page</li> <li>• Prepare recommended clean-up language</li> <li>• Review regs overall for clean up</li> </ul>	<ul style="list-style-type: none"> <li>• Completed</li> </ul>



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## MEMORANDUM

DATE January 24, 2022  
TO: Members, Board of Barbering and Cosmetology  
FROM: Kristy Underwood, Executive Officer  
SUBJECT: Regulations Update

---

**The following regulation packages are on hold pending legislative clean-up language:**

- 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)



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## MEMORANDUM

DATE January 24, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 917, 928, 931, 932, 934, 937, 950.1, 950.2, 950.3, 950.4, 962 (SB 803 Clean Up)

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The attached regulatory language is being provided as “clean-up” language to SB 803.

**No action needed.** Board staff drafted the attached proposed language for the Board to review. Board staff is working with DCA to finalize amendments to the Interpreter Forms, which will be presented at the next board meeting for approval.

**BOARD OF BARBERING AND COSMETOLOGY**

**Division 9, Title 16, of the California Code of Regulations.**

**SPECIFIC LANGUAGE**

**LEGEND**

<b><u>Underlined</u></b>	<b>Indicates proposed amendments or additions to the existing regulation.</b>
<b><del>Strikeout</del></b>	<b>Indicates proposed deletions to the existing regulation.</b>

**1. Amend Section 904, Title 16, California Code of Regulations as follows:**

**§ 904. Enforcement.**

(a) Article 12 of the board's regulations, within Title 16, Division 9 of the California Code of Regulations, contains the board's "Health and Safety Rules".

(b) The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall implement and maintain the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

(c) All licensed barbers, cosmetologists, hairstylists, estheticians, manicurists, electrologists, instructors, or apprentices shall individually implement and maintain the Health and Safety Rules.

(d) All persons performing acts of a barber, cosmetologist, hairstylist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the board, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

(e) Failure to present valid proof of identification shall be grounds for disciplinary action.

(f) The executive officer and any authorized representative of the board shall have access to and inspect all areas within an establishment, mobile unit, or school, including any room, closet, cabinet, drawer, container, or mobile or fixed storage or display unit.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312, 7313, 7316 and 7404, Business and Professions Code.

**2. Amend Section 909, Title 16, California Code of Regulations as follows:**

(a) Every application for examination in which the applicant is using training received in a school in this state approved by the board in order to qualify for examination must be accompanied by proof of that training.

(b) Proof of training shall be a document, prepared by the school where the applicant completed the qualifying training, that includes all of the following:

(1) The course title.

(2) The student's name, address, and date of birth.

(3) The school's name, address, and school code issued by the board.

(4) The date training started and the date training was completed at the school completing the training.

(5) The total number of hours of training the student received.

(6) If the applicant has done any one of the following, the document shall also include the information as specified for each:

(A) If the applicant has received any of the training at another school, the document must specify, for each school attended, the school's name and school code, the number of hours of training received, the date training started, and the last date of attendance.

(B) If the applicant has received credit from a course transfer, the document must specify the course and the number of hours of training received, the date training started and the last date of attendance before transferring, and the number of hours of credit received.

(C) If the applicant has received credit for holding a manicurist or cosmetician license issued by the board, the document must specify the type of license, the license number, its date of expiration, and the number of hours of credit received.

(D) If the applicant has received credit for out-of-state training and/or experience, a copy of the letter from the board granting that credit shall be attached to the document.

(7) A statement confirming that the student has met the minimum course curriculum requirements ~~as specified by regulation~~ below for each course completed by the student:

(i) for a barbering or cosmetology course, the technical and practical instruction requirements listed in Section 7362.5 of the Business and Professions Code;

(ii) for a course in hairstyling, the technical and practical instruction requirements listed in Section 7363 of the Business and Professions Code;

(iii) for a course in skin care, the technical and practical instruction requirements listed in Section 7364 of the Business and Professions Code; and,

(iv) for a nail care course, the technical and practical instruction requirements listed in Section 7365.

(8) A statement, dated and signed under penalty of perjury by the school and the student, that all the information on the document is true and correct. The statement shall be worded as follows:

“We, the undersigned, certify under penalty of perjury under the laws of the state of California, that all the information contained herein is true and correct.”

(9) The document must include the name and title of the individual signing for the school clearly printed or typed.

(c) The information contained in any proof of training document prepared by an approved school in this state must be clearly identified by the number and presented in the order specified in subdivision (b).

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7321, 7321.5, 7324, 7326, 7330, 7331, 7337, 7362.5, 7363, 7364, 7365, and 7391, Business and Professions Code.

**3. Repeal Section 917, Title 16, California Code of Regulations as follows:**

**~~§ 917. Pre-apprentice Training.~~**

~~The minimum hours of pre-apprentice training referred to in Section 7334 of the Business and Professions Code shall be thirty-nine (39) hours of instruction in the laws and regulations of the board, basic patron protection and sanitation and disinfection procedures. An applicant for licensure as an apprentice shall complete the pre-apprenticeship training prior to being licensed as an apprentice.~~

~~Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7334, Business and Professions Code.~~

**4. Repeal Section 928, Title 16, California Code of Regulations as follows:**

**~~§ 928. Preapplication for Examination.~~**

~~(a) A preapplication for examination must be submitted to the board postmarked within 7 calendar days from the day the applicant completed 75 percent of the required course hours and curriculum requirements (60 percent for students of the manicurist course) from an approved barbering, cosmetology or electrology school, or any person licensed as an apprentice in barbering, cosmetology, skin care, or nail care who has completed at least 75 percent of the required apprenticeship training hours.~~

~~(b) A preapplication for examination shall be in writing, on a form prepared by the board (Form PRE1, Request for Pre-Application, Rev. 1/05).~~

~~(c) The preapplication form shall be submitted with the following:~~

~~(1) The required preapplication fee specified in Section 998;~~

~~(2) The application for examination, including the required fee and all proof of qualifications of the applicant for examination, except the proof of training document specified in Section 909 or (for apprentices) the certificate of apprenticeship completion specified in Section 924.~~

~~(3) A stamped envelope, addressed to the school from which the applicant completed training or to the apprentice program sponsor from which the applicant completed training.~~

~~(d) The preapplication form shall include an anticipated date that the student/apprentice shall complete his/her course of study/apprenticeship, and a statement, signed by the student/apprentice and the school/apprentice program sponsor and certified to under~~



~~penalty of perjury, that the student/apprentice has completed the curriculum requirements and number of clock hours required to submit a preapplication.~~

~~(e) Within 30 calendar days of receipt of the preapplication the board shall notify the applicant in writing, at the school/apprentice program sponsor from which the applicant completed training, that the preapplication is either complete or is deficient and what information or documentation is required to complete the application.~~

~~(1) If the application is complete, the notification (that portion of form PRE1 filled out by the board) shall also contain the applicant's scheduled examination date.~~

~~(2) If a preapplication is deficient, the applicant shall not be scheduled for examination with the pre-application population until the deficiencies are corrected and the application is resubmitted.~~

~~(f) The proof of training document/certificate of apprenticeship completion and the portion of form PRE1 filled out by the board must be mailed to the board, postmarked within three working days after the applicant's anticipated date of course/apprenticeship completion. If this requirement is not met, the applicant will not be permitted to be examined on the scheduled date and the applicant will be scheduled for examination with the general application population.~~

~~(g) Within ten working days of receipt of the proof of training document/certificate of apprenticeship completion, the board shall notify the applicant in writing that it is either complete or is deficient and what information or documentation is required to complete the document.~~

~~(1) If the proof of training document/certificate of apprenticeship completion is complete, the board will mail an examination admission letter to the applicant.~~

~~(2) If the proof of training document/certificate of apprenticeship completion is deficient, the applicant will not be permitted to be examined on the scheduled date and will be rescheduled for examinations at the time of receipt of a complete proof of training document/certificate of apprenticeship completion.~~

~~Note: Authority cited: Sections 7312 and 7337.5, Business and Professions Code.  
Reference: Section 7337.5, Business and Professions Code.~~

**5. Amend Section 931, Title 16, California Code of Regulations as follows:**

**§ 931. Interpreter ~~and Interpreter/Model~~.**

(a) An applicant for the barber, cosmetologist, hairstylist, esthetician, manicurist, or electrologist examination may use an Interpreter ~~or an Interpreter/Model~~ during examination if the applicant is unable to speak, read, or write in the English language at a 10th grade level and unable to take the examination in Korean, Spanish, or Vietnamese.

(b) The applicant shall file with the application for examination, ~~or not later than thirty (30) days prior to the date of the examination,~~ a notice of permission to use an Interpreter ~~or Interpreter/Model~~ on a form prescribed by the board (Form #03B-125, Form G, Request for Use of an Interpreter ~~or Interpreter/Model~~, Rev. 81/942022) and executed by the applicant under penalty of perjury.

(c) The person designated by the applicant to act as an Interpreter ~~or an Interpreter/Model~~ shall file with the board, ~~not later than fifteen (15) days prior to the date of the examination and~~ on a form prescribed by the board (Form #03A-126, Form H, Rev 81/942022) and executed by the person under oath or penalty of perjury, a request to act as an interpreter ~~or an interpreter/model~~, along with two 1 1/2 x 1 1/2 inch signed photographs of himself or herself.

(d) The Interpreter ~~or Interpreter/Model~~ shall be a person who is fluent both in English and in the native language of the applicant and must certify to this fact in writing under penalty of perjury.

~~(e) An Interpreter may interpret only for the written portion of the examination.~~

~~(fe) An Interpreter/Model may interpret for the written and practical portions of the examination and shall serve as the model for the practical examination.~~

~~(gf) A person shall be allowed to act as an Interpreter or Interpreter/Model only once in two (2) years in any examination.~~

~~(h) An Interpreter shall not be used in the barber or cosmetology instructor examinations.~~

(ig) Disabled persons are entitled to access to examination activities in a manner that is equal to that offered non-disabled persons and reasonable accommodation will be provided all such persons with medically-certified documentation.

(jh) The following persons are prohibited from acting as Interpreter ~~or Interpreter/Models~~:

- (1) Persons less than 15 years of age.
- (2) Persons who are current or former students in barbering, ~~or any of the branches of cosmetology, hairstyling, electrology, nail care, or skin care.~~
- (3) Persons who are currently or have been formerly licensed as an operator or an instructor by this state or any other state in barbering or any of the branches of cosmetology.
- (4) Persons who are currently or have been formerly enrolled in a barber apprentice training program.
- (5) Persons who are currently or have been formerly enrolled in a cosmetologist apprentice training program.
- (6) Persons who have been formerly Junior Operators or Junior Electrologists.
- (7) Persons who are currently or have been formerly owners or employees of any school of barbering, cosmetology or electrology.

(~~k~~) For a period of one (1) year from the date that any person served as an Interpreter ~~or Interpreter/Model~~, that person shall be ineligible to apply to the Board of Barbering and Cosmetology for a license in barbering or any of the branches of cosmetology from which he or she provided Interpreter ~~or Model~~ services.

(~~l~~) If the board determines that any of the information furnished pursuant to this section is false in a material respect, it may void the applicant's examination, if any.

(~~m~~) Persons who are only reading the examination to the applicant, but not interpreting to another language, will not be permitted.

(~~n~~) If the board determines that an Interpreter ~~or Interpreter/Model~~ is providing answers during the examination or any other material assistance to the applicant other than translating during the conduct of the examination, it shall disqualify the Interpreter ~~or Interpreter/Model~~ and void the applicant's examination.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7316, 7338 and 7340, Business and Professions Code.

**6. Amend Section 932, Title 16, California Code of Regulations as follows:**

**§ 932. Passing Grades in Examinations.**

- (a) Examinations shall consist of a practical demonstration and a written test.
- (b) An applicant must obtain a passing score on both the practical demonstration and the written test. The board will determine the passing scores using a criterion-referenced method and based on the recommendation of subject matter experts under the direction of the Board and the Board's examination contractor.

Note: Authority cited: Sections 7312, 7338 and 7340, Business and Professions Code.  
Reference: Sections 7338 and 7340, Business and Professions Code.

**7. Repeal Section 934, Title 16, California Code of Regulations as follows:**

**~~§ 934. Examination Appeal.~~**

- ~~(a) An applicant who has received a fail score on the written or practical examination shall be eligible to appeal to the board for a review of his or her examination results.~~
- ~~(b) The appeal shall be filed with the board within fifteen (15) days after the date of notification of his or her examination results. The appeal shall be made in writing, and it shall state the reason for appeal. The board shall only consider appeals regarding significant procedural error in or adverse environmental conditions during the test administration.~~
- ~~(c) The review of the appeal shall be conducted by one or more board members, or the board's designee, to determine if there is clear and convincing evidence to sustain the applicant's appeal. Such findings shall be subject to the approval of the board.~~
- ~~(d) Within thirty (30) days after the board has approved the determination on appeal, the applicant shall be notified in writing of the results of his or her appeal. In acting on appeals, the board may take such action as it deems appropriate, including the issuance of a license where the board has determined that the applicant has demonstrated the required competence.~~

Note: Authority cited: Sections 7312 and 7340, Business and Professions Code.  
Reference: Sections 7340 and 7341, Business and Professions Code.

**8. Amend Section 937, Title 16, California Code of Regulations as follows:**

**§ 937. Licensing and Operation.**

(a) An application for a license to operate a mobile unit shall be on a form prescribed and provided by the board (Form #03A-202, Application for License to Operate A Mobile Unit, Rev 1/93), accompanied by such evidence, statements, or documents as required by Section 7355(b) of the Business and Professions Code.

~~(b) The geographical boundaries within which the mobile unit is licensed to operate shall include only the cities and counties within which the mobile unit has permits to provide services, and shall extend no further than a 50 mile radius from the permanent base address from which the mobile unit operates.~~

(~~e~~b) All Health and Safety Rules governing barbering and cosmetology establishments (as contained in Article 12 of these regulations) shall apply to mobile units unless otherwise specified.

(~~d~~c) All storage cabinet doors shall have safety catches.

(~~e~~d) All equipment which is not stored in storage cabinets shall be securely anchored to the mobile unit.

(~~f~~e) No services shall be performed while the mobile unit is in motion.

(~~g~~f) A ramp or lift shall be provided for access to the mobile unit if providing services for disabled individuals.

(~~h~~g) The owners of mobile units shall be responsible for adherence to all local, state and federal laws and regulations regarding the operation of vehicles to be used as mobile units.

(~~i~~h) An itinerary showing dates, locations, and times of service shall be made available, upon request, to an authorized representative of the board.

(~~j~~i) The board shall inform the applicant in writing that the application is either complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application within 10 calendar days of receipt of an application for a license to operate a mobile unit.

(~~k~~i) The board shall inform the applicant in writing of its decision regarding an application within 21 calendar days from the date of filing of a completed application. The decision is contingent upon the applicant scheduling an appointment with the

board, or its representative, for an inspection of the mobile unit for final approval, pursuant to section 7355(a) of the Business and Professions Code, within seven calendar days of receipt of the notice of a completed application.

(k) The inspection for final approval shall be conducted to ensure compliance with Sections 7345 and 7357(b) of the Business and Professions Code.

Note: Authority cited: Sections 7312 and 7357, Business and Professions Code.  
Reference: Sections 7345, 7355 and 7357, Business and Professions Code.

**9. Repeal Section 950.1, Title 16, California Code of Regulations as follows:**

**~~§ 950.1. Curriculum for Barbering Course.~~**

~~(a) The curriculum for students enrolled in a barbering course shall consist of fifteen hundred (1500) hours of technical instruction and practical training covering all practices of a barber pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:~~

~~(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing~~

~~The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Hairstyling (65 hours of Technical Instruction and 240 Practical Operations):~~

~~The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb-outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.~~

~~Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations):~~

~~The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and~~

~~alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.~~

~~Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations):~~

~~The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers.~~

~~Hair Cutting (20 hour of Technical Instruction and 80 Practical Operations):~~

~~The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.~~

~~(2) 200 Hours of Technical Instruction and Practical Training in Shaving~~

~~The required subjects of instruction in Shaving shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Preparation and Performance (100 hours of Technical Instruction and 40 Practical Operations)~~

~~The subject of Preparation and Performance shall include, but is not limited to the following techniques and procedures: Preparing the client's hair for shaving, assessing the condition of the client's skin, performing shaving techniques, applying after-shave antiseptic following facial services, massaging the client's face, rolling cream massages.~~

~~(3) 200 Hours of Technical Instruction in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:~~

~~Laws and Regulations (20 hours of Technical Instruction)~~

~~The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (45 hours of Technical Instruction)~~

~~Health and Safety/hazardous substances including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, bacteriology and preventing communicable diseases including HIV/AIDS and Hepatitis B.~~

~~Disinfection and Sanitation (20 hours of Technical Instruction)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician, proper disinfection procedures for equipment used in establishments.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.~~

~~Anatomy and Physiology (15 hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, client record keeping, decorum, basic tax information relating to booth renters, independent contractors, employees, and employers.~~

~~Note: Authority cited: Sections 7312 and 7362(b), Business and Professions Code. Reference: Sections 7316, 7321.5(d)(1), 7362.5(a) and 7389, Business and Professions Code.~~

**10. Repeal Section 950.2, Title 16, California Code of Regulations as follows:**

**~~§ 950.2. Curriculum for Cosmetology Course.~~**

~~(a) The curriculum for students enrolled in a cosmetology course shall consist of sixteen hundred (1600) hours of technical instruction and practical training covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or~~



on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical and practical training shall include the following hours and/or operations:

~~(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing~~

~~The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Hairstyling (65 hours of Technical Instruction and 240 Practical Operations)~~

~~The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb-outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.~~

~~Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations)~~

~~The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.~~

~~Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations)~~

~~The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers~~

~~Hair Cutting (20 hours of Technical Instruction and 80 Practical Operations)~~

~~The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry-cutting.~~

~~(2) 200 Hours of Technical Instruction in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject matter as follows:~~

~~Laws and Regulations (20 hours of Technical Instruction)~~

~~The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (45 hours of Technical Instruction)~~

~~The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Cosmetology chemistry including the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Elementary chemical makeup, chemical skin peels and chemical and physical changes of matter. Hazardous substances including training in chemicals and health in establishments, protection from hazardous chemicals and preventing chemical injuries, ergonomics, theory of electricity in cosmetology, bacteriology, communicable diseases, including HIV/AIDS, Hepatitis B, and staph and Material Safety Data Sheets.~~

~~Disinfection and Sanitation (20 hours of Technical Instruction)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures for equipment used in establishments.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.~~

~~Anatomy and Physiology (15 hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.~~

~~(3) 200 Hours of Technical Instruction and Practical Training in Esthetics~~

~~The required subjects of instruction in Esthetics shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:~~

~~Manual, Electrical and Chemical Facials (25 hours of Technical Instruction and 40 Practical Operations)~~

~~The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling. Eyebrow Beautification and Make-up (25 hours of Technical Instruction and 30 Practical Operations)~~

~~The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow Arching and Hair Removal, including the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.~~

~~The subject of Makeup shall include, but is not limited to, the following issues: skin analysis, complete and corrective makeup, the application of false eyelashes, and lash and brow tinting, if a product exists that is not disapproved, prohibited or banned by the U.S. Food and Drug Administration, the Occupational Safety and Health Administration, or the U.S. Environmental Protection Agency.~~

~~(4) 100 Hours of Technical Instruction and Practical Training in Manicuring and Pedicuring~~

~~The required subjects of instruction in Manicuring and Pedicuring shall be completed with the minimum hours of technical instruction and practical operation for each subject-matter as follows:~~

~~Manicuring and Pedicuring (10 hours of Technical Instruction and 25 Practical Operations)~~

~~The subject of Manicuring and Pedicuring shall include, but are not limited to, the following issues: Water and oil manicure, including nail analysis, and hand/foot and arm/ankle massage.~~

~~Artificial Nails and Wraps (25 hours of Technical Instruction and 120 (nails) Practical Operations)~~

~~Artificial nails including acrylic; liquid and powder brush-ons, artificial nail tips and nail wraps and repairs~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service records.~~

~~Note: Authority cited: Sections 7312, 7362 and 7362.1(c), Business and Professions Code. Reference: Sections 7316(b), 7321(d)(1), 7362, 7362.5(b) and 7389, Business and Professions Code.~~

**11. Repeal Section 950.3, Title 16, California Code of Regulations as follows:**

**~~§ 950.3. Curriculum for Skin Care Course.~~**

~~(a) The curriculum for students enrolled in a skin care course shall consist of six hundred (600) hours of technical instruction and practical training covering all practices of an esthetician pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:~~

~~(1) 350 Hours of Technical Instruction and Practical Training in Facials~~

~~The required subjects of instruction in Facials shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Manual, Electrical and Chemical Facials (70 Hours of Technical Instruction and 140 Practical Operations)~~

~~The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-~~

~~living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling. Preparation (15 hours of Technical Instruction)~~

~~The subject of Preparation shall include, but not be limited to the following issues: Client consultation, intake procedures, contraindications, professionalism, client record keeping, pre and post operative care, CPR/AED, salon and spa skills.~~

~~(2) 200 Hours of Technical Instruction in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction for each subject matter as follows:~~

~~Laws and Regulations (10 hours of Technical Instruction)~~

~~The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (40 hours of Technical Instruction)~~

~~The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, communicable diseases including HIV/AIDS and Hepatitis B. Chemical composition and purpose of cosmetic and skin care preparation. Elementary chemical makeup, chemical skin peels, physical and chemical changes of matter. Electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.~~

~~Disinfection and Sanitation (10 hours of Technical Instruction)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.~~

~~Anatomy and Physiology (15 Hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology, Bacteriology, skin analysis and conditions.~~

~~(3) 50 Hours of Technical Instruction and Practical Training in Hair Removal and Make-up~~

~~The required subjects of instruction in Hair Removal shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Eyebrow Beautification (25 hours of Technical Instruction and 50 Practical Operations)~~

~~The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow shaping and hair removal techniques, hair analysis, waxing, tweezing, manual or electrical depilatories.~~

~~Make-up (20 hours of Technical Instruction and 40 Practical Operations)~~

~~The subject of Make-up shall include, but is not limited to, the following issues: Skin analysis, basic and corrective application, application of false eyelashes.~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, client service records, basic tax information relating to booth renters, independent contractors, employees, and employers.~~

~~Note: Authority cited: Sections 7312, 7362 and 7364, Business and Professions Code. Reference: Sections 7316(c)(1), 7324(d)(1), 7362, 7364 and 7389, Business and Professions Code.~~

**12. Repeal Section 950.4, Title 16, California Code of Regulations as follows:**

**~~§ 950.4. Curriculum for Nail Care Course.~~**

~~(a) The curriculum for students enrolled in a nail care course shall consist of not less than four hundred (400) hours of technical instruction and practical training covering all practices of a manicurist, pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:~~

~~(1) 300 Hours of Technical Instruction and Practical Training in Nail Care~~

~~The required subjects of instruction in Nail Care shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:~~

~~Manicures and Pedicures (60 hours of Technical Instruction, 60 Practical Operations and 180 nails)~~

~~The subject of Manicures and Pedicures shall include, but is not limited to, the following techniques and procedures: Water and oil manicures including hand and arm massage, complete pedicure including foot and ankle massage, application of artificial nails including liquid, gel, and powder brush-ons, nail tips, nail wraps and repairs, and nail analysis.~~

~~(2) 100 Hours of Technical Instruction and Practical Training in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction and practical operations for each subject matter as follows:~~

~~Laws and Regulations (10 hours of Technical Instruction)~~

~~The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (25 hours of Technical Instruction)~~

~~The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Chemistry pertaining to the practices of a manicurist including the chemical composition and purpose of nail care preparations. Health and Safety/Hazardous Substances, including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.~~

~~Disinfection and Sanitation (20 hours of Technical Instruction and 10 Practical Operations)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician.~~

~~The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment, with special attention given to pedicure foot spa and basin disinfection procedures detailed in Sections 980.1, 980.2 and 980.3.~~

~~Bacteriology, Anatomy and Physiology (10 hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Bacteriology, anatomy, physiology, and nail analysis and conditions.~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record-keeping, client service record cards, basic tax responsibilities related to independent contractors, booth renters, employees, and employers.~~

~~Note: Authority cited: Sections 7312, 7362 and 7365, Business and Professions Code. Reference: Sections 7316(c)(2), 7326(d)(1), 7362, 7365 and 7389, Business and Professions Code.~~

**13. Amend Section 962, Title 16, California Code of Regulations as follows:**

**§ 962. Definitions.**

(a) For purposes of Section 7395.1 as specified in subdivision (c)(3) of the Business and Professions Code, the term “good standing” means the following:

(1) The licensee maintains a valid, current barber, cosmetology, esthetician, or manicurist license issued by the Board of Barbering and Cosmetology.

(2) There is no current or pending discipline against the license pursuant to Article 11 of the Barbering and Cosmetology Act.



(3) The licensee has no unpaid fine issued pursuant to Article 12 of the Barbering and Cosmetology Act.

(b) For purposes of Section 7395.1 as specified in subdivision (g)(3) of the Business and Professions Code and this section, the term “appropriate training” means the student extern has completed ~~60~~25% of the required ~~minimum practical operations and~~ minimum hours of practical and technical instruction set forth in Sections ~~7362.5 950.2-950.4 of this division of the Business and Professions Code.~~

(c) For purposes of Section 7395.1 as specified in subdivision (g)(3) of the Business and Professions Code, the term “chemical treatment” means any product or procedure, including the preparation and/or application of the product, that alters or changes the molecular structure of the hair, skin or nails through the chemical treatments. These treatments may include, but are not limited to the following:

- (1) permanent waving
- (2) soft permanent waving
- (3) chemical straightening
- (4) sodium hydroxide and other base solutions
- (5) hair coloring and bleaching (semi-permanent and permanent)
- (6) chemical skin peel products
- (7) depilatory products
- (8) lash and brow tinting products

(d) For purposes of Section 7395.1 subdivision (g)(3) of the Business and Professions Code, the term “direct and immediate supervision” means the student extern may work on a paying client, only in an assisting capacity, when a designated licensee is present to oversee the work process. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

(e) For purposes of Section 7395.1 subdivision (g)(3) of the Business and Professions Code, the term “directly superviseds” means the student extern may perform those acts considered the practice of cosmetology as listed in Section 7316 of the Business and Professions Code only not use or apply chemical treatments unless if a designated licensee is present to oversee 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 a cosmetology school ~~the work process approved by the board.~~  
The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7316, 7362.5, 7395.1, Business and Professions Code.



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Agenda Item No. 10



## MEMORANDUM

DATE January 24, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Title 16, CCR Section 950.10 (Transfer of Credit or Training).

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The attached proposed regulatory language is being proposed to the Board to clarify what hours can be transferred from one course of instruction to another.

**Action Needed:** A motion is needed to approve the proposed regulatory text for Section 950.10, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 950.10 as noticed.

**BOARD OF BARBERING AND COSMETOLOGY**

*Division 9, Title 16, of the California Code of Regulations.*

**SPECIFIC LANGUAGE**

<b>LEGEND</b>	
<b><u>Underlined</u></b>	<b>Indicates proposed amendments or additions to the existing regulation.</b>
<b><del>Strikeout</del></b>	<b>Indicates proposed deletions to the existing regulation.</b>

- **Repeal Section 950.10, Title 16, California Code of Regulations, as follows:**

**~~§ 950.10. Credit for Special License and Transfer of Training.~~**

~~(a) A student transferring from one course of study to another, or a holder of a special license (e.g., manicurist or esthetician) who enrolls in a general course of study (e.g., cosmetologist), shall receive credit for total clock hours completed and credit for and a balance of the minimum hours of technical instruction and the minimum practical operations required in each applicable subject as follows:~~

~~(1) Total Clock Hours Credit.~~

~~(A) Cosmetologist course to esthetician course. A student transferring from the cosmetologist course to the esthetician course shall receive a credit of 35 percent of the total clock hours earned while enrolled in the cosmetologist course.~~

~~(B) Cosmetologist course to manicurist course. A student transferring from the cosmetologist course to the manicurist course shall receive a credit of 20 percent of the total clock hours earned while enrolled in the cosmetologist course.~~

~~(C) Esthetician course to cosmetologist course. A student transferring from the esthetician course to the cosmetologist course shall receive a credit of 65 percent of the total clock hours earned while enrolled in the esthetician course. A holder of a esthetician license enrolling in the cosmetologist course shall receive a credit of 65 percent of the total clock hours required for the esthetician course.~~

~~(D) Manicurist course to cosmetologist course. A student transferring from the manicurist course to the cosmetologist course shall receive a credit of 70 percent of the total clock hours earned while enrolled in the manicurist course. A holder of a manicurist license enrolling in the cosmetologist course shall receive a credit of 70 percent of the total clock hours required for the manicurist course.~~

~~(2) Credit and balance for the minimum hours of technical instruction and minimum practical operations required. A student transferring from one course of study to another, or a holder of a special license who enrolls in a general course of study, shall receive a credit and balance for the minimum hours of technical instruction and~~

~~minimum practical operations required by subtracting the number of hours and operations earned by the student or licensee while enrolled in the prior course from the minimum hours of technical instruction and minimum practical operations required for the new course in each applicable subject. If the student has earned more hours or operations in the prior course than are required in a specific subject of the new course, then that student's balance of hours and operations required in that subject shall be zero.~~

~~(b) Credit for a special course shall not be given to a student in the cosmetologist course until completion of the number of hours of instruction and training in a school of cosmetology which, when added to the number of hours for which the student is entitled to credit for the special course, will equal the minimum number of hours required for completion of the cosmetologist course.~~

~~(c) Effective until January 1, 2009, training received as an apprentice may be credited toward a course of training in a school. The maximum amount of hours that can be transferred from an apprenticeship program to a course of training in school shall not exceed 800 hours as reasonably determined by the school to which the apprentice is transferring and shall not exceed 50% credit for each hour earned as an apprentice. After January 1, 2009, training received as an apprentice shall not be credited toward a course of training in a school.~~

~~(d) Training received in a school shall not be credited toward training in an apprenticeship program.~~

~~Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7367, Business and Professions Code.~~

- **Adopt Section 950.10, Title 16, California Code of Regulations, as follows:**

(a) A student changing from one program of instruction to another shall receive credit for prior hours of technical and practical instruction earned in another program ("instruction hours") on an hour-for-hour basis if the following requirements are met:

(1) the prior instruction hours earned by the student are identical, which means instruction is of the same duration and covers the same content as that being offered by the new program; and,

(2) credit for the instruction hours of the prior program are granted in accordance with the requirements of this section.

(b) Credit may be granted to a student who is a cosmetologist licensee or who earned instruction hours as part of a cosmetology program of instruction as follows:

(1) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(b)(1) of the Business and Professions Code (“Code”);

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code;

(C) 200 instruction hours in chemical hair services course content as defined in section 7362.5(b)(3) of the Code; and

(D) 200 instruction hours in hairstyling services course content as defined in section 7362.5(b)(4) of the Code.

(2) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7364(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7364(b)(2) of the Code.

(C) 150 instruction hours in skin care services course content as defined in section 7362.5(c)(5) of the Code.

(D) 50 instruction hours in hair removal and lash and brow beautification course content as defined in section 7362.5(c)(6) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2) of the Code.

(C) 100 instruction hours in manicure and pedicure course content as defined in section 7362.5(c)(7) of the Code.

(c) Credit may be granted to a student who is a barber licensee or who earned instruction hours as part of a barbering program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(c)(2) of the Code.

(C) 200 instruction hours in chemical hair services course content as defined in section 7362.5(c)(3) of the Code.

(D) 200 instruction hours in hairstyling services course content as defined in section 7362.5(c)(4) of the Code.

(2) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section and 7364(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7364(b)(2) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2) of the Code.

(d) Credit may be granted to a student who is an esthetician licensee or who earned instruction hours as part of a skin care program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in sections 7362.5(c)(2) of the Code.

(C) 150 instruction hours in skin care services course content as defined in section 7362.5(c)(5) of the Code.

(D) 50 hours in hair removal and lash and brow beautification course content as defined in section 7362.5(c)(6) of the Code.

(2) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in sections 7362.5(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1).

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2).

(e) Credit may be granted to a student who is a manicurist licensee or who earned instruction hours as part of a nail care program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(c)(2) of the Code.

(C) 100 instruction hours in manicure and pedicure course content as defined in section 7362.5(c)(7) of the Code.

(2) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code.

(3) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2) of the Code.



(f) For the purposes of this section, the following definitions apply:

(1) “Changing from one program of instruction to another” shall include: transferring from one program of instruction to another, or a licensee enrolling in a new program of instruction for a different license type issued by the board.

(2) “Earned” means successfully completed the hours or program with a passing grade.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7316, 7362.5, 7364, 7365, and 7367, Business and Professions Code.



## MEMORANDUM

DATE January 24, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Consideration of and Possible Action on Comments Received Regarding Proposed Regulation to Amend Title 16, CCR Section 961 (Instructional Materials)

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The following regulatory language was proposed to eliminate the requirement to have textbooks approved by the National-Interstate Council of State Boards of Cosmetology and it clarifies that a school must provide specified instructional materials to their students. This language has been previously approved by the Board and staff held the required 45-day comment period. During the comment period, two public comments were received.

**Action needed:** A motion is needed to direct staff to reject the comments, provide the responses to the comments as indicated in the meeting materials, and complete the regulatory process.

**BOARD OF BARBERING AND COSMETOLOGY**

*Division 9, Title 16, of the California Code of Regulations.*

**SPECIFIC LANGUAGE**

**LEGEND**

<b><u>Underlined</u></b>	Indicates proposed additions to the existing regulation.
<b><del>Strikeout</del></b>	Indicates proposed deletions to the existing regulation.

- **Repeal Section 961, Title 16, California Code of Regulations, as follows:**

**~~§ 961. Online Training and Text and Reference Books for Students.~~**

~~(a) In teaching, approved schools shall use text and reference books approved by the National Interstate Council of State Boards of Cosmetology (NIC). Approved schools may use other teaching material or on-line training programs, in lieu of the text book, under the condition that they have been approved by the NIC.~~

~~(b) Each student shall possess the following:~~

~~(1) At least one (1) of the textbooks approved by the NIC or have access to a NIC-approved online program.~~

~~(2) The Barbering and Cosmetology Act and the Rules and Regulations of the Board of Barbering and Cosmetology.~~

~~(c) There shall be available for the use of students in the school:~~

~~(1) A list of the text and reference books approved by the NIC.~~

~~(2) Any two approved texts other than the one text or online program access, possessed by the student. (Shall not apply to barber schools if there are less than three approved texts.)~~

~~Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Section 7362, Business and Professions Code.~~

- **Adopt Section 961, Title 16, California Code of Regulations, as follows:**

**Section 961. Instructional Materials**

(a) An approved school shall provide a printed or electronic copy of the following to each student:

(1) At least one textbook in the course of instruction that the student is enrolled in (e.g. cosmetology, barbering, electrology, esthetics, manicuring).

- (2) A current version of the California Barbering and Cosmetology Act (Chapter 10 of Division 3 of the California Business and Professions Code, commencing with section 7301);
- (3) A current copy of the Barbering and Cosmetology Regulations (Title 16, Division 9 of the California Code of Regulations, commencing with section 904);
- (4) The appropriate licensing examination translation guide if the student intends to take the examination in one of the non-English languages offered by the board.

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code.

Reference: Sections 7312 and 7362, Business and Professions Code.

**Summary of, and Responses to, Comments Received During the 45-day Comment Period on the Specific Language Period of September 10, 2021 – October 26, 2021.**

The following 2 individuals submitted written comments to the Board on the proposed rulemaking during the comment period, which ended on October 26,2021:

- Tony Padilla
- Talitha Russell, Compliance Coordinator, on behalf of Palomar Institute of Cosmetology

**Comment from Tony Padilla:** Padilla supports removing the requirement that schools adopt an NIC-approved textbook. He also submitted 3 questions as summarized below.

1. Padilla asked if the Board would consider adopting a new California standard text if a new text were to be developed.

**Response:** Though the comment does not relate to the proposed text, the Board will not be adopting a new California standard text. The Board does not recommend or endorse textbook companies. It will be the school’s responsibility to provide students with a textbook in their course of instruction. The Board makes no substantive changes to the language in response to this comment.

2. Padilla asked if the main reason for removing the usage of NIC approved teaching materials is to encourage development of new, advanced education text books.

**Response:** As stated in the Initial Statement of Reasons (ISOR), the Board is removing any mention of the National Interstate Council of State Boards of Cosmetology (NIC) so the Board is not limited to this one particular exam vendor in the future. The Board makes no substantive changes to the language based on the comment.

3. Padilla asked if the state is interested in promoting a new educational model for hair cutting.

**Response:** Though the comment does not relate to the proposed text, the Board does not set requirements for or promote educational models for haircutting. Schools are expected to teach what is in their approved curricula. The Board makes no substantive changes to the language in response to this comment.

**Comment from Talitha Russell:** Russell submitted a question as summarized below.

1. Russell asks the Board to clarify in the proposed text how schools should document compliance with the requirement to provide translation guides to their students. She proposes the school disclose the translation guide is available to students who plan to take the examination in one of the Board-offered non-English languages prior to enrollment.

**Response:** The proposed language requires schools to provide translation guides to students who intend to take the examination in one of the non-English languages offered by the board, but it is up to schools to determine how they would document compliance. Whether instructors provide a printed translation guide to students on their first day of instruction, admissions advisors provide the translation guide to students upon enrollment, or in another way, the Board is only requiring it be provided. The Board makes no substantive changes to the language in response to this comment.