

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**APRIL 25, 2022**

**BOARD MEETING  
AND  
REINSTATEMENT HEARING**

**Courtyard by Marriott  
2100 Empire Avenue  
Burbank, CA 91504**

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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**  
**Yolanda Jimenez**  
**Derick Matos**

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**April 25, 2022**  
**Courtyard by Marriott**  
**2100 Empire Avenue**  
**Burbank, CA 91504**  
  
**10:00am - Until Completion of  
Business**

**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 **(Steve Weeks)**
2. Petition for Reinstatement Hearing
  - Francisco Lemus, Petition for Reinstatement of License, Barber License #B85000

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

**RECONVENE OPEN SESSION:**

3. Board President's Opening Remarks **(Steve Weeks)**
4. Board Member Remarks – Informational only
5. Discussion and Possible Approval of the January 24, 2022, Board Meeting Minutes
6. Executive Management Reports **(Kristy Underwood)**
  - Administration and Operations **(Alex Torkelson)**
  - Licensing, Examinations, and Disciplinary Review Appeals **(Alex Torkelson)**
  - Enforcement, Inspections, and Cite and Fine **(Nicole Quinn)**
  - Outreach **(Kristy Underwood)**
  - SB 803 (Roth) Implementation Plan **(Carrie Harris)**

7. Report on the March 7, 2022, Legislative and Budget Committee Meeting

**(Reese Isbell, Chairperson)**

Consideration of Committee Recommendations and Possible Action on Proposed Bills:

- a. AB 646 (Low, Cunningham, and Gipson) - DCA boards: expunged convictions
- b. AB 1604 (Holden) - The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications
- c. AB 1661 (Davies) – Human trafficking: notice
- d. AB 1733 (Quirk) – State bodies: open meetings
- e. AB 2196 (Maienschein) – Barbering and cosmetology: instructional hours.

8. Report on the March 7, 2022, Education and Outreach Committee Meeting

**(Tonya Fairley, Chairperson)**

9. Report on the March 14, 2022, Health and Safety Advisory Committee Meeting

**(Jacquelyn Crabtree, Chairperson)**

10. Status Updates Regarding Rulemaking Proposals:

- a. Rulemaking Proposal to 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)
- b. Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
- c. Rulemaking Proposal to Amend Title 16, CCR section 950.10 (Transfer of Credit)
- d. Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)
- e. Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)
- f. Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
- g. Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)

11. Public Comment on Items Not on the Agenda

*Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))*

12. Suggestions for Future Agenda Items

13. Adjournment

*Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.*

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

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: [Marcene.melliza@dca.ca.gov](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.

*Agenda Items*

*No. 1-4*

*No Attachments*

**DRAFT**  
**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**  
**BOARD TELECONFERENCE MEETING**  
**MINUTES OF JANUARY 24, 2022**

**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  
Marcene Melliza, Board Analyst

**1. AGENDA ITEM #1, CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF QUORUM**

Steve Weeks, Board President, called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

**2. AGENDA ITEM #2, BOARD PRESIDENT'S OPENING REMARKS**

Mr. Weeks gave a few remarks and expressed his disappointment for not having an in-person meeting due to COVID. He hoped that the next meeting would be held in person. Mr. Weeks also reported that the Southern California DRC meeting was canceled due to COVID. Staff are working on rescheduling it.

He further stated that the Board had made huge accomplishments last year, with the highlight being SB 803 implementation. Mr. Weeks appreciated the Board members who had voted for the passing of the legislation stating that it had changed the lives of candidates for good. The legislation led to a reduction of 600 hours in required course time for students, which benefited them economically and time-wise.

Mr. Weeks also reported that Christie Tran resigned, stating that she was currently busy with her business because of COVID and the loss of personnel. Mr. Weeks thanked and appreciated her service and added that the Governor was actively reviewing other candidates for the Board. He hopes there will be a quick turnaround to get 3 or 4 new members by the next Board meeting.

Mr. Weeks reported that this would be another eventful year for the Board since they will continue implementing SB 803. He explained that standing committees will take

on more work. He stated that the Board would appoint members of the standing committees during this meeting, and the members of each Committee will then appoint their chairperson.

He also recognized the staff's efforts in the implementation of SB 803.

### **3. AGENDA ITEM #3, BOARD MEMBER REMARKS**

No Board member remarks were made.

### **4. AGENDA ITEM #4, ANNUAL ELECTION OF OFFICERS**

#### **• BOARD PRESIDENT**

Ms. Crabtree moved to nominate Steve Weeks for President. Ms. Pham seconded. Ms. Tonya also seconded the nomination. Mr. Weeks accepted the nomination and opened up the motion for public comment. No public comments were made. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

Mr. Weeks thanked the Board members for voting for him in as President. He stated that he is anxious to serve as this will be his last year as President. He hopes that the Board will all be able to see SB 803 through to completion.

#### **• VICE PRESIDENT**

Ms. Crabtree moved to nominate Ms. Pham as Vice President. Mr. Weeks seconded. Ms. Pham accepted the nomination. Mr. Weeks opened up the motion for public comment. No public comments were made. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

### **5. AGENDA ITEM #5, APPOINTMENT OF COMMITTEE MEMBERS TO STANDING COMMITTEES FOR 2022.**

Mr. Weeks stated that six standing committees have not been active in the recent past. The Board's small size had enabled them to deal with the committees at the Board level. Mr. Weeks stated that the standing committees could use some depth analysis, particularly with SB 803 coming in.

The committees each needed a minimum of 2 persons. The committee members would then elect their chairperson. Board members will also be active in scheduling Committee meetings necessary for the Board's business.

- **Disciplinary Review Committee (DRC)**

Mr. Weeks stated that it would be appropriate to have as many Board members here as possible who have the commitment and time to do it.

Ms. Fairley asked if the members could choose the committees they wished to join. She also asked if one could serve more than one Committee. In response, Mr. Weeks stated that one could be a member of several committees. He also stated that the members volunteered to join the Committee they wished to serve. He further pointed out that the DRC committee meetings take time and urged the members to consider the time commitment when volunteering.

Ms. Fairley also asked where one could get additional information about the committees. Ms. Underwood explained that the Board had been able to handle the committees at the Board level in the past. Now, they would be able to get several committee members with a larger board. She stated that the committees usually hold their meetings prior to the Board meeting. If there's a topic that goes to a specific committee, that Committee would recommend the entire Board. The committees would act as small structure working environments for the entire Board.

Ms. Underwood requested all Board members to volunteer to be part of the DRC. Having many members will ensure that some stand-in for others who might not make it to the meetings.

Mr. Isbell, Ms. Crabtree, Mr. Weeks, Ms. Fairley, and Ms. Pham volunteered to be members of the DRC.

- **Education and Outreach Committee**

Ms. Fairley, Mr. Isbell, Mr. Matos, and Ms. Ellis volunteered to serve on this Committee.

- **Enforcement and Inspection Committee**

Mr. Weeks and Ms. Crabtree volunteered to serve on this Committee..

- **Legislative and Budget Committee**

Mr. Isbell, Ms. Pham, Ms. Ellis, and Mr. Matos volunteered to serve on this Committee.

- **Health and Safety Advisory Committee**

Ms. Underwood explained that this Committee is statutorily required and involves other appointees from the industry. The Committee consists of members of each licensed category as well as members from the Department of Public Health, Department of Industrial Relations, infection control personnel, and a scientist. Ms. Crabtree, Ms. Pham, and Mr. Isbell volunteered to serve on this Committee.



- **Licensing and Examination Committee**

Ms. Fairley, Mr. Weeks, Ms. Crabtree, and Mr. Matos volunteered to serve on this Committee.

Mr. Weeks thanked all the Board members for volunteering. He noted that the extra committees take up much time, but they will all be crucial in implementing SB 803.

**6. AGENDA ITEM #6, DISCUSSION AND POSSIBLE APPROVAL OF THE OCTOBER 25, 2021 BOARD MEETING MINUTES**

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

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

**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 reported that the office has lately been struggling with COVID cases and close contact. They had, therefore, decided to go back to working remotely about a week and a half ago. They hope to go back to the office in February.

Ms. Underwood reported that SB 803 would impact future Board meeting statistics. She stated that lower numbers were seen in the quarterly applications received through the holidays, which is typical for the workload. Ms. Underwood reported that changes would also be seen in the examination results as there are no longer practical exams as of January 1. There have been some implementation bumps with getting the systems to change the process. Ms. Underwood stated that they are working with the Department of Consumer Affairs and other vendors to get things to where they need to be. She explained that currently, a person who has passed a portion of the exam, whether practical or written, has a valid score for one year. This ultimately made everyone that passed the written exam in the past year eligible for licensing. Ms. Underwood stated that they were working with PSI, the computer-based testing vendor, to issue licenses for about 2,000 records. The license information had to be entered manually into the system. A team was working on this

and would hopefully get it done within the week. The people expecting a license would have one within a week or so and should be able to look it up on BreEZe, the license verification system. The next Board meeting statistics will see a huge change due to the more than 2,000 licenses being issued.

Ms. Underwood further reported that they would be looking at new ways to report on the written exam scores in the future. The exams would still be tracked by language.

Ms. Pham asked if the written exam would be the same as before or revamped. Ms. Underwood stated that the written exam is currently the same exam it's always been.

Ms. Underwood reported that the licensee population was still around 615,000.

There was also no change in the Disciplinary Review statistics because there were very few hearings. The hearings had been canceled due to the risk of COVID, and the Board was also not receiving many appeals.

Ms. Underwood reported that the enforcement statistics were standard. Mr. Weeks inquired about the inspectors in the field and how they were doing regarding COVID. Ms. Underwood stated that the inspectors were doing well. Several new inspectors had been brought on, but there were still about 5 or 6 vacancies. She added that the inspection program was probably the least impacted. She explained that the inspectors are well trained and ensure that they wear protective gear when going into establishments. The inspectors also cover some of the vacant territories, so there were no backlogs in any directeds.

Mr. Weeks also asked if some of the closed practical exams offices staff had been reabsorbed into other roles. Ms. Underwood stated that not many were absorbed since many of the positions in the exam sites were specialty positions. As such, many employees were furloughed. A few of the maintained staff are now helping in the licensing unit. There were also a few retirements, so those positions will be transferred to Sacramento as vacant so they can be filled.

Mr. Isbell wondered why the number of citations was high even though the complaints and the inspections were down. Ms. Underwood explained that when inspectors do routine inspections, it creates a citation. The Board is a citation and fine-based enforcement board that relies on the citation and fine program instead of sending citations to the Attorney General. After reviewing a citation from an inspector, the Cite and Fine unit in Sacramento determines if the citation should be issued. The citation numbers are always high because when inspectors go out to a specific establishment, they also inspect other establishments in the area, thus generating numerous citations.

Ms. Pham stated that even though in-person DRCs were canceled, some virtual ones were done last year. She asked if the virtual DRCs could continue in the future, whereby people could come on camera and give testimony. Ms. Underwood stated

that the virtual options had been considered. She pointed out that with virtual DRC, it is challenging to get many ready with the technology. She explained that written testimonies are encouraged so that a appellant does not have to appear in person. Ms. Underwood further explained that for the virtual reinstatement hearings, much work is usually done with the petitioners. For DRC, we do not have the capabilities to work with each appellant individually. Ms. Underwood further explained that when a licensee appeals a citation, the citation becomes frozen. It doesn't prevent them from working or from renewing their license. Ms. Underwood stated that there would be no negative impact on the licensee. This is an area that has always had backlogs, and Ms. Underwood hopes that the hearings would be held soon to get rid of the workload.

On the budget update, Ms. Underwood reported that the budget is stable but will have many changes this year. The following things happened which impacted the budget, and the extent of the impact is yet to be determined;

- The Governor issued licensing renewal fee waivers, so no revenue was received for renewals.
- The Board received a payback from the general fund.
- The Fairfield exam site lease was canceled SB 803.
- The lease on the Glendale exam site has not been canceled yet, and the building is currently for sale. The Board staff are working with the building owner to try and get out of the lease.
- Implementation of SB 803 has caused BreEZe costs
- PSP, which will come in a couple of months, will increase incoming revenue as well as the workload.
- The practical exam contract was canceled
- The Board will purchase new vehicles this year
- The Board is translating the updated Rules and Regulations book

Ms. Underwood reported that they met with the budget office the previous Friday, and although there are no current budget concerns, the budget report will have changes in the coming year. All of the expenses listed above had been built into the budget, therefore, the budget is secure, but it will continue to fluctuate.

Mr. Weeks noted that the fiscal year budget 21-22 was as projected. He, however, pointed out that for the months in reserve, 2021 had 36 months in reserve. This went down to 17 then 7.2, with another probability of less than 6% in the next year. He inquired the reason for the diminishment in the months in reserve. In response, Ms. Underwood stated that it's because of what happened with the renewal fees and their payback. She stated that the reserve should never be at 35.9, but the 7.2 and 5.9 months in reserve were standard. She further stated that the numbers increased since the budgeting was done out of the Board's control. Ms. Underwood stated that the standard figures are where the budget changes will even out.

Mr. Weeks asked what other Boards maintained as their months in reserve. Ms. Underwood stated that this Board was one of the lucky ones in the Department. She

pointed out that from her 25-year experience in DCA, she had learned that some boards did not have months in reserve and so they had to watch their budgets closely. However, the Board had been stable for many years.

Mr. Weeks asked what the Department wanted to see as the average month in reserve. Ms. Underwood stated that some Boards have it in their statute that they cannot have more than a three-month reserve. This Board does not have anything in statute, and having 35 months in reserve was not practical. However, Ms. Underwood pointed out that the Board will need to review its fees this year due to the elimination of the practical exam.

In response to Ms. Fairley, Ms. Underwood explained that PSP stands for Personal Service Permit that the Board will be implementing. A licensee can apply for a personal service permit to go along with their other licenses to allow them to do personal services outside of a licensed establishment. PSP has limited services compared to those carried out in a licensed establishment. Ms. Underwood further stated that PSP has been in the works for about four years. The Board has been working on it, and the regulations have already been implemented. Only the IT systems had to be finalized, and this is expected to be complete by March or April. Ms. Underwood explained that to get a PSP, one had to do a fingerprint background check with the Department of Justice since they would be going into people's homes.

Ms. Crabtree inquired about the fee being charged for licensing. Ms. Underwood stated that the fees vary with the type of license. A manicurist pays around \$35 to \$50, and the exam fee is about \$75. In total, the fee is about \$120 to \$125 for an initial application. Ms. Underwood stated a statute stating that the Board will only charge what it costs them to process applications. These are the fees that will be reviewed. Ms. Crabtree opined that that was not much money, but she would support whatever the Board decided.

Mr. Weeks asked if the costs were high or low when compared to other Boards in the industry. Ms. Underwood stated that the fees are lower due to the high population that brings the cost down. Other states do not have a huge volume, so processing the applications costs them more.

Regarding outreach updates, Ms. Underwood reported that she gave updates at some events virtually and mentioned events that are tentatively scheduled for the future. She is scheduled to attend another meeting with the Council for State Governments regarding the project for compact licensing. In this project, the Board will have the option to enter a compact so that anyone licensed in California can work in another state that is part of the compact with the same license. The meeting will be held in Washington, D.C. in March.

On SB 803 implementation plan, Ms. Underwood reported that staff had made a lot of progress in implementing the legislation. Since the Board members increased, the Governor's office is working on getting the new members. She reported that the new

hairstylist license will take some time to implement since several things have to be done first – such as, an occupational analysis and exam development. Ms. Underwood stated that they had entered into a contract with the Department of Consumer Affairs to handle the workload. It will take a minimum of 18 months to get the license implemented. Ms. Fairley asked if industry experts were helping with the implementations or it was just DCA. Ms. Underwood stated that the implementers are all industry professionals. They are the coordinators and know the business of conducting occupational analysis. DCA has an office of professional examination services.

Ms. Underwood further reported that the esthetician scope was updated. An industry bulletin was posted on the website to provide information. Estheticians can now provide dermaplaning. Lash and brow tinting are still unavailable because the FDA has not approved a product. The only way to make lash and brow tinting happen in California is by changing the regulations. The Health and Safety Committee will review the regulations at the next meeting proposed for March.

Ms. Underwood reported that reciprocity has changed from the previous 3 out of the last 5 years of licensure requirement. Now, an individual can get a license in California with a valid license from another state. This has already been implemented with only a few technical IT pieces to be taken care of.

The pre-apprentice training required by the Board will take some time to implement because a curriculum must be developed and web-based. These services will be contracted out with the help of DCA. They will look for a vendor who will develop a system that will ensure that no one skips the training. The goal is to have this completed within the next 12 months. The apprentice program will continue running as usual until the Board implements the changes. Ms. Fairley asked if the pre-apprentice training program would have a test site in Sacramento or everything would be done online. Ms. Underwood stated that the aim is to be 100% online.

Ms. Underwood reported that the Board no longer accepts pre-apps. Most of the pre-apps that were in the system have been processed. A few applicants still need proof of training documents submitted to the Board. These are slowly getting cleaned up within the database.

Movers have been removing equipment from the two facilities for the last two weeks. The removal of the practical exam facility and the staffing has been taken care of. There is a new process where an applicant will apply and get scheduled only for the written exam. This is the most complicated IT aspect, but the result will be smooth. When the system is up and running, the applications will be processed quickly, and the student will get notification from PSI. The student will then be able to go online and schedule their exams at the request of whichever location they would like to attend. The students will also be able to call PSI directly and schedule exams.

Mr. Matos asked how many test sites are currently active in California. Ms. Underwood stated that at least 15 are active. She further stated that there is a future

possibility of the testing going entirely online instead of having some on-site. Processes to monitor the virtual testing will also have to be implemented. The mobile unit has been implemented. It consisted of updating how applications are processed.

Regarding the school curriculum, as of January 13, 159 schools have submitted applications to the Board for a new course. 146 applications have been approved and 13 were still pending. As of the morning of January 24, the approved applications had gone up to 155. Some schools opted to maintain their hours. Others have reduced to 1000 hours or 1200 hours. SB 803 allowed a minimum of 1000 hours, but schools could offer more. Other schools have come up with a 1500-hour program. California State Board has always had 1600 hours, but most of the schools that have been approved have gone to 1000 hours for barbering and 1000 hours for cosmetology. Mr. Weeks proposed that the Board make a statement on the website listing all the approved schools and stating that hours may vary by school and that one should check with individual schools to inform people that the hours are not standard. Ms. Crabtree wondered how many people would enroll in schools doing 1600 hours, considering others are doing 1000 hours. Ms. Underwood stated that we may never know since the Board does not oversee enrollments. This is something that should be revisited in the newly formed committees. Ms. Underwood stated that the Board had started receiving applications from students that claimed to have completed 1000 hours. She reached out to some of these schools to confirm their claims. She said that it was possible for a student to dis-enroll from the 1600 hours program and re-enroll in a 1000-hour program. The hours are also transferable if they are like for like.

Ms. Underwood also stated that they are working on a process that will reduce the potential for fraud. They've also been cleaning up the SB 803 language and will get input from the schools on preventing fraud. Changes will also need to be made to the proof of training document. Ms. Underwood stated that many students enrolled in 1600 hours were asking if they qualify for an exam if they have completed 1000 hours. This is not the case as the student must complete the program before taking an exam. Both the Board and the Bureau approve the new programs to ensure that the courses are legitimate. Ms. Underwood confirmed that very few schools allowed their students to drop out and then re-enroll for the 1000 hours. She also confirmed that a student's previous hours could apply in case of a re-enrollment.

Mr. Weeks asked if any schools required a minimum enrollment period to complete their program. Ms. Underwood was not aware of any such cases.

Mr. Matos asked if there was any baseline for curriculums or the schools could submit for different curricula. He stated that previously, there was a standard that they all had to reach with the reduction in hours. Ms. Underwood stated that there is a curriculum set in statute now instead of being in regulation. The schools need to have a standard curriculum. Ms. Underwood stated that when reviewing the curriculum for a school, they look at the minimum 1000 hours and ensure that it

covers the content in the statute set by SB 803. The content is the same, but a school can have more. Mr. Matos also asked if the school will be required to notate that or it is the Board that does that. Ms. Underwood stated that a school must disclose to a student that the law requires 1000 hours, but the course requires 1600 hours. This falls under the Bureau of private/post-secondary, not the Board.

Ms. Crabtree noted that the hours being shifted do not include as many technical requirements within the 1000 hours. Ms. Underwood stated that most schools had used the breakdown in the statute. However, this breakdown does not go up to 1000 hours, so most schools transferred other skills to their curriculum.

Ms. Underwood reported that the extern program language needed some clean-up. The changes in SB 803 for the externs only mentioned cosmetologists, but it should also include barbers. This might get into a bill this year for the clean-up.

The practice status survey needed to be updated. This has been completed.

SB 803 required the fine schedule to be reviewed to determine what direct impact on consumer safety each of the Board's fines has. This will be taken up with the Health and Safety Committee. Once the entire Board approves any recommendations from the Committee, regulations will be put in place. This is a long process that might take about two years. The fine schedule review could also take some time to be implemented.

Mr. Matos cited some language in the extern program proposal that a student was only required to complete 25% of the required minimum hours and then spent the rest of the time in the shops or salons. Ms. Underwood clarified that that was incorrect as the student only must spend 25% of the required minimum hours in the shops and salons.

Ms. Underwood reported that the SB 803 information page is on the website with the Q&A section. The bill is also on the page, plus the new laws and regulations. The Board members appreciated the staff for completing 70% of the implementation of SB 803 in such a short time.

Mr. Isbell requested updates on the process of new Board members' spaces that are currently available and the timing. He was worried about future quorums. Ms. Underwood stated that she was working with Deputy Director Carrie Holmes to get new Board members and was hopeful that there'll be at least two new members by the next meeting. She stated that the three industry seats available are for an esthetician, an electrologist, and a manicurist. Public members attending the meeting were urged to go to the Governor's website and submit applications.

Mr. Weeks opened up for public comment. Wendy Cochran from California Aesthetic Alliance thanked Ms. Underwood for attending Ventura's California Aesthetic Alliance compliance event. She stated that the date for the event is

Sunday, February 27, not 26. She also thanked the Board for helping the Alliance expand its scope of practice. She added that they were planning an education in dermaplaning and its safety, lash lift and brow laminations, and safety in all those services.

**8. AGENDA ITEM #8, STATUS UPDATES REGARDING RULE MAKING PROPOSALS – By Kristy Underwood**

- a) **Apprenticeship**
- b) **Externs**
- c) **Disciplinary Guidelines**
- d) **Disciplinary Review Committee**

Ms. Underwood stated that two regulation packages are on hold because they needed some legislative clean-up; the Extern regulation package and the Disciplinary Review Committee.

The statutory change needed for Disciplinary Review Committee was missed in SB 803. It will need clean up language to allow the Board to pay the members of the Committee.

The Apprenticeship and Disciplinary Guidelines packages are currently under internal review. Ms. Underwood reported that they are working with Consumer Affairs Regulation unit to get through the regulations. No action was needed on the packages as it was just an update.

**9. AGENDA ITEM #9, RULEMAKING: SB 803 CLEAN-UP**

Proposed language for the clean-up of SB 803 was presented to the Board. No action was needed on this package. The following was proposed;

- The word 'hairstylist' will be added in various sections.
- Clarify the proof of training requirements.
- Remove sections that no longer apply, such as the pre-application process.
- Clean up and update forms.

All the above will come back to the Board at the next meeting. A final regulation package will be presented to be voted on.

Ms. Pham proposed having all the licensing categories listed as the definition of goods standing. She cited Section 7395.1 and noted that it only listed apprenticeship. Others like electrologists should also be added.

Mr. Weeks noted that a paragraph in Section 12 Item C had been struck out. Mr. Weeks felt that that paragraph should be left in since it ensures the schools give some advice to people entering the profession for the first time. Ms. Underwood explained that the language was not set in statute and thus did not need a standalone recommendation in regulation. The possibility of including a recommendation in the language will be considered.



**10. AGENDA ITEM #10, RULEMAKING: TRANSFER OF CREDIT OR TRAINING-  
Kristy Underwood.**

The statute states that “like for like” can be transferred. The Board looked at the transfer of credit in the past and had recommended that the regulation be removed entirely because the statute stated that the same things could be transferred from one course to another. The Department’s legal unit felt that the statute should be clarified further in regulation. The prior language had been struck out, and the current one made it clear for each license type.

The Board’s approval would immediately start the regulatory process. After approval, it would have to go for internal reviews and then public comment. Any comments and changes would then be brought back to the Board to be voted on again.

Ms. Fairley asked if this is based on the new 1000-hour requirements. She also inquired about the process of determining the number of hours for each individual item. Ms. Underwood stated that it would depend on the school and the student. The school would have to look up information on the student and determine what they need to do.

Ms. Crabtree moved 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. Ms. Pham seconded.

Mr. Weeks opened up the motion for public comment. Ms. Wendy Cochran stated that the clean-up language for SB 803 should mention the body as a whole and not call out specific body parts. She also stated that the hairstylist-only licensee should not be allowed to perform facial and skin care services. Regarding crossover, Ms. Cochran argued that electrologists had been forgotten in the language. She felt that the process should be accessible for estheticians to crossover to electrology since they have been trained in similar aspects.

Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

**11. AGENDA ITEM #11, COMMENTS RECEIVED REGARDING PROPOSED REGULATION: INSTRUCTIONAL MATERIAL – By Kristy Underwood**

This regulation package is regarding the approval of textbooks by the National Interstate Council (NIC). NIC does not approve textbooks; therefore, this change was proposed to take that language out. The language had been clarified as the Board had previously approved. There was a 45-day comment period on these regulations and two public comments were received.

Ms. Underwood proposed rejecting the comments, providing responses to the comments as indicated on the packet materials, and completing the regulatory process.

Ms. Crabtree moved to direct staff to reject the comments, provide the responses to the comments as indicated in the meeting materials, and complete the regulatory process. Ms. Pham seconded. No public comments were made.

Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

Mr. Isbell requested that the Board look at more inclusive language in the future rather than “non-English” as it is negative.

**12. AGENDA ITEM#12, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Jamie Schrabek of Precision Nails urged the Board to take a more active role in the upcoming Sunset Review for the Bureau of Private Post-Secondary Education. She argued that the Board had shared oversight with most of it belonging to the Bureau. The Bureau was only authorized for another year - so this was the Board's chance to gain sole oversight if that's what the Board wants.

**13. AGENDA ITEM#13, SUGGESTIONS FOR FUTURE AGENDA ITEMS**

Ms. Fairley proposed having on the agenda the types of activities that the Board members can participate in outside of the Board. Mr. Weeks responded that a Board member's presence, particularly in individual school activities like an opening, could be implied as an endorsement of that school by the Board. He further stated that such occurrences could be used against the members. He recounted an incident where such had happened, and the owner of the school had made it look like the Board members were sponsoring the school.

Ms. Pham proposed reviewing the written exam pass rates for non-English takers. Look at the causes and possible solutions for these language access issues.

Mr. Isbell suggested having a session where the Board members can get to know each other better since there will be more new people.

Ms. Underwood stated that the new strategic plan would be taking place soon. No date has been set. She hoped to have new members join. The strategic plan is in its last year. There will be planning for the next five years of the Board.

**14. AGENDA ITEM #14, ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at approximately 11:55 a.m.



# MEMORANDUM

<b>DATE</b>	April 25, 2022
<b>TO</b>	Board of Barbering and Cosmetology
<b>FROM</b>	Alex Torkelson, Licensing and Operations Chief
<b>SUBJECT</b>	<b>Agenda Item 6 Administration/Operations Report</b>

## Staffing Update

On February 8, 2022, the Board hired Vicky Saavedra as the new Administration and Operations Manager. Ms. Saavedra came from the Board of Vocational Nursing and Psychiatric Technicians.

## Vacancies

The Administration Unit is recruiting for a Management Services Technician, a Regulations and Contracts Staff Services Analyst, and a Schools Staff Services Analyst.

## Board Telephones to Teams

The Board worked with the Department of Consumer Affairs (DCA) Office of Information Systems to merge desk telephones to Microsoft Teams, and this was completed and is now fully operational as of February 2022. Merging desk telephones to Microsoft Teams means staff now answer the phones on their computers and use headsets to do so.

## Emails

The Board is looking at options for minimizing the number of emails received from the public. The volume of emails has increased and it's taking staff from their normal workload to keep up with answering emails from the public. The Board averages 242 emails a day.

## Strategic Plan

An email was sent to the Board's stakeholders on March 29, 2022, regarding the strategic plan and the stakeholders providing input via a survey on how BBC is doing identifying "seeds, weeds, and needs." Managers will also be having interviews with SOLID, DCA's training and planning solutions unit, to identify the same areas.

**Seeds** cultivate growth in the organization. What is the program doing well?

**Weeds** hinder growth and stifle potential. What does the program need to eliminate or change?

**Needs** induce growth and enable the organization to harvest its potential. What does the program need that they don't have?

There is a strategic plan planning session meeting scheduled for July 26<sup>th</sup> hosted by SOLID. They will lead the meeting and help guide us on creating the new strategic plan. After the details have been worked out, then SOLID will write up the strategic plan.

### **Budget Projection Reports and Fund Condition**

Below is the Budget Report Fiscal Year (FY) 2021-22 Expenditure Projection based on Fiscal Month (FM) 8 (February 2022). Based on these projections, the Board is scheduled to revert \$1,716,293 back into the Board Fund.

#### **Board of Barbering and Cosmetology FM 8 Fiscal Year 2021/22 Projected Expenditures 02/28/2022**

<b>Personnel Services</b>	<b>ALLOTMENT</b>	<b>BBC Projected Expenditures</b>	<b>Projected Year</b>
<b>5100 Permanent</b>	5,621,000	4,581,814	1,039,186
<b>5100 Temporary</b>	587,000	673,438	(86,438)
<b>5105-5108 Per Diem, Overtime &amp; Lump Sum</b>	0	169,714	(169,714)
<b>5150 Staff Benefits</b>	3,221,000	2,777,979	443,021
<b>5170 Salary Savings</b>	0	0	0
<b>Total of Personnel Services</b>	<b>9,429,000</b>	<b>8,202,945</b>	<b>1,226,055</b>
<b>Operating Expenses &amp; Equipment (OE&amp;E)</b>	<b>Allotment</b>	<b>BBC Projected Expenditures</b>	<b>Projected Year End Balance</b>
<b>5301 General Expense</b>	166,000	125,206	40,794
<b>5302 Printing</b>	250,000	549,203	(299,203)
<b>5304 Communication</b>	21,000	44,539	(23,539)
<b>5306 Postage</b>	232,000	25,123	206,877
<b>5308 Insurance</b>	4,000	10,898	(6,898)
<b>53202-204 Travel In State</b>	73,000	38,348	34,652
<b>53206-208 Travel, Out-of-State</b>	0	1,275	(1,275)
<b>5322 Training</b>	11,000	2,970	8,030
<b>5324 Facilities Operations</b>	1,022,000	1,128,081	(106,081)
<b>53402-53404 Attorney General, OAH, C&amp;P Services Interdept</b>	1,672,000	383,663	1,288,337
<b>53404-53405 Consultant &amp; Professional Svs. - External</b>	1,646,000	1,977,555	(331,555)
<b>5342 DCA Pro Rata</b>	6,144,000	6,144,000	0
<b>5342 Interagency Services</b>	1,000	161,012	(160,012)
<b>5344 Consolidated Data Center</b>	68,000	51,000	17,000
<b>5346 Information Technology</b>	38,000	66,946	(28,946)
<b>5362-5368 Equipment</b>	131,000	209,536	(78,536)
<b>5390 Other Items of Expense &amp; Vehicles</b>	43,000	77,562	(34,562)
<b>54 Special Items and Expenses</b>	0	34,846	(34,846)
<b>Total Operating Expenses &amp; Equipment</b>	<b>11,522,000</b>	<b>11,031,763</b>	<b>490,237</b>
<b>Total Expenses</b>	<b>20,951,000</b>	<b>19,234,707</b>	<b>1,716,293</b>
<b>Schedule Reim. Other</b>	<b>(57,000)</b>	<b>(31,443)</b>	
<b>Net Appropriation</b>	<b>20,894,000</b>	<b>19,203,265</b>	<b>1,716,293</b>

The below analysis of the Board's Fund Condition projects to have 26.0 months in reserve for FY 2021-22. This means the Board would be able to continue to operate for 26 months without collecting any additional revenue. Due to expenditures naturally increasing, the Board's fund will start to decrease, beginning FY 2022-23, down to 20.2 months of revenue in reserves.

**0069 - Barbering and Cosmetology Contingency Fund**  
**Analysis of Fund Condition**

(Dollars in Thousands)

**2022-23 Governor's Budget**  
w\_FM 8 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	\$ 33,639	\$ 37,501
Prior Year Adjustment	\$ 439	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 46,713	\$ 23,812	\$ 33,639	\$ 37,501
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
4121200 Delinquent Fees	\$ 1,047	\$ 1,078	\$ 1,106	\$ 1,106
4127400 Renewal Fees	\$ 9,306	\$ 9,551	\$ 9,838	\$ 9,838
4129200 Other Regulatory Fees	\$ 1,127	\$ 5,135	\$ 5,289	\$ 5,289
4129400 Other Regulatory Licenses and Permits	\$ 2,974	\$ 3,058	\$ 3,149	\$ 3,149
4143500 Miscellaneous Services to the Public	\$ 20	\$ -	\$ -	\$ -
4163000 Investment Income - Surplus Money Investments	\$ 184	\$ 584	\$ 542	\$ 542
4171400 Escheat - Unclaimed Checks, Warrants, Bonds, and Coupons	\$ 16	\$ 12	\$ 12	\$ 12
4172500 Miscellaneous Revenue	\$ 5	\$ 8	\$ 8	\$ 8
4173500 Settlements and Judgements	\$ 8	\$ -	\$ -	\$ -
Total Revenues	\$ 14,687	\$ 19,426	\$ 19,944	\$ 19,944
Transfers to Other Funds				
Loan from the Barbering and Cosmetology Contingent Fund (0069) to the General Fund	\$ -25,000	\$ -	\$ -	\$ -
Total Revenues, Transfers, and Other Adjustments	\$ -10,313	\$ 19,426	\$ 19,944	\$ 19,944
Total Resources	\$ 36,400	\$ 43,238	\$ 53,583	\$ 57,445
<b>EXPENDITURES</b>				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 18,313	\$ 19,632	\$ 20,221	\$ 20,828
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	\$ 8,337	\$ 16,082	\$ 22,333
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 23,812	\$ 34,901	\$ 37,501	\$ 35,112
Months in Reserve	34.3	26.0	20.2	18.4

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%.



## MEMORANDUM

<b>DATE</b>	April 25, 2022
<b>TO</b>	Board of Barbering and Cosmetology
<b>FROM</b>	Alex Torkelson, Licensing and Operations Chief
<b>SUBJECT</b>	<b>Agenda Item 6 Licensing, Exams, and Disciplinary Review Committee Report</b>

### **Staffing Updates**

On February 23, 2022 Nichole Lewis, started with the Licensing Unit as a Seasonal Clerk and on February 28, 2022, Kristen Pacol started with the Licensing Unit as a Seasonal Clerk.

On February 23, 2022, the Board's previous examination manager, Melanie Allen, became the Board's Licensing Manager due to the shutdown of the exam sites pursuant to SB 803.

On March 1, 2022 two new Program Technician IIs, Ashley McFall and Yoon Teurn, started with the Licensing Unit.

### **Vacancies**

The Licensing Unit is recruiting for three permanent Program Technician II positions. Licensing is also seeking approval for additional limited term Program Technician II positions to handle the increase in emails.

### **Licensing Updates**

#### **Personal Services Permit**

The Personal Services Permit (PSP) was implemented on March 24, 2022. PSP allows licensees who have held a valid license for a minimum of two consecutive years to apply to perform limited services outside of a licensed establishment for barbers, cosmetologists, manicurists, and estheticians. Applicants must also be fingerprinted via Live Scan, carry and provide \$1,000,000 minimum liability insurance, and pay the application fee.

## Performance Measures

### Applications Received

The amount of applications received increased from 9,099 to 12,549, a 38% increase, from the prior quarter. This is due to the pre-application and practical exam being eliminated. The Board advised applicants to not submit any more pre-applications towards the end of 2021 and not apply until they had graduated. With that and applicants holding off on applying until the practical exam was officially eliminated as of January 1, 2022, we saw a decrease in applications in the last quarter and an increase this quarter.

### **Quarterly Applications Received Fiscal Year 21/22**

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
<b>Personal Service Permit</b>	--	--	2		2
<b>Establishment</b>	1,927	1,551	1,862		5,340
<b>Mobile Unit</b>	3	2	8		13
<b>Barber</b>					
Pre-App	311	64	1		376
Initial Application	362	367	821		1,550
Re-Exam	532	392	536		1,460
<b>Sub-Total</b>	<b>1,205</b>	<b>823</b>	<b>1,358</b>		<b>3,386</b>
Reciprocity	42	29	70		141
Apprentice	346	324	323		993
<b>Cosmetology</b>					
Pre-App	615	130	--		745
Initial Application	845	861	1,665		3,371
Re-Exam	1,099	857	1,064		3,020
<b>Sub-Total</b>	<b>2,559</b>	<b>1,848</b>	<b>2,729</b>		<b>7,136</b>
Reciprocity	305	247	421		973
Apprentice	198	229	250		677
<b>Electrology</b>					
Pre-App	13	6	--		19
Initial Application	8	6	18		32
Re-Exam	6	6	6		18
<b>Sub-Total</b>	<b>27</b>	<b>18</b>	<b>24</b>		<b>69</b>
Reciprocity	--	--	2		2
Apprentice	--	--	--		
<b>Esthetician</b>					
Pre-App	984	248	1		1,233
Initial Application	1,039	1,025	2,249		4,313
Re-Exam	1,154	1,055	1,038		3,247
<b>Sub-Total</b>	<b>3,177</b>	<b>2,328</b>	<b>3,288</b>		<b>8,793</b>
Reciprocity	117	90	245		452
<b>Manicurist</b>					
Pre-App	673	146	--		819
Initial Application	658	726	1,111		2,495
Re-Exam	1,034	606	648		2,288
<b>Sub-Total</b>	<b>2,365</b>	<b>1,478</b>	<b>1,759</b>		<b>5,602</b>
Reciprocity	113	134	218		465
<b>Total</b>	<b>12,381</b>	<b>9,099</b>	<b>12,549</b>	-	<b>34,042</b>



## Written Exam Results

The highest pass rates for the English exam in order of license types are electrology at 80%, cosmetology at 73%, manicuring at 69%, esthetician at 67%, and then barbering at 66%.

The highest pass rates for the Korean exam in order of license types are cosmetology at 86%, esthetician at 73%, barbering at 50%, and then manicuring at 38%. No Korean applicants took an electrology exam.

The highest pass rates for the Spanish exams in order of license types are for manicuring at 77%, esthetician at 51%, barbering at 40%, and cosmetology at 35%. No Spanish applicants took the electrology exam. Overall, the Spanish exam has the lowest average pass rate out of all the exams.

The highest pass rates for the Vietnamese exam in order of license types are for barbering at 82%, manicuring at 75%, cosmetology at 72%, and esthetician at 64%. No Vietnamese applicants took the electrology exam.

### **Written Exam Results January 1, 2022 - March 31, 2022**

<b>Barber</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	722	377	1,099	66%
Korean	3	3	6	50%
Spanish	54	82	136	40%
Vietnamese	23	5	28	82%
<b>Total</b>	<b>802</b>	<b>467</b>	<b>1,269</b>	<b>63%</b>

<b>Cosmo</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	1,660	626	2,286	73%
Korean	18	3	21	86%
Spanish	141	267	408	35%
Vietnamese	97	38	135	72%
<b>Total</b>	<b>1,916</b>	<b>934</b>	<b>2,850</b>	<b>67%</b>

<b>Esthetician</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	1,783	882	2,665	67%
Korean	11	4	15	73%
Spanish	21	20	41	51%
Vietnamese	145	82	227	64%
<b>Total</b>	<b>1,960</b>	<b>988</b>	<b>2,948</b>	<b>66%</b>

<b>Manicurist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	740	333	1,073	69%
Korean	3	5	8	38%
Spanish	48	14	62	77%
Vietnamese	616	202	818	75%
<b>Total</b>	<b>1,407</b>	<b>554</b>	<b>1,961</b>	<b>72%</b>

<b>Electrologist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	20	6	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>6</b>	<b>25</b>	<b>80%</b>

### Written Exam Results by Educational Background

Exam passing scores for candidates coming from California school programs is much higher than scores of candidates coming from apprentice programs and out of country school backgrounds. Electrologists have a 76% pass rate, cosmetologists have a 74% pass rate, manicurists have a 72% pass rate, barbers have a 70% pass rate, and estheticians have a 66% pass rate.

### **Written Exam Results January 1, 2022 – March 31, 2022 Comparison of Schools, Apprentice Programs, and Out of Country**

#### **Written Exam Results - Apprentice Program**

<b>License Type</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Barber	198	174	372	53%
Cosmetologist	175	251	426	41%
<b>Total</b>	<b>373</b>	<b>425</b>	<b>798</b>	<b>47%</b>

#### **Written Exam Results - Out of Country**

<b>License Type</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Barber	17	36	53	32%
Cosmetologist	57	86	143	40%
Electrologist	1	0	1	100%
Esthetician	27	17	44	61%
Manicure	21	22	43	49%
<b>Total</b>	<b>123</b>	<b>161</b>	<b>284</b>	<b>43%</b>

#### **Written Exam Results - School Program**

<b>License Type</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Barber	587	257	844	70%
Cosmetologist	1,684	597	2,281	74%
Electrologist	19	6	25	76%
Esthetician	1,925	971	2,896	66%
Manicurist	1,386	532	1,918	72%
<b>Total</b>	<b>5,601</b>	<b>2,363</b>	<b>7,964</b>	<b>70%</b>

## Written Exam Results by Language

Candidates that attended a California school had a much better average pass rate overall no matter what language as compared to students from out of the country or from apprentice programs

### Written Exam Results by Language January 1, 2022 - March 31, 2022 Comparison of Schools, Apprentice Programs, and Out of Country

#### Apprentice Programs

Barber	Passed	Failed	Total	Pass Rate
English	175	139	314	56%
Spanish	23	35	58	40%
<b>Total</b>	<b>198</b>	<b>174</b>	<b>372</b>	<b>53%</b>

Cosmo	Passed	Failed	Total	Pass Rate
English	89	84	173	51%
Spanish	84	152	236	36%
Vietnamese	2	15	17	12%
<b>Total</b>	<b>175</b>	<b>251</b>	<b>426</b>	<b>41%</b>

#### Out of Country Schools

Barber	Passed	Failed	Total	Pass Rate
English	14	19	33	42%
Korean	0	3	3	0%
Spanish	3	14	17	18%
<b>Total</b>	<b>17</b>	<b>36</b>	<b>53</b>	<b>32%</b>

Cosmetologist	Passed	Failed	Total	Pass Rate
English	34	52	86	40%
Korean	1	0	1	100%
Spanish	10	33	43	23%
Vietnamese	12	1	13	92%
<b>Total</b>	<b>57</b>	<b>86</b>	<b>143</b>	<b>40%</b>

Electrology	Passed	Failed	Total	Pass Rate
English	1	0	1	100%
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>100%</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>

#### School Programs

Barber	Passed	Failed	Total	Pass Rate
English	533	219	752	71%
Korean	3	0	3	100%
Spanish	28	33	61	46%
Vietnamese	23	5	28	82%
<b>Total</b>	<b>587</b>	<b>257</b>	<b>844</b>	<b>70%</b>

Cosmo	Passed	Failed	Total	Pass Rate
English	1,537	490	2,027	76%
Korean	17	3	20	85%
Spanish	47	82	129	36%
Vietnamese	83	22	105	79%
<b>Total</b>	<b>1,684</b>	<b>597</b>	<b>2,281</b>	<b>74%</b>

Electrologist	Passed	Failed	Total	Pass Rate
English	19	6	25	76%
<b>Total</b>	<b>19</b>	<b>6</b>	<b>25</b>	<b>76%</b>

Esthetician	Passed	Failed	Total	Pass Rate
English	1,751	871	2,622	67%
Korean	11	4	15	73%
Spanish	18	15	33	55%
Vietnamese	145	81	226	64%
<b>Total</b>	<b>1,925</b>	<b>971</b>	<b>2,896</b>	<b>66%</b>

Manicurist	Passed	Failed	Total	Pass Rate
English	724	316	1,040	70%
Korean	3	5	8	38%
Spanish	47	14	61	77%
Vietnamese	612	197	809	76%
<b>Total</b>	<b>1,386</b>	<b>532</b>	<b>1,918</b>	<b>72%</b>

### Licenses Issued

The total number of licenses issued has increased by 2,479, a 40% increase, since the last quarter. This can be due to in the previous quarter, SB 803 passing and the practical exam and pre-application being eliminated, so candidates either could not apply as a pre-applicant and had to wait until graduation to apply, or held off on applying in anticipation of not having to take the practical exam come January 1, 2022.

### **Licenses Issued Fiscal Year 21/22**

<b>License Type</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan-Mar</b>	<b>Apr-June</b>	<b>YTD</b>
Barber	607	548	791		1,946
Barber Apprentice	438	305	280		1,023
Cosmetology	1,709	1,269	1,809		4,787
Cosmetology Apprentice	257	209	203		669
Electrology	12	14	25		51
Electrology Apprentice	0	0	0		0
Esthetician	1,330	1,458	2,207		4,995
Manicurist	511	827	1,845		3,183
Establishment	1,932	1,558	1,517		5,007
Mobile Unit	0	0	0		0
<b>Totals</b>	<b>6,796</b>	<b>6,188</b>	<b>8,677</b>		<b>21,661</b>

### Licenses Issued Last 5 Years

The Board anticipates the number of licenses issued in FY 21/22 to surpass pre-pandemic levels. We see the number of licenses issued rising as we come out of the pandemic and the numbers should eventually get back to levels shown before FY 19/20.

### **Licenses Issued Last 5 Years**

<b>License Type</b>	<b>FY 17/18</b>	<b>FY 18/19</b>	<b>FY 19/20</b>	<b>FY 20/21</b>	<b>FY 21/22*</b>
Barber	2,259	1,966	1,691	1,085	1,946
Barber Apprentice	885	854	810	874	1,023
Cosmetology	7,085	6,468	4,810	3,153	4,787
Cosmetology Apprentice	727	842	642	584	669
Electrology	22	31	30	26	51
Electrology Apprentice	1	0	0	0	0
Esthetician	4,007	4,890	3,699	2,887	4,995
Manicurist	3,787	4,414	3,437	2,065	3,183
Establishment	7,609	7,706	6,937	6,302	5,007
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>21,661</b>

\*Data updated through March, 2022

### License Population

Compared to the previous quarter, the license population has increased by 0.45%.

#### **License Population**

Barber	34,131
Barber Apprentice	2,010
Cosmetology	302,345
Cosmetology Apprentice	1,421
Electrology	1,584
Electrology Apprentice	-
Esthetician	94,653
Manicurist	126,304
Establishment	55,822
Mobile Unit	60
<b>Total</b>	<b>618,330</b>

### Disciplinary Review Committee Appeals

Compared to the previous quarter, for the North, the amount of appeals received has decreased by 19% and the amount pending has increased by 33%. Compared to the previous quarters for the South, the amount of appeals received has decreased by 11% and the amount pending has increased by 20%. The amount heard for both regions remains at 0.

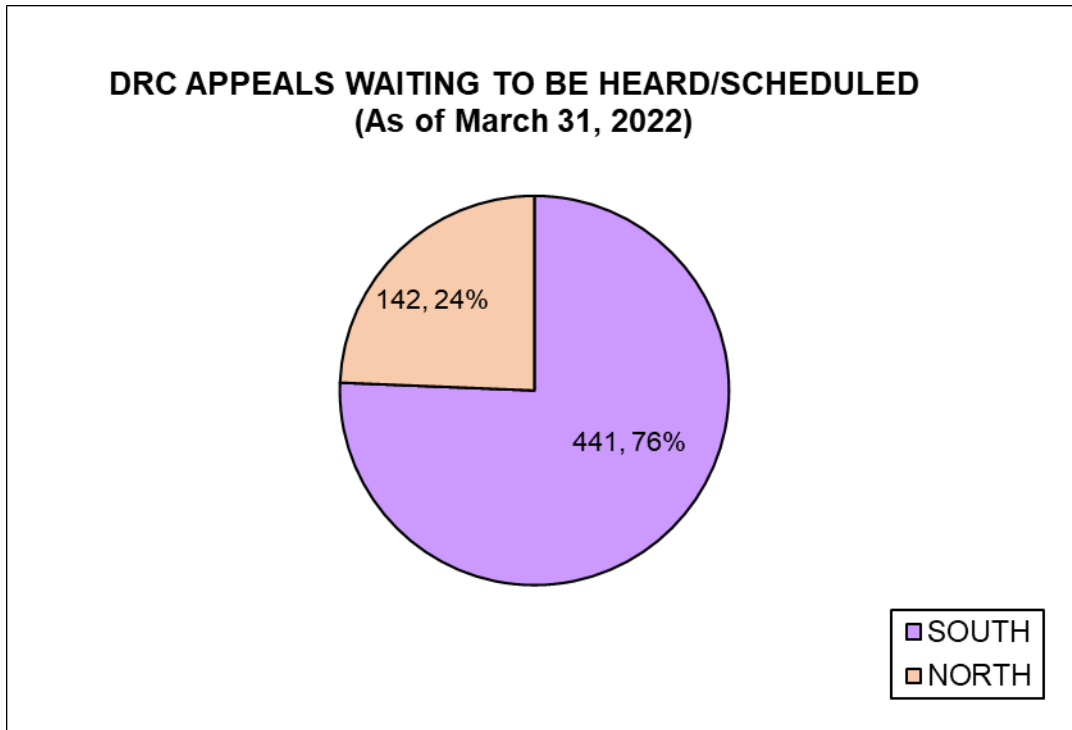
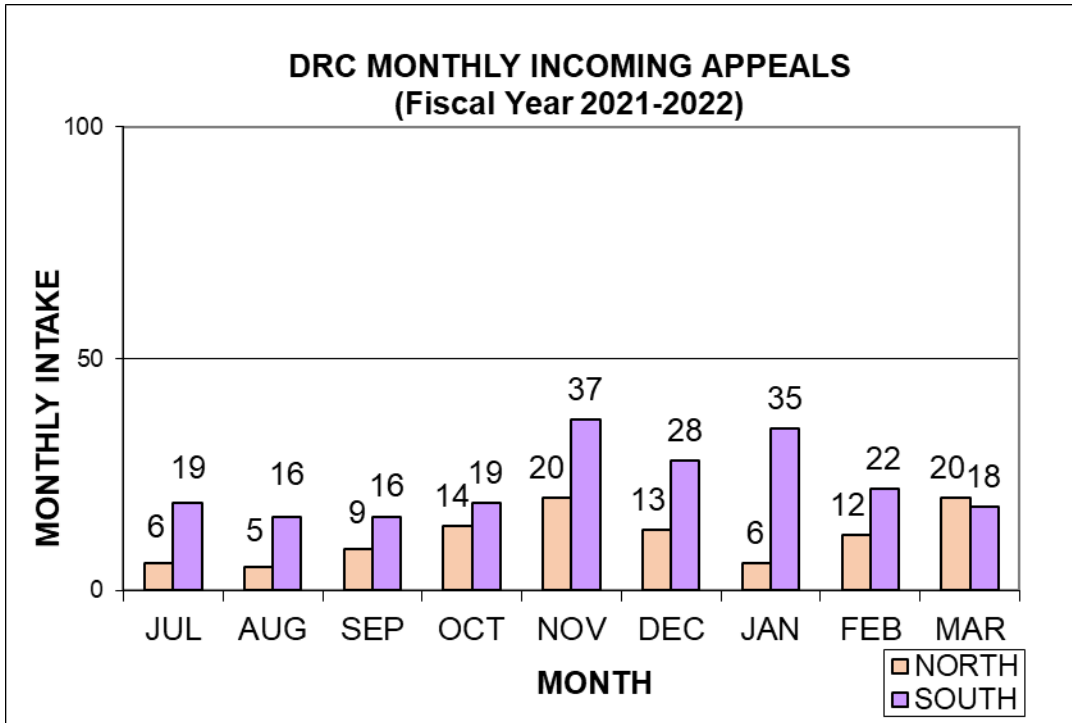
#### **Disciplinary Review Committee Appeals Fiscal Year 21/22**

<b>Northern</b>	<b>Jul - Sept</b>	<b>Oct - Dec</b>	<b>Jan - Mar</b>	<b>YTD</b>
Heard	7	0	0	7
Received	20	47	38	105
Pending <sup>1</sup>	61	107	142	142 <sup>2</sup>

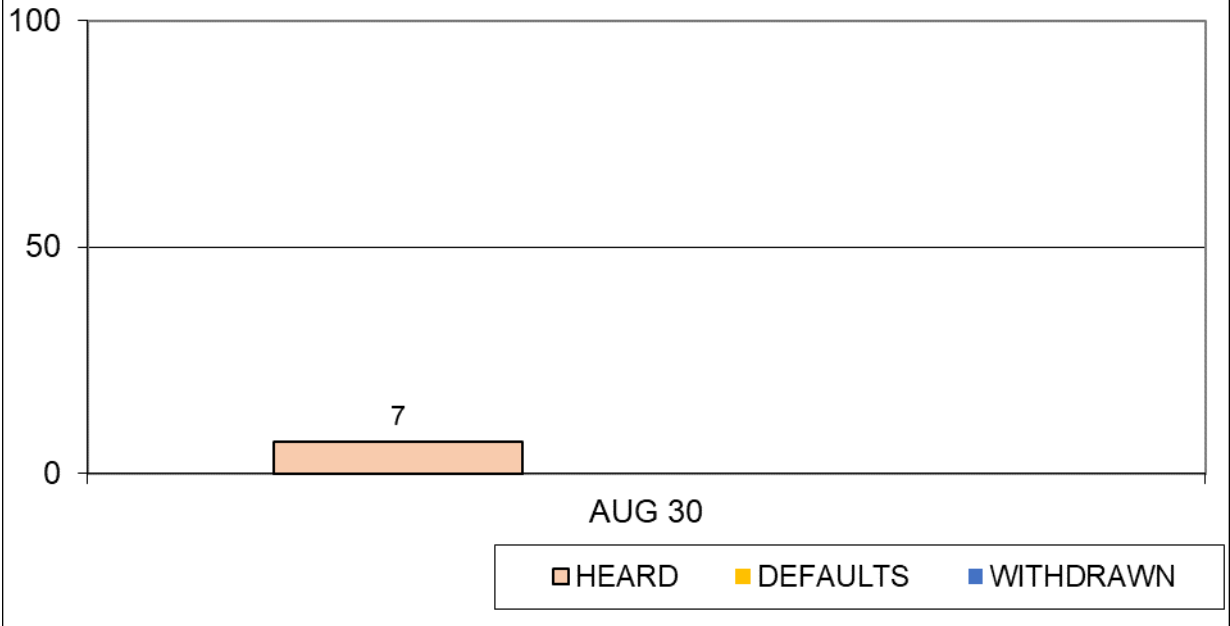
<b>Southern</b>	<b>Jul - Sept</b>	<b>Oct - Dec</b>	<b>Jan - Mar</b>	<b>YTD</b>
Heard	30	0	0	30
Received	51	84	75	210
Pending <sup>1</sup>	287	367	441	441 <sup>2</sup>

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

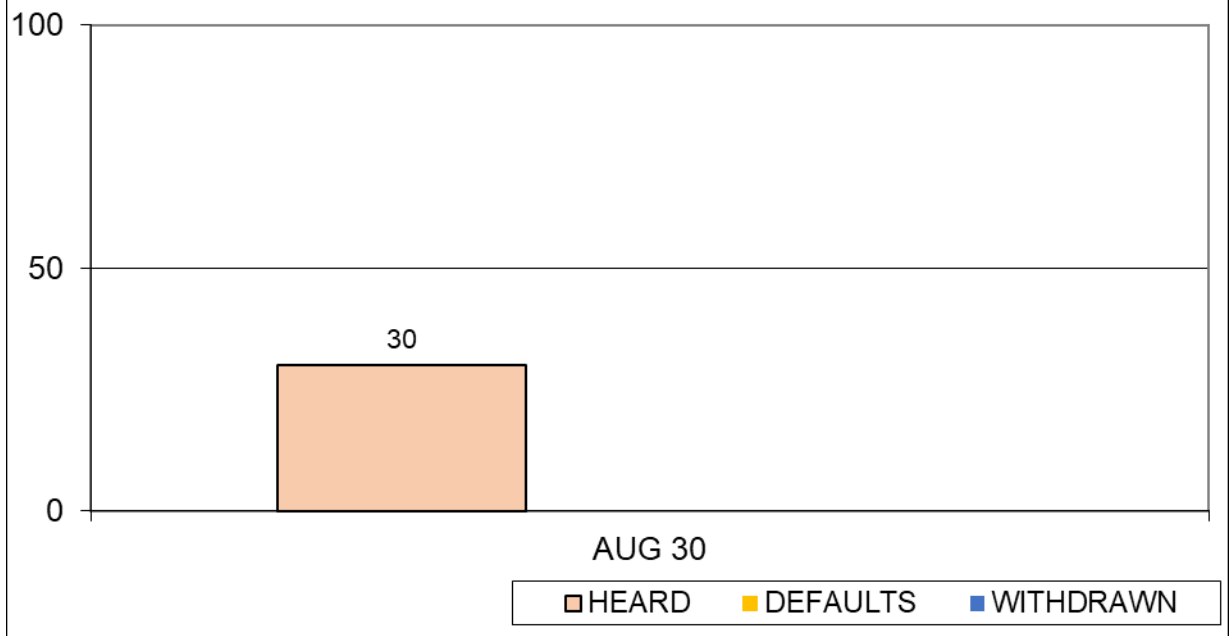
<sup>2</sup>Figure represents number of pending requests as of report date 03/31/2022.



**NORTHERN APPEALS HEARD  
(Fiscal Year 2021-2022)**



**SOUTHERN APPEALS HEARD  
(Fiscal Year 2021-2022)**





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# MEMORANDUM

<b>DATE</b>	April 25, 2022
<b>TO</b>	Board of Barbering and Cosmetology
<b>FROM</b>	Nicole Quinn, Enforcement Chief
<b>SUBJECT</b>	<b>Agenda Item 6 Enforcement, Inspections, and Cite and Fine Report</b>

### Staffing Update

In November 2021, the Enforcement Unit welcomed Macy Quitoriano as its new Enforcement Manager. Macy comes to the Board with an extensive background in Quality Management gained from years of experience with the California Correctional Health Care System and Department of Corrections.

On April 1, 2022, the Inspections Unit welcomed Monica Williams as its new Inspector I. Inspector Williams, will be assigned to the Northern California Team in the Sacramento Region. She comes to the Board with an extensive background in investigations gained from many years of experience with the County of Sacramento, Department of Welfare Fraud.

### Vacancies

The Enforcement Unit is currently recruiting for two analyst positions. Filling these positions will ease the workload currently handled by the Enforcement Team.

As of April 1, 2022, there is an Inspector III Supervisor position open in Southern California as the previous, transitioned into a different role within the California Contractor State Licensing Board.

Currently there are nine vacancies for both Northern and Southern California for Inspector positions.

<b>Vacant Inspector Positions</b>	
<b>Classification</b>	<b>Location</b>
Inspector I	Los Angeles County
Inspector I	Santa Clara County
Inspector I / II	Los Angeles County
Inspector I / II	Orange County
Inspector I / II	Orange County
Inspector II	San Bernardino County
Inspector II	Northern Counties
Inspector III	Central
Inspector III	South



## ENFORCEMENT

### Probation

Two licensees completed their probation last quarter, leaving 145 total probationers. The probation monitor currently has 114 active cases and 31 cases that are tolled because the licensee is not working. No probationers were referred to the Attorney General's Office for a Petition to Revoke Probation last quarter. There is currently 1 Immediate Suspension case open.

### Attorney General's Office

As shown in the attached enforcement statistics, the referred DAG cases were decreased from FY 2019/20 to FY 2020/21. This decrease was primarily due to COVID. During the COVID outbreak, cases were being delayed partially due to, inspections not being conducted, and DRC cases not being heard. This fiscal year's Referred cases has continued to see similar numbers to FY 2020/21.

### Schools

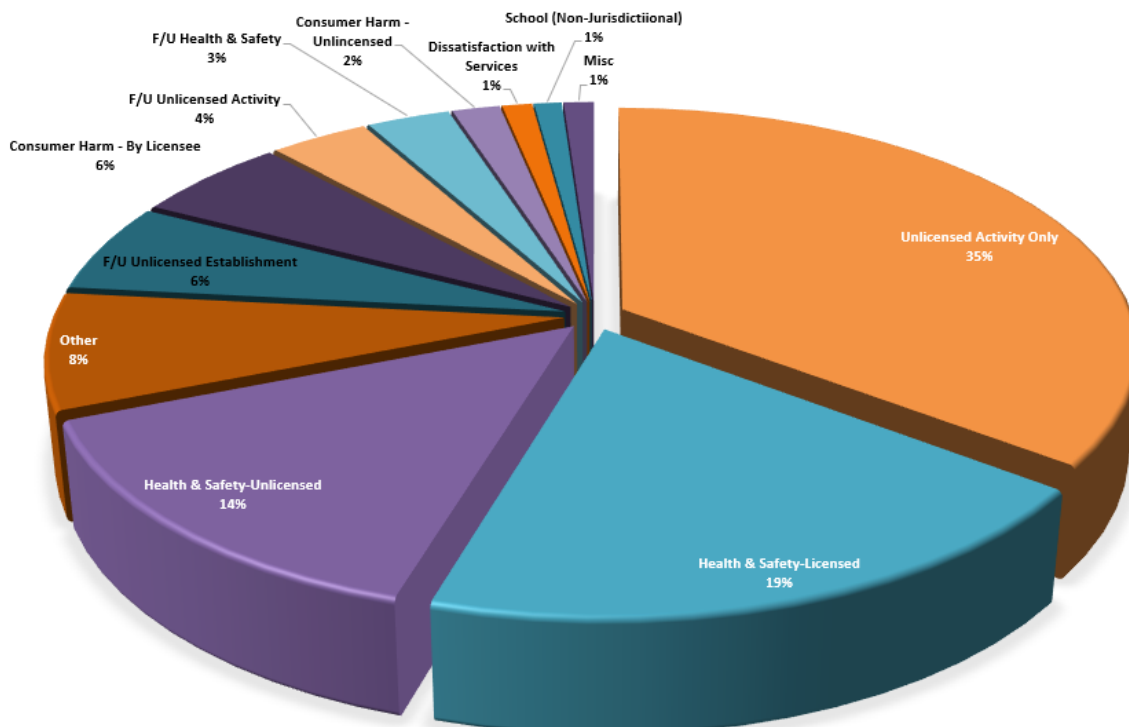
The Board currently has 246 approved schools. The new school application and a list of all Board-approved schools is available online and can be viewed by going to the Schools link on the BBC website. Effective January 1, 2022, the cosmetology and barbering programs minimum requirements reduced from 1,600 hours and 1,500 hours, respectively, to 1,000 hours. Schools may still offer programs that exceed 1,000 hours.

### Complaint Intake

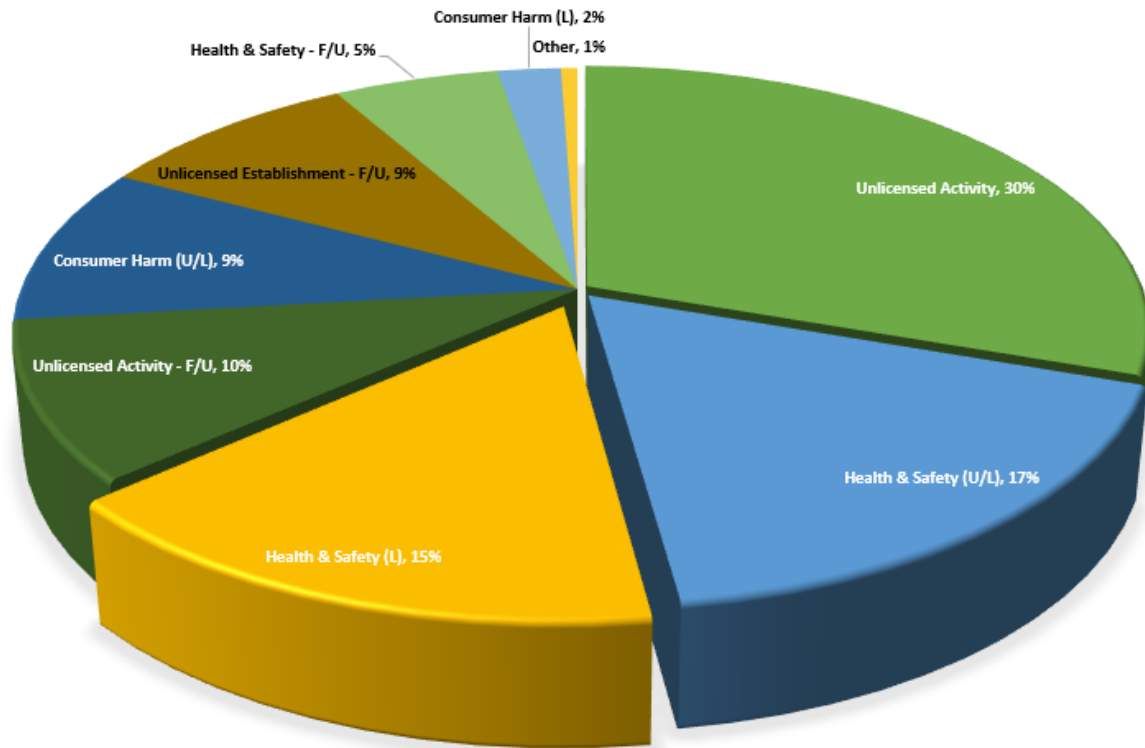
The number of complaints received for FY 21-22 has averaged 1,087 per quarter.

COMPLAINTS					
Complaints Received	FY 2021/22				
	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
	1,118	1,068	1,075		3,261

### Complaints Received By Complaint Type – March 2017 through March 2022



## Complaints Received By Complaint Type – January 2022 through March 2022



## Enforcement Statistics

Enforcement Statistics							
COMPLAINTS							
	FY2019/20	FY2020/21	FY 2021/22				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Complaints Received	6,295	6,699	1,118	1,068	1,075		3,261
Referred to DOI	6	6	5	5	3		13
Complaints Closed	5,969	7,278	1,302	1,191	1,097		3,583
Total Complaints Pending	1,719	1,335	1,190	1,104	1,100		1,100
Average Days to Close (Quarterly)	72	169	136	116	105		119
APPLICATION INVESTIGATIONS							
	FY2019/20	FY2020/21	FY 2021/22				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Received	9	6	2	3	3		8
Pending	3	9	3	4	5		5
Closed	9	8	1	3	3		7
ATTORNEY GENERAL							
	FY2019/20	FY2020/21	FY 2021/22				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Referred	75	21	6	7	11		24
Accusations Filed	69	24	2	5	2		9

Statement of Issues Filed	3	2	0	0	1		1
Total Pending	78	73	19	21	21		21
DISCIPLINARY PROCESS							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Proposed Decisions	6	6	2	1	0		3
Default Decision	22	15	0	0	1		1
Stipulation	28	17	3	1	1		5
DISCIPLINARY OUTCOMES							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Revocation	30	25	7	0	1		8
Revoke, Stay, Probation	1	6	3	0	0		3
Revoke, Stay, Suspend/Prob	43	16	1	1	0		2
Revocation, Stay w/ Suspend	0	0	0	0	0		0
Probation Only	0	0	0	0	0		0
Suspension Only	1	0	0	0	0		0
Suspension & Probation	0	0	0	0	0		0
Suspension, Stay, Probation	4	1	0	0	1		1
Surrender of License	19	11	1	0	2		3
Public Reprimands	0	0	0	0	0		0
License Denied	0	0	0	0	0		0
Other	0	2	0	0	0		0
Total	98	61	13	1	4		18
PROBATION							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Active	117	107	103	102	105		105

## INSPECTIONS AND CITE AND FINE

CITATIONS							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Establishments	4,685	529	736	1,025	905		2,666
Barber	554	18	57	75	77		209
Barber Apprentice	100	17	19	30	20		69
Cosmetologist	1,699	69	83	188	162		433
Cosmetologist Apprentice	40	4	5	5	6		16
Electrologist	1	0	0	0	0		0
Electrologist Apprentice	0	0	0	0	0		0
Manicurist	1,723	30	65	150	105		320
Esthetician	527	16	24	43	35		102
Unlicensed Est.	304	169	53	92	103		248
Unlicensed Individual	365	72	58	62	75		195
Total	9,998	914	1,100	1,670	1,488		4,258

INSPECTIONS							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Establishments w/ violations	4,807	1,544	1,472	1,138	632		3,242
Establishments w/o violations	1,561	214	897	594	322		1,813
Total	6,368	1,758	2,369	1,732	954		5,055

### Inspections

The BBC's Inspectors continue to focus on follow-up, routine, and complaint related inspections.

ESTABLISHMENT INSPECTIONS REPORTS ISSUED													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishments w/ violations	452	564	456	456	328	368	346	286					3,256
Establishments w/o violation	327	307	263	220	178	198	182	140					1,815
<b>TOTAL ISSUED</b>	<b>779</b>	<b>871</b>	<b>719</b>	<b>676</b>	<b>506</b>	<b>566</b>	<b>528</b>	<b>426</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,071</b>

OUT OF BUSINESS and CLOSED ON CALL													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Out of Business	209	213	141	149	71	154	129	96					1,162
Closed on Call	308	358	361	337	223	330	271	195					2,383
<b>TOTAL ISSUED</b>	<b>517</b>	<b>571</b>	<b>502</b>	<b>486</b>	<b>294</b>	<b>484</b>	<b>400</b>	<b>291</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,545</b>

## Citations

Currently the Cite and Fine unit is at a 30 day turn-around time frame from when an inspection is completed to when the citation is mailed out to the Establishment or licensee.

CITATIONS ISSUED													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishment	110	234	392	329	317	381	343	245	315				2666
Individual	49	85	119	158	112	222	160	97	148				1150
Unlicensed Establishments	15	18	20	26	28	36	31	40	35				249
Unlicensed Individuals	18	17	23	19	12	30	23	29	23				194
<b>TOTAL ISSUED</b>	<b>192</b>	<b>354</b>	<b>554</b>	<b>532</b>	<b>469</b>	<b>669</b>	<b>557</b>	<b>411</b>	<b>521</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,259</b>

## Request For Payment Notices

BBC is actively sending request for payment notices to establishments and individuals that have outstanding fines. First request for payment notices are sent about 30 days after the fine was due. Second request for payment notices are sent approximately 30 days after the first notice. Third request for payment notices are sent via certified mail approximately 30 days after the second notice. Citations for licensees that have not paid their fine in full after the third request for payment notice are sent to the Franchise Tax Board. Citations for unlicensed individuals that have not paid their fine in full after the third request for payment notice are referred to a collection agency.

REQUEST FOR PAYMENT NOTICES - QUARTER 3 FY 21-22				
	Jan	Feb	Mar	Total
Request for Payment Notice 1		225		225
Request for Payment Notice 2		38	118	156
Request for Payment Notice 3			51	51
Referred to Collections			32	32
Referred to Franchise Tax Board		22	21	43
<b>Grand Total</b>	<b>0</b>	<b>285</b>	<b>222</b>	<b>507</b>

## Payment Plans

Per B&P 7408.1 and CCR 974.3 the board may enter into a payment plan for citations with administrative fines that exceed five hundred dollar (\$500.00).

Payment Plans – Quarter 3 FY 21-22	
New	19
Paid in Full	5
Total Pending Payment Plans	50
Initial Fine Amount Total:	\$62,140.00
Current Total Balance:	\$26,207.00



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## MEMORANDUM

<b>DATE</b>	April 25, 2022
<b>TO</b>	Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 6 Outreach Report</b>

### **Personal Service Permit (PSP)**

The Board published a webpage dedicated to the Personal Service Permit information. Included on the webpage are two newly created documents by the Board, the Personal Service Permit Questions and Answers, and the Fingerprinting Requirements and Instructions. Both documents are available in English, Korean, Spanish, and Vietnamese. Additional links to the required forms are posted as well, (the Live Scan Form the and Consumer Notice). Social media posts began on April 4, 2022, on the Board's Facebook and Twitter.

### **Safe Sandal Season 2022**

The final touches are being made to the 9<sup>th</sup> Annual Safe Sandal Season. Board staff is working closely with the Department of Consumer Affairs' (DCA) Office of Public Affairs and will be launching the campaign by late April. The campaign is designed to raise awareness and educate consumers and licensees during sandal season on the importance of safe practices when getting a pedicure.

To distribute this information to consumers, staff is planning on the following:

- Press releases: Press releases will be sent by DCA with information about #SafeSandalSeason, including graphics and DCA videos.
- Social Media Campaign: Social media post will include posting pedicure safety tips publications, share links to DCA blog articles and videos, and post key messaging encouraging followers to post images of their new pedicures using the new hashtag #ShowoffYourToes.

### **Participated Events**

Executive Officer Kristy Underwood participated in two virtual events hosted by board-approved schools in March. Students had the opportunity to participate in Question-and-Answer sessions and receive first-hand responses from the board. In addition to these events, Ms. Underwood attended the following events:

- California Esthetics Compliance Conference (Ventura)  
February 27, 2022
- The Council of State Governments – Document Team, Washington DC  
March 1 -2, 2022

### **Upcoming Events**

The Board has been invited to participate in several industry events in the coming months. Most of the events will be in-person for the first time in two years. Attending the industry trade shows gives the board the opportunity to disseminate valuable information to the attendees regarding recent changes to the Board and distribute publications and be on-hand for in person questions.

- SoCal Beauty & Barber Professionals & Students (Anaheim)  
May 22, 2022 - Kristy Underwood and Marcene Melliza
- International Salon & Spa Expo (Long Beach)  
June 25-26, 2022 - Kristy Underwood, Marcene Melliza, Allison Lee
- Face and Body Skin Care Show and NailPro Show (San Jose)  
August 21-22, 2022 - Kristy Underwood, Marcene Melliza, Allison Lee



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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 April 1, 2022, the Board has received new course applications from 198 schools. 195 have been approved with 3 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>• Clean-up language to include barbers is included AB 2196.</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>• Discussed at the March 14, 2022 Health and Safety Committee meeting. Discussion will continue at June 6, 2022 Health and Safety Committee Meeting.</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>



## MEMORANDUM

DATE April 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Reese Isbell, Committee Chairperson

SUBJECT: March 7, 2022 Legislative and Budget Committee Meeting Update

The Committee discussed 2022 legislation that impacts the Board and/or the industry and made the following position recommendations to the full Board.

Bill	Topic	Committee's Recommendation
AB 646 (Low, Cunningham, and Gipson)	DCA boards: expunged convictions	Support
AB 1604 (Holden)	The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications	Watch
AB 1661 (Davies)	Human trafficking: notice	Support
AB 1733 (Quirk)	State bodies: open meetings	Support
AB 2196 (Maienschein)	Barbering and cosmetology: instructional hours.	Watch

**Action Required: discuss and make a motion to take a position on each bill.**

Position options:

- Watch
- Support
- Support if amended
- Neutral
- Neutral if amended
- Oppose
- Oppose unless amended



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## BOARD OF BARBERING & COSMETOLOGY

### BILL ANALYSIS

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**Author:** Assembly Members Low, Cunningham,  
and Gipson

**Subject:** DCA: Boards: Expunged  
Convictions

**Coauthor:** Senator Roth

**Bill Number:** AB 646

**Version:** January 24, 2022

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#### **Existing Law:**

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

#### **This Bill:**

This bill would require a board within the department that has posted on its online license search system that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on its online license search system. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its online license search system that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require the board to charge a fee of \$25 to the person to cover the reasonable regulatory cost of administering the bill's provisions, unless there is no associated cost. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

**Status:** In Senate. Read first time. To Committee on Rules for assignment.

#### **Analysis:**

Any changes to the online license system, BreZE, would be Department-wide, so there would not be an impact for the Board. The Board rarely revokes licenses due to convictions of a crime, so the number of instances in which we'd receive an expungement order is even lower.

**Committee Recommendation:** Support

AMENDED IN ASSEMBLY JANUARY 24, 2022

AMENDED IN ASSEMBLY APRIL 14, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 646**

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**Introduced by Assembly Members Low, Cunningham, and Gipson**  
(Coauthor: Senator Roth)

February 12, 2021

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An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its ~~internet website~~ *online license search system* that a person’s license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on ~~the board’s internet website~~; *its online license search system*. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its ~~internet website~~ *online license search system* that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would ~~authorize~~ *require* the board to charge a fee of \$25 to the person, ~~not to exceed the cost person to cover the reasonable regulatory cost~~ of administering the bill’s ~~provisions~~; *provisions, unless there is no associated cost*. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

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

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

- 1 SECTION 1. Section 493.5 is added to the Business and
- 2 Professions Code, to read:
- 3 493.5. (a) A board within the department that has posted on
- 4 its ~~internet website~~ *online license search system* that a person’s
- 5 license was revoked because the person was convicted of a crime,
- 6 upon receiving from the person a certified copy of an expungement
- 7 order granted pursuant to Section 1203.4 of the Penal Code for the
- 8 underlying offense, shall, within 90 days of receiving the
- 9 expungement order, unless it is otherwise prohibited by law, or by
- 10 other terms or conditions, do either of the following:
- 11 (1) If the person reapplies for licensure or has been relicensed,
- 12 post notification of the expungement order and the date thereof on
- 13 its ~~internet website~~; *online license search system*.
- 14 (2) If the person is not currently licensed and does not reapply
- 15 for licensure, remove the initial posting on its ~~internet website~~
- 16 *online license search system* that the person’s license was revoked

1 and information previously posted regarding arrests, charges, and  
2 convictions.

3 (b) ~~A(1) Except as provided in paragraph (2), a board within~~  
4 ~~the department may shall charge a fee of twenty-five dollars (\$25)~~  
5 ~~to a person described in subdivision (a), not to exceed (a) to cover~~  
6 ~~the reasonable regulatory cost of associated with administering~~  
7 ~~this section. The~~

8 (2) *A board shall not charge the fee if there is no cost associated*  
9 *with administering this section.*

10 (3) *A board may adopt regulations to implement this subdivision.*  
11 *The adoption, amendment, or repeal of a regulation authorized*  
12 *by this subdivision is hereby exempted from the rulemaking*  
13 *provisions of the Administrative Procedure Act (Chapter 3.5*  
14 *(commencing with Section 11340) of Part 1 of Division 3 of Title*  
15 *2 of the Government Code).*

16 (4) *The fee shall be deposited by the board into the appropriate*  
17 *fund and shall be available only upon appropriation by the*  
18 *Legislature.*

19 (c) For purposes of this section, “board” means an entity listed  
20 in Section 101.

21 (d) If any provision in this section conflicts with Section 2027,  
22 Section 2027 shall prevail.



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## BOARD OF BARBERING & COSMETOLOGY

### BILL ANALYSIS

**Author:** Assembly Member Holden

**Subject:** The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications

**Bill Number:** AB 1604

**Version:** March 7, 2022

**Existing Law:**

Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

Existing law establishes the State Personnel Board and Department of Human Resources and Existing law requires that lists of eligible applicants for civil service positions be established as a result of free competitive examinations and that the Personnel Board establish minimum qualifications for determining the qualifications of employees for each class of position.

Existing law requires any state agency, board, or commission that collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups.

Existing law requires all appointing authorities of state government to establish an effective program of upward mobility for employees in low-paying occupational groups which includes annual goals for upward mobility and a timetable for when progress will occur.

**This Bill:**

This bill would require, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members or commissioners, to have at least one volunteer board member or commissioner from an underrepresented community, as defined. New board or commission members should be replaced, under these parameters, as vacancies occur.

This bill would authorize the Department of Human Resources and the State Personnel Board to conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes.

This bill would require any state agency, board, or commission that collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups.

This bill would require that the board establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of the examinations

and, in developing qualifications for determining the fitness and qualifications of employees, create standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position. This bill would require the appointing authority to submit a report explaining the failure to achieve upward mobility goals and what requirements are necessary to facilitate achieving the goals, and then submit the report to specified persons.

**Status:** In committee: Set, first hearing. Referred to suspense file.

**Analysis:**

This bill will have a minor impact on the Board. Most of the board members already come from underrepresented communities and the Board welcomes more diversity when filling the vacant positions. Also, since the Board does not collect demographic data on the ancestry or ethnic origin of licensees, that part of the bill would not pertain to the Board.

This bill lists several changes for the Personnel Board and Department of Human Resources. This language was proposed last year in AB 105 (Holden), which was vetoed by the Governor because elements of the bill conflict with existing constitutional requirements, labor agreements, and current data collection efforts. These changes would cost tens of millions of dollars and should be considered through the annual state budget process.

**Committee Recommendation:** Watch



AMENDED IN ASSEMBLY MARCH 7, 2022  
AMENDED IN ASSEMBLY FEBRUARY 23, 2022  
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1604**

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**Introduced by Assembly Member Holden**

January 4, 2022

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An act to amend Sections 11140, 18502, 18931, 18933, 18936, 19402, and 19574 of, and to add Sections 8310.6, 18553, and 18930.1 to, the Government Code, relating to human resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1604, as amended, Holden. The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

This bill ~~would~~ *would, except as specified*, require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term “board member or commissioner from an underrepresented community” as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The bill would apply these requirements only as vacancies on state boards and commissions occur.

The California Constitution establishes the State Personnel Board (board) and requires the board to, among other things, enforce the civil service statutes, prescribe probationary periods and classifications, adopt rules authorized by statute, and review disciplinary actions. The Constitution also requires the executive officer of the board to administer the civil service statutes under the rules of the board. Under existing law, the board is authorized to conduct audits and investigations of the personnel practices of the Department of Human Resources and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. Existing law establishes the Department of Human Resources (department) and provides that, subject to the requirements of the California Constitution, it succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction exercised by the board as its designee with respect to the board's administrative and ministerial functions.

This bill, among other things, would instead authorize the department, at the direction of and in conjunction with the State Personnel Board, to conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. The bill would require the department to oversee compliance with rules prescribed by the board consistent with a merit-based civil service system to govern appointments, classifications, examinations, probationary periods, disciplinary actions, and other matters related to the board's constitutional authority, and require the department, pursuant to a process established by the State Personnel Board, to investigate complaints filed by employees in a state department's equal employment opportunity program and personnel office, other civil service employees, applicants, and members of the public alleging violations of civil service laws and report findings to the board for adjudication.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups, as specified.

This bill would require any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups. The bill would distinguish between African Americans who are descendants of persons

enslaved in the United States and African Americans who are not descendants of persons enslaved in the United States, as defined.

Existing law requires that lists of eligible applicants for civil service positions be established as a result of free competitive examinations. Existing law, with regard to the requirements governing examinations for establishing employment lists, authorizes the department to designate an appointing power to design, announce, or administer examinations and requires the board to establish minimum qualifications for determining the fitness and qualifications of employees for each class of position.

This bill would require instead that the board establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of the examinations and, in developing qualifications for determining the fitness and qualifications of employees, create standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position. The bill would also require that examinations with an oral component be video and otherwise electronically recorded and all other examination materials be maintained for each examination, as specified. The bill would also require the announcement for an examination to include the core competencies, as defined, and the standard statement of qualifications, if applicable.

Existing law requires all appointing authorities of state government to establish an effective program of upward mobility for employees in low-paying occupational groups. Existing law requires each upward mobility program to include annual goals for upward mobility and a timetable for when progress will occur, and requires the department to approve the goals and timetables. Existing law authorizes an appointing authority that determines that it will be unable to achieve the goals to ask the department for a reduction in the goals, as specified.

This bill would repeal the authorization for an appointing authority to ask the department for a reduction in their annual upward mobility goals, and would instead require the appointing authority to submit a report explaining the failure to achieve the goals and what requirements are necessary to facilitate achieving the goals, as specified, and then submit the report to specified persons. The bill would, on or before July 1, 2023, require the department to develop model upward mobility goals that include race, gender, LGBTQ, veteran status, or physical or mental

disability as factors, and to provide a report to the Legislature outlining the department workforce analysis used to develop those model goals.

Existing law authorizes a state appointing power to take adverse action against state civil service employees for specified causes for discipline, and provides procedures for state civil service disciplinary proceedings. Existing law authorizes the board to hold hearings and make investigations concerning all matters relating to the enforcement and effect of the State Civil Service Act, as specified.

This bill would require each appointing power to provide the Department of Human Resources with a report, no later than April 1 of each year, detailing certain information regarding adverse actions against state employees, including, but not limited to, the ethnicity, race, gender identity, or sexual orientation of each employee served with an adverse action in the preceding calendar year.

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

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

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Upward Mobility Act of 2022.
- 3 SEC. 2. Section 8310.6 is added to the Government Code, to
- 4 read:
- 5 8310.6. (a) A state agency, board, or commission that directly
- 6 or by contract collects demographic data as to the ancestry or
- 7 ethnic origin of Californians shall use separate collection
- 8 categories and tabulations for the following:
- 9 (1) African Americans who are descendants of persons enslaved
- 10 in the United States.
- 11 (2) African Americans who are not descendants of persons
- 12 enslaved in the United States, including, but not limited to, African
- 13 Blacks, Caribbean Blacks, and other African Americans or Blacks.
- 14 (b) The data collected pursuant to the different collection
- 15 categories and tabulations described in subdivision (a) shall be
- 16 included in every demographic report on ancestry or ethnic origins
- 17 of Californians by the state agency, board, or commission
- 18 published or released on or after January 1, 2023. The data shall
- 19 be made available to the public in accordance with state and
- 20 federal law, except for personal identifying information, which
- 21 shall be deemed confidential.

1 (c) As used in this section, the following definitions apply:

2 (1) “African Americans who are descendants of persons  
3 enslaved in the United States” means individuals who self-identify  
4 as Black or African American with at least one ancestor who was  
5 enslaved or subject to chattelization in the United States.

6 (2) “African Blacks” means individuals with origins from the  
7 continent of Africa, including, but not limited to, one or more of  
8 the following countries: Algeria, Angola, Benin, Botswana, Burkina  
9 Faso, Burundi, Cabo Verde, Cameroon, Central African Republic,  
10 Chad, Comoros, Côte d’Ivoire, Democratic Republic of Congo,  
11 Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia,  
12 Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho,  
13 Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius,  
14 Morocco, Mozambique, Namibia, Niger, Nigeria, Republic of the  
15 Congo, Rwanda, São Tomé and Príncipe, Senegal, Seychelles,  
16 Sierra Leone, Somalia, South Africa, South Sudan, Sudan,  
17 Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

18 (3) “Caribbean Blacks” means individuals with origins from  
19 Caribbean countries, including, but not limited to, one or more of  
20 the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,  
21 Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St.  
22 Kitts, the Bahamas, and the Dominican Republic.

23 (4) “Other African Americans or Blacks” means individuals  
24 with African ancestry originating from any country not included  
25 in paragraph (2) or (3).

26 ~~SEC. 2.~~

27 SEC. 3. Section 11140 of the Government Code is amended  
28 to read:

29 11140. (a) It is the policy of the State of California that the  
30 composition of state boards and commissions shall be broadly  
31 reflective of the general public, including ethnic minorities and  
32 women.

33 (b) (1) On or after January 1, 2023, all state boards and  
34 commissions consisting of one or more volunteer members or  
35 commissioners shall have at least one volunteer board member or  
36 commissioner from an underrepresented community.

37 (2) Notwithstanding paragraph (1), this subdivision shall not  
38 apply to a state board or commission concerning public  
39 employment, public education, or public contracting.

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

1 (1) “Board member or commissioner from an underrepresented  
2 community” means all of the following:

3 (A) An individual who self-identifies as Black, African  
4 American, Hispanic, Latino, Asian, Pacific Islander, Native  
5 American, Native Hawaiian, or Alaska Native.

6 (B) An individual who self-identifies as gay, lesbian, bisexual,  
7 or transgender.

8 (C) An individual who has served in and has been discharged  
9 under other than dishonorable conditions from service in the United  
10 States Army, Navy, Air Force, Marine Corps, or Coast Guard.

11 (D) An individual who has a “physical disability” or a “mental  
12 disability” as defined in Section 12926.

13 (2) “Volunteer member or commissioner” means an  
14 “administrative volunteer” as defined in subdivision (b) of Section  
15 3111, who is selected to serve on a board or commission by the  
16 appropriate nominating authority and who does not receive any  
17 compensation or financial gain from any state agency, as defined  
18 in Section 11000. A volunteer may receive per diem and remain  
19 a volunteer within the meaning of this section, and that volunteer  
20 shall not be considered to be an employee solely on the basis of  
21 receiving the per diem.

22 (d) Notwithstanding the date specified in *paragraph (1) of*  
23 *subdivision (b)*, the requirements of this section shall only apply  
24 as vacancies on state boards and commissions occur.

25 (e) Subject to subdivision (d), this section shall only apply to a  
26 vacancy appointment by the Governor or the Governor’s designees,  
27 the chair of a board or commission or the chair’s designees, the  
28 Speaker of the Assembly, and the President pro Tempore of the  
29 Senate or Senate Rules Committee, or any combination thereof.

30 ~~SEC. 3.~~

31 *SEC. 4.* Section 18502 of the Government Code is amended  
32 to read:

33 18502. (a) There is hereby created in state government the  
34 Department of Human Resources. The department succeeds to and  
35 is vested with the following:

36 (1) All of the powers and duties exercised and performed by  
37 the Department of Personnel Administration.

38 (2) Those powers, duties, and authorities necessary to operate  
39 the state civil service system pursuant to Article VII of the

1 California Constitution, this code, the merit principle, and  
2 applicable rules duly adopted by the State Personnel Board.

3 (b) (1) The State Personnel Board shall prescribe rules  
4 consistent with a merit based civil service system to govern  
5 appointments, classifications, examinations, probationary periods,  
6 disciplinary actions, and other matters related to the board's  
7 authority under Article VII of the California Constitution. The  
8 State Personnel Board shall ensure that all changes to regulations  
9 are circulated for public comment.

10 (2) The department shall oversee compliance with rules  
11 prescribed by the State Personnel Board consistent with a  
12 merit-based civil service system to govern appointments,  
13 classifications, examinations, probationary periods, disciplinary  
14 actions, and other matters related to the board's authority under  
15 Article VII of the California Constitution.

16 (3) The department, at the direction of and in conjunction with  
17 the State Personnel Board, may conduct audits and investigations  
18 of personnel practices of other departments and appointing  
19 authorities to ensure compliance with civil service policies,  
20 procedures, and statutes.

21 (4) Pursuant to a process established by the State Personnel  
22 Board, the department shall investigate complaints filed by  
23 employees in a state department's equal employment opportunity  
24 program and personnel office, other civil service employees,  
25 applicants, and members of the public alleging violations of civil  
26 service laws and report findings to the State Personnel Board for  
27 adjudication.

28 (c) This section shall not limit the authority of the Department  
29 of Human Resources and the State Personnel Board to delegate,  
30 share, or transfer between them responsibilities for programs within  
31 their respective jurisdictions pursuant to an agreement.

32 (d) The rules and regulations of the State Personnel Board and  
33 of the Department of Personnel Administration shall remain in  
34 effect unless and until contradicted by the terms of this chapter or  
35 amended or repealed by the board or the Department of Human  
36 Resources.

37 ~~SEC. 4. Section 8310.6 is added to the Government Code, to~~  
38 ~~read:~~

39 ~~8310.6. (a) A state agency, board, or commission that directly~~  
40 ~~or by contract collects demographic data as to the ancestry or ethnic~~

1 origin of Californians shall use separate collection categories and  
2 tabulations for the following:

3 (1) ~~African Americans who are descendants of persons enslaved~~  
4 ~~in the United States.~~

5 (2) ~~African Americans who are not descendants of persons~~  
6 ~~enslaved in the United States, including, but not limited to, African~~  
7 ~~Blacks, Caribbean Blacks, and other African Americans or Blacks.~~

8 (b) ~~The data collected pursuant to the different collection~~  
9 ~~categories and tabulations described in subdivision (a) shall be~~  
10 ~~included in every demographic report on ancestry or ethnic origins~~  
11 ~~of Californians by the state agency, board, or commission published~~  
12 ~~or released on or after January 1, 2023. The data shall be made~~  
13 ~~available to the public in accordance with state and federal law,~~  
14 ~~except for personal identifying information, which shall be deemed~~  
15 ~~confidential.~~

16 (c) ~~As used in this section, the following definitions apply:~~

17 (1) ~~“African Americans who are descendants of persons enslaved~~  
18 ~~in the United States” means individuals who self-identify as Black~~  
19 ~~or African American with at least one ancestor who was enslaved~~  
20 ~~or subject to chattelization in the United States.~~

21 (2) ~~“African Blacks” means individuals with origins from the~~  
22 ~~continent of Africa, including, but not limited to, one or more of~~  
23 ~~the following countries: Algeria, Angola, Benin, Botswana,~~  
24 ~~Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African~~  
25 ~~Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of~~  
26 ~~Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini,~~  
27 ~~Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya,~~  
28 ~~Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania,~~  
29 ~~Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria,~~  
30 ~~Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal,~~  
31 ~~Seychelles, Sierra Leone, Somalia, South Africa, South Sudan,~~  
32 ~~Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.~~

33 (3) ~~“Caribbean Blacks” means individuals with origins from~~  
34 ~~Caribbean countries, including, but not limited to, one or more of~~  
35 ~~the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,~~  
36 ~~Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St.~~  
37 ~~Kitts, the Bahamas, and the Dominican Republic.~~

38 (4) ~~“Other African Americans or Blacks” means individuals~~  
39 ~~with African ancestry originating from any country not included~~  
40 ~~in paragraph (2) or (3).~~



1 SEC. 5. Section 18553 is added to the Government Code, to  
2 read:

3 18553. “Core competencies” mean the particular education,  
4 experience, knowledge, and abilities that each applicant is required  
5 to have in order to be considered eligible for a particular group of  
6 classifications.

7 SEC. 6. Section 18930.1 is added to the Government Code, to  
8 read:

9 18930.1. The board shall establish a process that includes  
10 diversity and best practices in each aspect of the design,  
11 announcement, and administration of examinations for the  
12 establishment of employment lists.

13 SEC. 7. Section 18931 of the Government Code is amended  
14 to read:

15 18931. (a) The board shall establish minimum qualifications  
16 for determining the fitness and qualifications of employees for  
17 each class of position. The department may require applicants for  
18 examination or appointment to provide documentation as it deems  
19 necessary to establish the applicants’ qualifications.

20 (b) The board, in developing the qualifications referenced in  
21 subdivision (a), shall also incorporate standards for statements of  
22 qualifications used as examination criteria for the State of  
23 California in determining the fitness and qualifications of  
24 employees for each class of position. The department may require  
25 applicants for examination or appointment to provide  
26 documentation as it deems necessary to establish the applicants’  
27 qualifications.

28 (c) Whenever the law requires that an applicant for a position  
29 as a peace officer be screened to ensure that the applicant is free  
30 from emotional and mental impairment, the department or the  
31 designated appointing authority shall undertake that screening  
32 subject to the applicant’s right to appeal to the board.

33 SEC. 8. Section 18933 of the Government Code is amended  
34 to read:

35 18933. (a) Within a reasonable time before the scheduled date,  
36 the department or a designated appointing power shall announce  
37 or advertise examinations for the establishment of eligible lists.  
38 The announcement shall include the following:

39 (1) The date and place of the examination.

1 (2) The nature of the minimum qualifications and the functional  
2 core competencies.

3 (3) The general scope of the examination.

4 (4) The relative weight of its several parts if more than one type  
5 of test is to be utilized.

6 (5) Any other information the department deems proper.

7 (6) The standard statement of qualifications, if applicable.

8 (b) The department shall notify the Department of Veterans  
9 Affairs when any promotional examination for the establishment  
10 of an eligible list is announced or advertised to eligible candidates.  
11 The notification shall state the job position and include all of the  
12 information listed in paragraphs (1) to (6), inclusive, of subdivision  
13 (a).

14 SEC. 9. Section 18936 of the Government Code is amended  
15 to read:

16 18936. (a) All examination materials, including examination  
17 questions and any written material, shall be maintained for each  
18 examination for three years, after which they shall be disposed of  
19 pursuant to a policy adopted by the board.

20 (b) Examinations that have an oral examination component shall  
21 be video or otherwise electronically recorded. Examinees shall be  
22 informed that they are being recorded. The recordings shall be  
23 maintained for each examination for three years, after which they  
24 shall be disposed of pursuant to a policy adopted by the board.

25 (c) The final earned rating of each person competing in any  
26 examination shall be determined by the weighted average of the  
27 earned ratings on all phases of the examination, according to the  
28 weights for each phase established by the department or a  
29 designated appointing power in advance of the giving of the  
30 examination and published as a part of the announcement of the  
31 examination.

32 (d) The department or a designated appointing power may set  
33 minimum qualifying ratings for each phase of an examination and  
34 may provide that competitors failing to achieve those ratings in  
35 any phase shall be disqualified from any further participation in  
36 the examination.

37 SEC. 10. Section 19402 of the Government Code is amended  
38 to read:

39 19402. (a) All upward mobility programs shall include annual  
40 goals that include the number of employees expected to progress

1 from positions in low-paying occupational groups to entry-level  
2 technical, professional, and administrative positions, and the  
3 timeframe within which this progress shall occur. The Department  
4 of Human Resources shall be responsible for approving each  
5 department's annual upward mobility goals and timetables.

6 (b) (1) By July 1, 2023, the Department of Human Resources  
7 shall develop model upward mobility goals based on department  
8 workforce analysis and shall post the model goals on its internet  
9 website.

10 (2) The model upward mobility goals may include race, gender,  
11 LGBTQ, veteran status, and physical or mental disability as factors  
12 to the extent permissible under state and federal equal protection  
13 laws.

14 (3) On or before July 1, 2023, the Department of Human  
15 Resources shall provide a copy of the model upward mobility goals  
16 and a corresponding report outlining the workforce analysis used  
17 to develop the model upward mobility goals to each member of  
18 the Legislature. The report shall be submitted in compliance with  
19 Section 9795.

20 (c) If the appointing authority is unable to meet its annual  
21 upward mobility goals and timetables for two consecutive fiscal  
22 years, the appointing authority shall submit a report explaining  
23 why it failed to achieve its goals and what requirements are  
24 necessary to facilitate achieving its goals in the subsequent two  
25 fiscal years. The appointing authority shall submit the report to  
26 the department, the Director of the Department of Finance, and  
27 the Legislative Analyst.

28 SEC. 11. Section 19574 of the Government Code is amended  
29 to read:

30 19574. (a) The appointing power, or its authorized  
31 representative, may take adverse action against an employee for  
32 one or more of the causes for discipline specified in this article.  
33 Adverse action is valid only if a written notice is served on the  
34 employee prior to the effective date of the action, as defined by  
35 board rule. The notice shall be served upon the employee either  
36 personally or by mail and shall include: (1) a statement of the  
37 nature of the adverse action; (2) the effective date of the action;  
38 (3) a statement of the reasons therefor in ordinary language; (4) a  
39 statement advising the employee of the right to answer the notice  
40 orally or in writing; and (5) a statement advising the employee of

1 the time within which an appeal must be filed. The notice shall be  
2 filed with the board not later than 15 calendar days after the  
3 effective date of the adverse action.

4 (b) Effective January 1, 1996, this subdivision shall apply only  
5 to state employees in State Bargaining Unit 5. This section shall  
6 not apply to discipline as defined by Section 19576.1.

7 (c) (1) No later than April 1 of each year, each appointing power  
8 shall provide to the Department of Human Resources a report  
9 detailing all of the following information:

10 (A) The total number of adverse actions served on state  
11 employees in the preceding calendar year.

12 (B) The ethnicity or race of each employee served with an  
13 adverse action in the preceding calendar year, if available.

14 (C) The gender identity or sexual orientation of each employee  
15 served with an adverse action in the preceding calendar year, if  
16 available.

17 (D) The statutory basis for discipline under Section 19572 for  
18 each adverse action served in the preceding calendar year.

19 (E) A brief factual summary of the basis for discipline for each  
20 adverse action served in the preceding calendar year.

21 (F) The type of discipline imposed in each adverse action,  
22 including, but not limited to, outright termination, the nature of  
23 any demotion, the length of any suspension, or any other type of  
24 discipline.

25 (2) No later than June 1 of each year, the department shall  
26 include in its annual workforce analysis and census report the items  
27 as reported by each appointing authority pursuant to this  
28 subdivision and submit this report to the Legislature.

29 (3) This report shall be submitted in compliance with Section  
30 9795.

31 (4) The information required pursuant to subparagraphs (B) and  
32 (C) of paragraph (1) may be provided at the discretion of the  
33 employee, and an appointing power shall not require an employee  
34 to disclose this information.

35 SEC. 12. The provisions of this act are severable. If any  
36 provision of this act or its application is held invalid, that invalidity  
37 shall not affect other provisions or applications that can be given  
38 effect without the invalid provision or application.

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## BOARD OF BARBERING & COSMETOLOGY

### BILL ANALYSIS

**Author:** Assembly Member Davies

**Subject:** Human trafficking: Notice.

**Bill Number:** AB 1661

**Version:** March 3, 2022

#### **Existing Law:**

Existing law requires specified businesses and other establishments, including, among others, airports, intercity passenger rail or light rail stations, bus stations, and truck stops, to post a notice, as developed by the Department of Justice, that contains information relating to slavery and human trafficking, including information regarding specified nonprofit organizations that a person can call for services or support in the elimination of slavery and human trafficking. Existing law makes a business or establishment that fails to comply with the requirements of these provisions liable for a civil penalty of \$500 for a first offense, and \$1,000 for each subsequent offense.

#### **This Bill:**

This bill would additionally require the notice to be posted by hair, nail, electrolysis, and skin care, and other related business or establishments subject to the Barbering and Cosmetology Act.

**Status:** In Senate. Read first time. To Committee on Rules for assignment.

#### **Analysis:**

This bill would have a minor impact on board operations and costs since the Board already mails notices with initial establishment licenses. This bill would share important information and have major impact for individuals that are being trafficked, whether they be consumers or licensees.

**Committee Recommendation:** Support

AMENDED IN ASSEMBLY MARCH 3, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1661**

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**Introduced by Assembly Member Davies**

January 18, 2022

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An act to amend Section 52.6 of the Civil Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 1661, as amended, Davies. Human trafficking: notice.

Existing law requires specified businesses and other establishments, including, among others, airports, intercity passenger rail or light rail stations, bus stations, and truck stops, to post a notice, as developed by the Department of Justice, that contains information relating to slavery and human trafficking, including information regarding specified nonprofit organizations that a person can call for services or support in the elimination of slavery and human trafficking. Existing law makes a business or establishment that fails to comply with the requirements of these provisions liable for a civil penalty of \$500 for a first offense, and \$1,000 for each subsequent offense.

This bill would additionally require that notice to be posted by barbering and cosmetology businesses, as described.

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

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

1 SECTION 1. Section 52.6 of the Civil Code is amended to  
2 read:

1 52.6. (a) Each of the following businesses and other  
2 establishments shall, upon the availability of the model notice  
3 described in subdivision (d), post a notice that complies with the  
4 requirements of this section in a conspicuous place near the public  
5 entrance of the establishment or in another conspicuous location  
6 in clear view of the public and employees where similar notices  
7 are customarily posted:

8 (1) On-sale general public premises licensees under the  
9 Alcoholic Beverage Control Act (Division 9 (commencing with  
10 Section 23000) of the Business and Professions Code).

11 (2) Adult or sexually oriented businesses, as defined in  
12 subdivision (a) of Section 318.5 of the Penal Code.

13 (3) Primary airports, as defined in Section 47102(16) of Title  
14 49 of the United States Code.

15 (4) Intercity passenger rail or light rail stations.

16 (5) Bus stations.

17 (6) Truck stops. For purposes of this section, “truck stop” means  
18 a privately owned and operated facility that provides food, fuel,  
19 shower or other sanitary facilities, and lawful overnight truck  
20 parking.

21 (7) Emergency rooms within general acute care hospitals.

22 (8) Urgent care centers.

23 (9) Farm labor contractors, as defined in subdivision (b) of  
24 Section 1682 of the Labor Code.

25 (10) Privately operated job recruitment centers.

26 (11) Roadside rest areas.

27 (12) Businesses or establishments that offer massage or  
28 bodywork services for compensation and are not described in  
29 paragraph (1) of subdivision (b) of Section 4612 of the Business  
30 and Professions Code.

31 (13) Hotels, motels, and bed and breakfast inns, as defined in  
32 subdivision (b) of Section 24045.12 of the Business and Professions  
33 Code, not including personal residences.

34 (14) Hair, nail, *electrolysis*, and skin care, and other related  
35 businesses or establishments subject to regulation under Chapter  
36 10 (commencing with Section 7301) of Division 3 of the Business  
37 and Professions Code.

38 (b) The notice to be posted pursuant to subdivision (a) shall be  
39 at least 8½ inches by 11 inches in size, written in a 16-point font,  
40 and shall state the following:

1 “If you or someone you know is being forced to engage in any activity and  
2 cannot leave—whether it is commercial sex, housework, farm work,  
3 construction, factory, retail, or restaurant work, or any other activity—text  
4 233-733 (Be Free) or call the National Human Trafficking Hotline at  
5 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking  
6 (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and  
7 services.

8  
9 Victims of slavery and human trafficking are protected under United States  
10 and California law.

11 The hotlines are:

- 12 · Available 24 hours a day, 7 days a week.
- 13 · Toll-free.
- 14 · Operated by nonprofit, nongovernmental organizations.
- 15 · Anonymous and confidential.
- 16 · Accessible in more than 160 languages.
- 17 · Able to provide help, referral to services, training, and general information.”

18  
19  
20 (c) The notice to be posted pursuant to subdivision (a) shall be  
21 printed in English, Spanish, and in one other language that is the  
22 most widely spoken language in the county where the establishment  
23 is located and for which translation is mandated by the federal  
24 Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), as  
25 applicable. This section does not require a business or other  
26 establishment in a county where a language other than English or  
27 Spanish is the most widely spoken language to print the notice in  
28 more than one language in addition to English and Spanish.

29 (d) (1) On or before April 1, 2013, the Department of Justice  
30 shall develop a model notice that complies with the requirements  
31 of this section and make the model notice available for download  
32 on the department’s internet website.

33 (2) On or before January 1, 2019, the Department of Justice  
34 shall revise and update the model notice to comply with the  
35 requirements of this section and make the updated model notice  
36 available for download on the department’s internet website. A  
37 business or establishment required to post the model notice shall  
38 not be required to post the updated model notice until on and after  
39 January 1, 2019.



1 (e) On or before January 1, 2021, a business or other  
2 establishment that operates a facility described in paragraph (4)  
3 or (5) of subdivision (a) shall provide at least 20 minutes of training  
4 to its new and existing employees who may interact with, or come  
5 into contact with, a victim of human trafficking or who are likely  
6 to receive, in the course of their employment, a report from another  
7 employee about suspected human trafficking, in recognizing the  
8 signs of human trafficking and how to report those signs to the  
9 appropriate law enforcement agency.

10 (f) The employee training pursuant to subdivision (e) shall  
11 include, but not be limited to, all of the following:

12 (1) The definition of human trafficking, including sex trafficking  
13 and labor trafficking.

14 (2) Myths and misconceptions about human trafficking.

15 (3) Physical and mental signs to be aware of that may indicate  
16 that human trafficking is occurring.

17 (4) Guidance on how to identify individuals who are most at  
18 risk for human trafficking.

19 (5) Guidance on how to report human trafficking, including,  
20 but not limited to, national hotlines (1-888-373-7888 and text line  
21 233733) and contact information for local law enforcement  
22 agencies that an employee may use to make a confidential report.

23 (6) Protocols for reporting human trafficking when on the job.

24 (g) (1) The human trafficking employee training pursuant to  
25 subdivision (e) may include, but shall not be limited to, information  
26 and material utilized in training Santa Clara County Valley  
27 Transportation Authority employees, private nonprofit  
28 organizations that represent the interests of human trafficking  
29 victims, and the Department of Justice.

30 (2) The failure to report human trafficking by an employee shall  
31 not, by itself, result in the liability of the business or other  
32 establishment that operates a facility described in paragraph (4)  
33 or (5) of subdivision (a) or of any other person or entity.

34 (h) A business or establishment that fails to comply with the  
35 requirements of this section is liable for a civil penalty of five  
36 hundred dollars (\$500) for a first offense and one thousand dollars  
37 (\$1,000) for each subsequent offense. A government entity  
38 identified in Section 17204 of the Business and Professions Code  
39 may bring an action to impose a civil penalty pursuant to this  
40 subdivision against a business or establishment if a local or state

1 agency with authority to regulate that business or establishment  
2 has satisfied both of the following:

3 (1) Provided the business or establishment with reasonable  
4 notice of noncompliance, which informs the business or  
5 establishment that it is subject to a civil penalty if it does not  
6 correct the violation within 30 days from the date the notice is sent  
7 to the business or establishment.

8 (2) Verified that the violation was not corrected within the  
9 30-day period described in paragraph (1).

10 (i) This section does not prevent a local governing body from  
11 adopting and enforcing a local ordinance, rule, or regulation to  
12 prevent slavery or human trafficking. If a local ordinance, rule, or  
13 regulation duplicates or supplements the requirements that this  
14 section imposes upon businesses and other establishments, this  
15 section does not supersede or preempt that local ordinance, rule,  
16 or regulation.



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## BOARD OF BARBERING & COSMETOLOGY

### BILL ANALYSIS

**Author:** Assembly Member Quirk

**Subject:** State bodies: open meetings.

**Bill Number:** AB 1733

**Version:** January 31, 2022

#### **Existing Law:**

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public, and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location. Existing law also requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting.

#### **This Bill:**

This urgency bill would specify that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

**Status:** Referred to Committees on Governmental Organization and Business and Professions.

**Analysis:**

This bill may have a minor fiscal impact for the Board. While the bill would allow the Board the option to hold a teleconference meeting, currently, the Department of Consumer Affairs only has one hearing room set up to provide broadcasting from a physical location. If the Department has the capability to host teleconferences at different locations in the future, there would be the cost of a room rental contract, if a state building was not available. Compared to a completely in-person meeting however, there would be savings of travel costs for board members and board staff.

**Committee Recommendation:** Support

**ASSEMBLY BILL**

**No. 1733**

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**Introduced by Assembly Member Quirk**

January 31, 2022

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An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as introduced, Quirk. State bodies: open meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference

location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location

from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would also make conforming changes.

This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 101.7 of the Business and Professions  
2 Code is amended to read:  
3 101.7. (a) Notwithstanding any other provision of law, boards  
4 shall meet at least two times each calendar year. Boards shall meet  
5 at least once each calendar year in northern California and once  
6 each calendar year in southern California in order to facilitate  
7 participation by the public and its ~~licensees~~. *licensees, unless the*  
8 *board’s meetings are held entirely by teleconference.*  
9 (b) The director has discretion to exempt any board from the  
10 requirement in subdivision (a) upon a showing of good cause that  
11 the board is not able to meet at least two times in a calendar year.  
12 (c) The director may call for a special meeting of the board  
13 when a board is not fulfilling its duties.  
14 (d) An agency within the department that is required to provide  
15 a written notice pursuant to subdivision (a) of Section 11125 of  
16 the Government Code, may provide that notice by regular mail,  
17 email, or by both regular mail and email. An agency shall give a  
18 person who requests a notice the option of receiving the notice by  
19 regular mail, email, or by both regular mail and email. The agency  
20 shall comply with the requester’s chosen form or forms of notice.  
21 (e) An agency that plans to webcast a meeting shall include in  
22 the meeting notice required pursuant to subdivision (a) of Section  
23 11125 of the Government Code a statement of the board’s intent  
24 to webcast the meeting. An agency may webcast a meeting even  
25 if the agency fails to include that statement of intent in the notice.  
26 SEC. 2. Section 11122.5 of the Government Code is amended  
27 to read:



1 11122.5. (a) As used in this article, “meeting” includes any  
2 congregation of a majority of the members of a state body at the  
3 same time and ~~place~~ *place, including one held entirely by*  
4 *teleconference*, to hear, discuss, or deliberate upon any item that  
5 is within the subject matter jurisdiction of the state body to which  
6 it pertains.

7 (b) (1) A majority of the members of a state body shall not,  
8 outside of a meeting authorized by this chapter, use a series of  
9 communications of any kind, directly or through intermediaries,  
10 to discuss, deliberate, or take action on any item of business that  
11 is within the subject matter of the state body.

12 (2) Paragraph (1) shall not be construed to prevent an employee  
13 or official of a state agency from engaging in separate  
14 conversations or communications outside of a meeting authorized  
15 by this chapter with members of a legislative body in order to  
16 answer questions or provide information regarding a matter that  
17 is within the subject matter jurisdiction of the state agency, if that  
18 person does not communicate to members of the legislative body  
19 the comments or position of any other member or members of the  
20 legislative body.

21 (c) The prohibitions of this article do not apply to any of the  
22 following:

23 (1) Individual contacts or conversations between a member of  
24 a state body and any other person that do not violate subdivision  
25 (b).

26 (2) (A) The attendance of a majority of the members of a state  
27 body at a conference or similar gathering open to the public that  
28 involves a discussion of issues of general interest to the public or  
29 to public agencies of the type represented by the state body, if a  
30 majority of the members do not discuss among themselves, other  
31 than as part of the scheduled program, business of a specified  
32 nature that is within the subject matter jurisdiction of the state  
33 body.

34 (B) Subparagraph (A) does not allow members of the public  
35 free admission to a conference or similar gathering at which the  
36 organizers have required other participants or registrants to pay  
37 fees or charges as a condition of attendance.

38 (3) The attendance of a majority of the members of a state body  
39 at an open and publicized meeting organized to address a topic of  
40 state concern by a person or organization other than the state body,

1 if a majority of the members do not discuss among themselves,  
 2 other than as part of the scheduled program, business of a specific  
 3 nature that is within the subject matter jurisdiction of the state  
 4 body.

5 (4) The attendance of a majority of the members of a state body  
 6 at an open and noticed meeting of another state body or of a  
 7 legislative body of a local agency as defined by Section 54951, if  
 8 a majority of the members do not discuss among themselves, other  
 9 than as part of the scheduled meeting, business of a specific nature  
 10 that is within the subject matter jurisdiction of the other state body.

11 (5) The attendance of a majority of the members of a state body  
 12 at a purely social or ceremonial occasion, if a majority of the  
 13 members do not discuss among themselves business of a specific  
 14 nature that is within the subject matter jurisdiction of the state  
 15 body.

16 (6) The attendance of a majority of the members of a state body  
 17 at an open and noticed meeting of a standing committee of that  
 18 body, if the members of the state body who are not members of  
 19 the standing committee attend only as observers.

20 SEC. 3. Section 11123 of the Government Code is amended  
 21 to read:

22 11123. (a) All meetings of a state body shall be open and  
 23 public and all persons shall be permitted to attend any meeting of  
 24 a state body except as otherwise provided in this article.

25 (b) (1) This article ~~does not prohibit~~ *requires* a state body ~~from~~  
 26 ~~holding to hold~~ an open ~~or closed~~ meeting by teleconference for  
 27 the benefit of the public and state ~~body.~~ *body, and allows for use*  
 28 *of teleconference in closed sessions.* The meeting or proceeding  
 29 held by teleconference shall otherwise comply with all applicable  
 30 requirements or laws relating to a specific type of meeting or  
 31 proceeding, including *all of* the following:

32 (A) ~~The teleconferencing~~ *teleconferenced* meeting shall comply  
 33 with all requirements of this article applicable to other meetings.

34 (B) The portion of the teleconferenced meeting that is required  
 35 to be open to the public *at any physical location specified in the*  
 36 *notice of the meeting* shall be *visible and* audible to the public at  
 37 the location specified in the notice of the meeting.

38 (C) ~~If the~~ *The* state body ~~elects to conduct a meeting or~~  
 39 ~~proceeding by teleconference, it shall post agendas at all~~  
 40 ~~teleconference locations and~~ *shall* conduct teleconference meetings

1 in a manner that protects the rights of any party or member of the  
2 public appearing before the state body. *The state body shall provide*  
3 *a means by which the public may remotely hear audio of the*  
4 *meeting or remotely hear and observe the meeting, and a means*  
5 *by which the public may remotely address the state body, as*  
6 *appropriate, via either a two-way audio-visual platform or a*  
7 *two-way telephonic service. Should the state body elect to use a*  
8 *two-way telephonic service only, it must also provide live*  
9 *webcasting of the open meeting. The applicable teleconference*  
10 *phone number or internet website, or other information indicating*  
11 *how the public can access the meeting remotely, shall be specified*  
12 *in any notice required by this article. Each teleconference location*  
13 *shall be identified in the notice and agenda of the meeting or*  
14 *proceeding, and each teleconference location shall be accessible*  
15 *to the public. The agenda shall provide an opportunity for members*  
16 *of the public to remotely address the state body directly pursuant*  
17 *to Section 11125.7 at each teleconference location. 11125.7.*

18 (D) *The state body shall provide members of the public with a*  
19 *physical location at which the public may hear, observe, and*  
20 *address the state body. Each physical location shall be identified*  
21 *in the notice of the meeting.*

22 (E) *Members of the public shall be entitled to exercise their*  
23 *right to directly address the state body during the teleconferenced*  
24 *meeting without being required to submit public comments prior*  
25 *to the meeting or in writing.*

26 ~~(D)~~

27 (F) *The members of the state body may remotely participate in*  
28 *a meeting. The members of the state body may also be physically*  
29 *present and participate at a designated physical meeting location,*  
30 *but no member of the state body shall be required to be physically*  
31 *present at any physical meeting location designated in the notice*  
32 *of the meeting in order to be deemed present at the meeting. All*  
33 *votes taken during a teleconferenced meeting shall be by rollcall.*

34 ~~(E)~~ *The portion of the teleconferenced meeting that is closed*  
35 *to the public may not include the consideration of any agenda item*  
36 *being heard pursuant to Section 11125.5.*

37 ~~(F)~~ *At least one member of the state body shall be physically*  
38 *present at the location specified in the notice of the meeting.*

39 (G) *This section does not affect the requirement prescribed by*  
40 *this article that the state body post an agenda of a meeting in*

1 accordance with the applicable notice requirements of this article,  
 2 including Section 11125, requiring the state body post an agenda  
 3 of a meeting at least 10 days in advance of the meeting, Section  
 4 11125.4, applicable to special meetings, and Sections 11125.5 and  
 5 11125.6, applicable to emergency meetings. The state body shall  
 6 post the agenda on its internet website and, on the day of the  
 7 meeting, at any physical meeting location designated in the notice  
 8 of the meeting. The notice and agenda shall not disclose  
 9 information regarding any remote location from which a member  
 10 is participating.

11 (H) Upon discovering that a means of remote participation  
 12 required by this section has failed during a meeting and cannot  
 13 be restored, the state body shall end or adjourn the meeting in  
 14 accordance with Section 11128.5. In addition to any other  
 15 requirements that may apply, the state body shall provide notice  
 16 of the meeting's end or adjournment on the state body's internet  
 17 website and by email to any person who has requested notice of  
 18 meetings of the state body by email under this article. If the meeting  
 19 will be adjourned and reconvened on the same day, further notice  
 20 shall be provided by an automated message on a telephone line  
 21 posted on the state body's agenda, internet website, or by a similar  
 22 means, that will communicate when the state body intends to  
 23 reconvene the meeting and how a member of the public may hear  
 24 audio of the meeting or observe the meeting.

25 (2) For the purposes of this subdivision, ~~“teleconference”~~ all of  
 26 the following definitions shall apply:

27 (A) ~~“Teleconference”~~ means a meeting of a state ~~body, the~~  
 28 ~~members of which are at different locations, connected~~ body that  
 29 provides for a connection by electronic means, including by  
 30 telephone, an internet website, or other online platform, through  
 31 ~~either audio or both audio and video.~~ This section does not prohibit  
 32 a state body from providing members of the public with additional  
 33 physical locations in which the public may observe ~~or~~ and address  
 34 the state body by electronic means, through either audio or both  
 35 audio and video.

36 (B) ~~“Remote location”~~ means a location from which a member  
 37 of a state body participates in a meeting other than any physical  
 38 meeting location designated in the notice of the meeting. Remote  
 39 locations need not be accessible to the public.

1 (C) “Remote participation” means participation in a meeting  
2 by teleconference at a location other than any physical meeting  
3 location designated in the notice of the meeting. Watching or  
4 listening to a meeting via webcasting or another similar electronic  
5 medium that does not permit members to interactively hear,  
6 discuss, or deliberate on matters, does not constitute participation  
7 remotely.

8 (D) “Two-way audio-visual platform” means an online platform  
9 that provides participants with the ability to participate in a  
10 meeting via both an interactive video conference and a two-way  
11 telephonic function.

12 (E) “Two-way telephonic service” means a telephone service  
13 that does not require internet access, is not provided as part of a  
14 two-way audio-visual platform, and allows participants to dial a  
15 telephone number to listen and verbally participate.

16 (F) “Webcasting” means a streaming video broadcast online  
17 or on television, using streaming media technology to distribute  
18 a single content source to many simultaneous listeners and viewers.  
19 This section does not prohibit a state body from providing members  
20 of the public with additional physical locations in which the public  
21 may observe and address the state body by electronic means.

22 (c) The state body shall publicly report any action taken and the  
23 vote or abstention on that action of each member present for the  
24 action.

25 (d) A state body that is organized within the Department of  
26 Consumer Affairs and meets at least two times each calendar year  
27 shall be deemed to have met the requirements of subdivision (a)  
28 of Section 101.7 of the Business and Professions Code.

29 (e) This section shall not be construed to deny state bodies the  
30 ability to encourage full participation by appointees with  
31 developmental or other disabilities.

32 (f) If a member of a state body attends a meeting by  
33 teleconference from a remote location, the member shall disclose  
34 whether any other individuals 18 years of age or older are present  
35 in the room at the remote location with the member, and the  
36 general nature of the member’s relationship with any such  
37 individuals.

38 SEC. 4. Section 11123.5 of the Government Code is repealed.

39 ~~11123.5. (a) In addition to the authorization to hold a meeting~~  
40 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~

1 any state body that is an advisory board, advisory commission,  
2 advisory committee, advisory subcommittee, or similar  
3 multimember advisory body may hold an open meeting by  
4 teleconference as described in this section, provided the meeting  
5 complies with all of the section's requirements and, except as set  
6 forth in this section, it also complies with all other applicable  
7 requirements of this article.

8 (b) A member of a state body as described in subdivision (a)  
9 who participates in a teleconference meeting from a remote location  
10 subject to this section's requirements shall be listed in the minutes  
11 of the meeting.

12 (c) The state body shall provide notice to the public at least 24  
13 hours before the meeting that identifies any member who will  
14 participate remotely by posting the notice on its Internet Web site  
15 and by emailing notice to any person who has requested notice of  
16 meetings of the state body under this article. The location of a  
17 member of a state body who will participate remotely is not  
18 required to be disclosed in the public notice or email and need not  
19 be accessible to the public. The notice of the meeting shall also  
20 identify the primary physical meeting location designated pursuant  
21 to subdivision (c).

22 (d) This section does not affect the requirement prescribed by  
23 this article that the state body post an agenda of a meeting at least  
24 10 days in advance of the meeting. The agenda shall include  
25 information regarding the physical meeting location designated  
26 pursuant to subdivision (c), but is not required to disclose  
27 information regarding any remote location.

28 (e) A state body described in subdivision (a) shall designate the  
29 primary physical meeting location in the notice of the meeting  
30 where members of the public may physically attend the meeting  
31 and participate. A quorum of the members of the state body shall  
32 be in attendance at the primary physical meeting location, and  
33 members of the state body participating remotely shall not count  
34 towards establishing a quorum. All decisions taken during a  
35 meeting by teleconference shall be by rollcall vote. The state body  
36 shall post the agenda at the primary physical meeting location, but  
37 need not post the agenda at a remote location.

38 (f) When a member of a state body described in subdivision (a)  
39 participates remotely in a meeting subject to this section's  
40 requirements, the state body shall provide a means by which the

1 public may remotely hear audio of the meeting or remotely observe  
2 the meeting, including, if available, equal access equivalent to  
3 members of the state body participating remotely. The applicable  
4 teleconference phone number or Internet Web site, or other  
5 information indicating how the public can access the meeting  
6 remotely, shall be in the 24-hour notice described in subdivision  
7 (a) that is available to the public.

8 (g) Upon discovering that a means of remote access required  
9 by subdivision (f) has failed during a meeting, the state body  
10 described in subdivision (a) shall end or adjourn the meeting in  
11 accordance with Section 11128.5. In addition to any other  
12 requirements that may apply, the state body shall provide notice  
13 of the meeting's end or adjournment on its Internet Web site and  
14 by email to any person who has requested notice of meetings of  
15 the state body under this article. If the meeting will be adjourned  
16 and reconvened on the same day, further notice shall be provided  
17 by an automated message on a telephone line posted on the state  
18 body's agenda, or by a similar means, that will communicate when  
19 the state body intends to reconvene the meeting and how a member  
20 of the public may hear audio of the meeting or observe the meeting.

21 (h) For purposes of this section:

22 (1) "Participate remotely" means participation in a meeting at  
23 a location other than the physical location designated in the agenda  
24 of the meeting.

25 (2) "Remote location" means a location other than the primary  
26 physical location designated in the agenda of a meeting.

27 (3) "Teleconference" has the same meaning as in Section 11123.

28 (i) This section does not limit or affect the ability of a state body  
29 to hold a teleconference meeting under another provision of this  
30 article.

31 SEC. 5. Section 11124 of the Government Code is amended  
32 to read:

33 11124. (a) No person shall be required, as a condition to  
34 attendance at a meeting of a state body, to register his or her *the*  
35 *person's* name, to provide other information, to complete a  
36 questionnaire, or otherwise to fulfill any condition precedent to  
37 his or her *the person's* attendance.

38 If

39 (b) If an attendance list, register, questionnaire, or other similar  
40 document is posted at or near the entrance to the room where the

1 meeting is to be held, *or electronically posted*, or is circulated to  
2 persons present during the meeting, it shall state clearly that the  
3 signing, registering, or completion of the document is voluntary,  
4 and that all persons may attend the meeting regardless of whether  
5 a person signs, registers, or completes the document.

6 *(c) This section does not apply to an internet website or other*  
7 *online platform that may require identification to log into a*  
8 *teleconference.*

9 SEC. 6. Section 11125 of the Government Code is amended  
10 to read:

11 11125. (a) The state body shall provide notice of its meeting  
12 to any person who requests that notice in writing. Notice shall be  
13 given and also made available on the ~~Internet~~ *state body's internet*  
14 *website* at least 10 days in advance of the meeting, and shall include  
15 the name, address, and telephone number of any person who can  
16 provide further information prior to the meeting, but need not  
17 include a list of witnesses expected to appear at the meeting. The  
18 written notice shall additionally include the address of the ~~Internet~~  
19 *site internet website* where notices required by this article are made  
20 available. *The notice shall specify the means by which a meeting*  
21 *may be accessed by teleconference in accordance with the*  
22 *requirements of subparagraph (C) of paragraph (1) of subdivision*  
23 *(b) of Section 11123, including sufficient information necessary*  
24 *to access the teleconference. The notice shall also specify any*  
25 *designated physical meeting location at which the public may*  
26 *observe and address the state body.*

27 (b) The notice of a meeting of a body that is a state body shall  
28 include a specific agenda for the meeting, containing a brief  
29 description of the items of business to be transacted or discussed  
30 in either open or closed session. A brief general description of an  
31 item generally need not exceed 20 words. A description of an item  
32 to be transacted or discussed in closed session shall include a  
33 citation of the specific statutory authority under which a closed  
34 session is being held. No item shall be added to the agenda  
35 subsequent to the provision of this notice, unless otherwise  
36 permitted by this article.

37 ~~(e) Notice of a meeting of a state body that complies with this~~  
38 ~~section shall also constitute notice of a meeting of an advisory~~  
39 ~~body of that state body, provided that the business to be discussed~~  
40 ~~by the advisory body is covered by the notice of the meeting of~~



1 ~~the state body, provided that the specific time and place of the~~  
2 ~~advisory body's meeting is announced during the open and public~~  
3 ~~state body's meeting, and provided that the advisory body's~~  
4 ~~meeting is conducted within a reasonable time of, and nearby, the~~  
5 ~~meeting of the state body.~~

6 ~~(d)~~

7 (c) A person may request, and shall be provided, notice pursuant  
8 to subdivision (a) for all meetings of a state body or for a specific  
9 meeting or meetings. In addition, at the state body's discretion, a  
10 person may request, and may be provided, notice of only those  
11 meetings of a state body at which a particular subject or subjects  
12 specified in the request will be discussed.

13 ~~(e)~~

14 (d) A request for notice of more than one meeting of a state  
15 body shall be subject to the provisions of Section 14911.

16 ~~(f)~~

17 (e) The notice shall be made available in appropriate alternative  
18 formats, as required by Section 202 of the Americans with  
19 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal  
20 rules and regulations adopted in implementation thereof, upon  
21 request by any person with a disability. The notice shall include  
22 information regarding how, to whom, and by when a request for  
23 any disability-related modification or accommodation, including  
24 auxiliary aids or services may be made by a person with a disability  
25 who requires these aids or services in order to participate in the  
26 public meeting.

27 (f) *State bodies shall conduct meetings subject to this chapter*  
28 *consistent with applicable state and federal civil rights laws,*  
29 *including, but not limited to, any applicable language access and*  
30 *other nondiscrimination obligations.*

31 SEC. 7. Section 11125.4 of the Government Code is amended  
32 to read:

33 11125.4. (a) A special meeting may be called at any time by  
34 the presiding officer of the state body or by a majority of the  
35 members of the state body. A special meeting may only be called  
36 for one of the following purposes when compliance with the 10-day  
37 notice provisions of Section 11125 would impose a substantial  
38 hardship on the state body or when immediate action is required  
39 to protect the public interest:

- 1 (1) To consider “pending litigation” as that term is defined in
- 2 subdivision (e) of Section 11126.
- 3 (2) To consider proposed legislation.
- 4 (3) To consider issuance of a legal opinion.
- 5 (4) To consider disciplinary action involving a state officer or
- 6 employee.
- 7 (5) To consider the purchase, sale, exchange, or lease of real
- 8 property.
- 9 (6) To consider license examinations and applications.
- 10 (7) To consider an action on a loan or grant provided pursuant
- 11 to Division 31 (commencing with Section 50000) of the Health
- 12 and Safety Code.
- 13 (8) To consider its response to a confidential final draft audit
- 14 report as permitted by Section 11126.2.
- 15 (9) To provide for an interim executive officer of a state body
- 16 upon the death, incapacity, or vacancy in the office of the executive
- 17 officer.
- 18 (10) *To deliberate on a decision to be reached in a proceeding*
- 19 *required to be conducted pursuant to Chapter 5 (commencing with*
- 20 *Section 11500) or similar provisions of law.*
- 21 (b) When a special meeting is called pursuant to one of the
- 22 purposes specified in subdivision (a), the state body shall provide
- 23 notice of the special meeting to each member of the state body and
- 24 to all parties that have requested notice of its meetings as soon as
- 25 is practicable after the decision to call a special meeting has been
- 26 made, but shall deliver the notice in a manner that allows it to be
- 27 received by the members and by newspapers of general circulation
- 28 and radio or television stations at least 48 hours before the time
- 29 of the special meeting specified in the notice. Notice shall be made
- 30 available to newspapers of general circulation and radio or
- 31 television stations by providing that notice to all national press
- 32 wire services. Notice shall also be made available on the Internet
- 33 within the time periods required by this section. The notice shall
- 34 specify the time and place of the special meeting and the business
- 35 to be transacted. The written notice shall additionally specify the
- 36 address of the ~~Internet Web site~~ *internet website* where notices
- 37 required by this article are made available. No other business shall
- 38 be considered at a special meeting by the state body. The written
- 39 notice may be dispensed with as to any member who at or prior
- 40 to the time the meeting convenes files with the clerk or secretary

1 of the state body a written waiver of notice. The waiver may be  
2 given by telegram, facsimile transmission, or similar means. The  
3 written notice may also be dispensed with as to any member who  
4 is actually present at the meeting at the time it convenes. Notice  
5 shall be required pursuant to this section regardless of whether any  
6 action is taken at the special meeting.

7 (c) At the commencement of any special meeting, the state body  
8 must make a finding in open session that the delay necessitated  
9 by providing notice 10 days prior to a meeting as required by  
10 Section 11125 would cause a substantial hardship on the body or  
11 that immediate action is required to protect the public interest. The  
12 finding shall set forth the specific facts that constitute the hardship  
13 to the body or the impending harm to the public interest. The  
14 finding shall be adopted by a two-thirds vote of the body, or, if  
15 less than two-thirds of the members are present, a unanimous vote  
16 of those members present. The finding shall be made available on  
17 the ~~Internet~~. *state body's internet website*. Failure to adopt the  
18 finding terminates the meeting.

19 SEC. 8. Section 11128.5 of the Government Code is amended  
20 to read:

21 11128.5. The state body may adjourn any regular, adjourned  
22 regular, special, or adjourned special meeting to a time and ~~place~~  
23 *place, including by teleconference*, specified in the order of  
24 adjournment. Less than a quorum may so adjourn from time to  
25 time. If all members are absent from any regular or adjourned  
26 regular meeting, the clerk or secretary of the state body may declare  
27 the meeting adjourned to a stated time and ~~place~~ *place, including*  
28 *by teleconference*, and ~~he or she~~ *the clerk or the secretary* shall  
29 cause a written notice of the adjournment to be given in the same  
30 manner as provided in Section 11125.4 for special meetings, unless  
31 that notice is waived as provided for special meetings. A copy of  
32 the order or notice of adjournment shall be conspicuously posted  
33 *on the state body's internet website, and if applicable*, on or near  
34 the door of the place where the regular, adjourned regular, special,  
35 or adjourned special meeting was held within 24 hours after the  
36 time of the adjournment. When a regular or adjourned regular  
37 meeting is adjourned as provided in this section, the resulting  
38 adjourned regular meeting is a regular meeting for all purposes.  
39 When an order of adjournment of any meeting fails to state the

1 hour at which the adjourned meeting is to be held, it shall be held  
2 at the hour specified for regular meetings by law or regulation.

3 SEC. 9. Section 11129 of the Government Code is amended  
4 to read:

5 11129. Any hearing being held, or noticed or ordered to be  
6 held by a state body at any meeting may by order or notice of  
7 continuance be continued or recontinued to any subsequent meeting  
8 of the state body in the same manner and to the same extent set  
9 forth in Section 11128.5 for the adjournment of meetings. A copy  
10 of the order or notice of continuance shall be conspicuously posted  
11 *on the state body's internet website, and if applicable,* on or near  
12 the door of the place where the hearing was held within 24 hours  
13 after the time of the continuance; provided, that if the hearing is  
14 continued to a time less than 24 hours after the time specified in  
15 the order or notice of hearing, a copy of the order or notice of  
16 continuance of hearing shall be posted immediately following the  
17 meeting at which the order or declaration of continuance was  
18 adopted or made.

19 SEC. 10. It is the intent of the Legislature in enacting this act  
20 to improve and enhance public access to state and local agency  
21 meetings by allowing broader access through teleconferencing  
22 options consistent with the Governor's Executive Order No.  
23 N-29-20 dated March 17, 2020, and related executive orders,  
24 permitting expanded use of teleconferencing during the COVID-19  
25 pandemic.

26 SEC. 11. This act is an urgency statute necessary for the  
27 immediate preservation of the public peace, health, or safety within  
28 the meaning of Article IV of the California Constitution and shall  
29 go into immediate effect. The facts constituting the necessity are:

30 In order to protect public health, expand access to government  
31 participation by the public, and increase transparency in state  
32 government operations during the COVID-19 pandemic, it is  
33 necessary that this act take effect immediately.



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## BOARD OF BARBERING & COSMETOLOGY

### BILL ANALYSIS

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**Author:** Assembly Member Maienschein

**Subject:** Barbering and cosmetology: instructional hours.

**Bill Number:** AB 2196

**Version:** April 6, 2022

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#### Existing Law

Existing law provides for the licensure and regulation of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Existing law includes in the practice of barbering, among other things, hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling, and includes among the practice of hairstyling massaging, cleaning, or stimulating the scalp, face, and neck by various means.

Existing law authorizes the board to license as an apprentice in barbering, cosmetology, skin care, or nail care any person who has met specified requirements, and requires an applicant for a barbering apprenticeship to additionally complete a minimum of 39 hours of preapprentice training that is administered by the board.

Existing law requires a course in barbering or cosmetology to consist of not less than 1,000 hours of practical and technical instruction in the practice of barbering or cosmetology and requires an electrolysis course to consist of not less than 600 hours of practical training and technical instruction, as specified. Existing law authorizes a student who is enrolled in an approved course of instruction in a school of barbering to, upon completion of a minimum of 60 percent of the clock hours required for graduation in the course, work as an unpaid extern in an establishment participating in the educational program of the school.

Existing law requires an establishment licensed by the board to post a notice in English, Spanish, Vietnamese, and Korean regarding specified workplace rights and wage and hour laws in a conspicuous location in clear view of employees and where similar notices are customarily posted, and requires the board to inspect an establishment for compliance with that requirement when it conducts the inspection of the establishment within 90 days after issuing the establishment a license, as specified.

## **This Bill:**

- Would authorize a person to engage in barbering, cosmetology, or electrolysis for compensation without a license if the person is participating in an externship program from an approved school.
- Would remove massaging, cleaning, or stimulating the scalp, face, and neck from the practice of hairstyling and would add extending the hair of any person to the practice of hairstyling.
- Would require barbering preapprentice training be administered by the board for the length of time established by the board in a facility approved by the board prior to serving the general public
- Would specify the subjects that would be required to be included in the electrolysis course curriculum.
- Would authorize a barbering student to work as an extern upon completion of a minimum of 25 percent of the clock hours required for graduation in the course and change limitations on clock hour credit, and would expand this provision beyond unpaid externships to apply to externships generally.
- Would require the board to inspect an establishment for compliance with the workplace rights and wage and hour laws notice requirement when it conducts an inspection.

**Status:** Re-referred to Committee on Appropriations.

## **Analysis:**

Amendments made to this bill on April 6, 2022, were recommended by Board staff as clean-up language to Senate Bill (SB) 803 (Roth) (Chapter 648, Statutes of 2021). The language was recommended as follows:

- Clarify that Business and Professions Code (BPC) section 7316(e) to include the practice of hairstyling, along with cosmetology and barbering, does not include the mere sale or fitting of wigs, natural hair braiding as described, and threading (all services that were exempt from licensure).
- Remove BPC section 7316 (h)(3) to clarify that a hairstylist license is intended to be hair only and not facial and neck services.
- SB 803 added language that allowed an extern to be paid. This bill will amend section 7317 to clarify that an extern can receive compensation working in an establishment.
- Clarify BPC section 7334 (c) to match to match 7334 (d), so a barber apprentice must also complete the pre-apprentice training that is administered by the board.
- Format the electrolysis curriculum to consistent with the other program curriculums which were amended by SB 803.
- Amend section 7395.2 to allow barbering students to participate in the extern program with the same requirements that were amended in SB 803 for cosmetologists.

**Committee Recommendation:** Watch

AMENDED IN ASSEMBLY APRIL 6, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2196**

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**Introduced by Assembly Member Maienschein**

February 15, 2022

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An act to amend ~~Section 7362.5~~ Sections 7316, 7317, 7334, 7353.4, 7366, and 7395.2 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2196, as amended, Maienschein. Barbering and ~~cosmetology:~~ ~~instructional hours:~~ *cosmetology.*

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Existing law *includes in the practice of barbering, among other things, hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling, and includes among the practice of hairstyling massaging, cleaning, or stimulating the scalp, face, and neck by various means. Existing law provides that a violation of the act is a crime, unless otherwise provided, and prohibits a person, firm, or corporation from engaging in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board.*

*This bill would authorize a person to engage in barbering, cosmetology, or electrolysis for compensation without a license if the person is participating in an externship program from an approved school. The bill would remove massaging, cleaning, or stimulating the scalp, face, and neck from the practice of hairstyling and would add extending the hair of any person to the practice of hairstyling. Because*

*this bill expands the scope of the practice of hairstyling, thus expanding the application of a crime, the bill would impose a state-mandated local program.*

*Existing law authorizes the board to license as an apprentice in barbering, cosmetology, skin care, or nail care any person who has met specified requirements, and requires an applicant for a barbering apprenticeship to additionally complete a minimum of 39 hours of preapprentice training that is administered by the board.*

*This bill would instead require that barbering preapprentice training be administered by the board for the length of time established by the board in a facility approved by the board prior to serving the general public.*

*Existing law requires a course in barbering or cosmetology to consist of not less than 1,000 hours of practical and technical instruction in the practice of barbering or cosmetology, as defined. cosmetology and requires an electrolysis course to consist of not less than 600 hours of practical training and technical instruction, as specified. Existing law authorizes a student who is enrolled in an approved course of instruction in a school of barbering to, upon completion of a minimum of 60 percent of the clock hours required for graduation in the course, work as an unpaid extern in an establishment participating in the educational program of the school.*

*This bill would increase the practical training and technical instruction hour requirement for a cosmetology course to at least 1,200 hours. specify the subjects that would be required to be included in the electrolysis course curriculum. The bill would authorize a student to work as an extern upon completion of a minimum of 25 percent of the clock hours required for graduation in the course and change limitations on clock hour credit, and would expand this provision beyond unpaid externships to apply to externships generally.*

*Existing law requires an establishment licensed by the board to post a notice in English, Spanish, Vietnamese, and Korean regarding specified workplace rights and wage and hour laws in a conspicuous location in clear view of employees and where similar notices are customarily posted, and requires the board to inspect an establishment for compliance with that requirement when it conducts the inspection of the establishment within 90 days after issuing the establishment a license, as specified.*

*This bill would instead require the board to inspect an establishment for compliance with that notice requirement when it conducts an*



*inspection to ensure compliance with the laws and regulations of the Barbering and Cosmetology Act and any health and safety requirements adopted by the board.*

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

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

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

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

1     SECTION 1. Section 7316 of the Business and Professions  
2 Code is amended to read:

3     7316. (a) The practice of barbering is all or any combination  
4 of the following practices:

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

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

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

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

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

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

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

23         (2) Massaging, cleaning, or stimulating the scalp, face, neck,  
24 arms, or upper part of the human body, by means of the hands,  
25 devices, apparatus or appliances, with or without the use of  
26 cosmetic preparations, antiseptics, tonics, lotions, or creams.

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

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

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

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

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

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

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

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

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

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

35 (e) The practice of ~~barbering~~ and *barbering*, the practice of  
36 ~~cosmetology~~ *cosmetology*, and *the practice of hairstyling* do not  
37 include any of the following:

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

39 (2) Natural hair braiding. Natural hair braiding is a service that  
40 results in tension on hair strands or roots by twisting, wrapping,

1 weaving, extending, locking, or braiding by hand or mechanical  
2 device, provided that the service does not include haircutting or  
3 the application of dyes, reactive chemicals, or other preparations  
4 to alter the color of the hair or to straighten, curl, or alter the  
5 structure of the hair.

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

9 (f) Notwithstanding paragraph (2) of subdivision (e), a person  
10 who engages in natural hairstyling, which is defined as the  
11 provision of natural hair braiding services together with any of the  
12 services or procedures defined within the regulated practices of  
13 barbering or cosmetology, is subject to regulation pursuant to this  
14 chapter and shall obtain and maintain a barbering or cosmetology  
15 license as applicable to the services respectively offered or  
16 performed.

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

20 (2) "Electrolysis" as used in this chapter includes electrolysis  
21 or thermolysis.

22 (h) The practice of hairstyling is ~~all or any combination~~ *one or*  
23 *both* of the following:

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

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

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

34 *SEC. 2. Section 7317 of the Business and Professions Code is*  
35 *amended to read:*

36 7317. Except as provided in this article, it is unlawful for any  
37 person, firm, or corporation to engage in barbering, cosmetology,  
38 or electrolysis for compensation without a valid, unexpired license  
39 issued by the board, *unless the person is participating in an*  
40 *externship program from an approved school, or in an*

1 establishment or mobile unit other than one licensed by the board,  
2 or conduct or operate an establishment, or any other place of  
3 business in which barbering, cosmetology, or electrolysis is  
4 practiced unless licensed under this chapter. Persons licensed under  
5 this chapter shall limit their practice and services rendered to the  
6 public to only those areas for which they are licensed. Any  
7 violation of this section is subject to an administrative fine and  
8 may be subject to a misdemeanor.

9 *SEC. 3. Section 7334 of the Business and Professions Code is*  
10 *amended to read:*

11 7334. (a) The board may license as an apprentice in barbering,  
12 cosmetology, skin care, or nail care any person who has made  
13 application to the board upon the proper form, has paid the fee  
14 required by this chapter, and who is qualified as follows:

15 (1) Is over 16 years of age.

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

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

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

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

27 (1) Is not less than 17 years of age.

28 (2) Has completed the 12th grade or an accredited senior high  
29 school course of study in schools of this state or its equivalent.

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

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

35 (c) All persons making application as an apprentice in barbering  
36 shall also complete ~~a minimum of 39 hours of~~ preapprentice  
37 training that is administered by the ~~board.~~ *board for the length of*  
38 *time established by the board in a facility approved by the board*  
39 *prior to serving the general public.*

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

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

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

13 *SEC. 4. Section 7353.4 of the Business and Professions Code*  
14 *is amended to read:*

15 7353.4. (a) On and after July 1, 2017, an establishment licensed  
16 by the board shall, upon availability of the posting notice developed  
17 by the Labor Commissioner pursuant to Section 98.10 of the Labor  
18 Code, post that notice in a manner that complies with the  
19 requirements of Section 98.10 of the Labor Code in a conspicuous  
20 location in clear view of employees and where similar notices are  
21 customarily posted. The notice shall be posted in English, Spanish,  
22 Vietnamese, and Korean.

23 (b) The board shall inspect for compliance with this posting  
24 requirement when it conducts an inspection pursuant to Section  
25 ~~7353.~~ 7313.

26 (c) A violation of this section shall be punished by an  
27 administrative fine established pursuant to Section 7407 and shall  
28 not be punished as a misdemeanor under Section 7404.1.

29 *SEC. 5. Section 7366 of the Business and Professions Code is*  
30 *amended to read:*

31 7366. ~~An~~ (a) A course in electrolysis ~~course~~ established by a  
32 school shall consist of not less than 600 hours of practical ~~training~~  
33 and technical instruction ~~in accordance with a curriculum~~  
34 ~~established by board regulation.~~ *the practice of electrology.*

35 (b) *The curriculum for an electrolysis course shall consist of*  
36 *technical and practical instruction in the following areas:*

37 (1) *One hundred hours in health and safety, which includes*  
38 *hazardous substances, chemical safety, safety data sheets,*  
39 *protection from hazardous chemicals, preventing chemical injuries,*

1 health and safety laws and regulations, and preventing  
2 communicable diseases.

3 (2) One hundred hours in disinfection and sanitation, including  
4 disinfection procedures to protect the health and safety of  
5 consumers and the technician and proper disinfection procedures  
6 for equipment used in establishments.

7 (3) Four hundred hours in electrolysis, thermolysis, blend or  
8 dual modality, and electricity.

9 (A) The subject of electrolysis shall include the study of epilation  
10 using single- and multiple-needle insertion techniques, the use of  
11 galvanic current, skin reactions and anaphoresis and cataphoresis,  
12 and evaluating a client's health history for compatibility with  
13 electrolysis treatments.

14 (B) The subject of thermolysis shall include the study of epilation  
15 using automatic and manual thermolysis equipment, insertion  
16 techniques, the use of high frequency current in both high and low  
17 intensities, skin reactions, and evaluating a client's health history  
18 for compatibility with thermolysis treatments.

19 (C) The subject of blend or dual modality shall include the study  
20 of epilation using a combination of high frequency and galvanic  
21 currents, insertion techniques, skin reactions and anaphoresis and  
22 cataphoresis, and evaluating a client's health history for  
23 compatibility with Blend/Dual Modality treatments.

24 (D) The subject of electricity shall include the nature of  
25 electrical current, principles of operating electrical devices,  
26 various safety precautions to be applied when operating electrical  
27 equipment, and proper maintenance of equipment.

28 SEC. 6. Section 7395.2 of the Business and Professions Code  
29 is amended to read:

30 7395.2. (a) A student who is enrolled in an approved course  
31 of instruction in a school of barbering approved by the board  
32 pursuant to subdivision (a) of Section 7362 may, upon completion  
33 of a minimum of ~~60~~ 25 percent of the clock hours required for  
34 graduation in the course, work as an ~~unpaid~~ extern in an  
35 establishment participating in the educational program of the  
36 school.

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

- 1 (c) The externship program shall be conducted in an  
2 establishment meeting all of the following criteria:
- 3 (1) The establishment is licensed by the board.
- 4 (2) The establishment has a minimum of four licensees working  
5 at the establishment, including employees and owners or managers.
- 6 (3) All licensees at the establishment are in good standing with  
7 the board.
- 8 (4) Licensees working at the establishment work for salaries or  
9 commissions rather than on a space rental basis.
- 10 (5) No more than one extern shall work in an establishment for  
11 every four licensees working in the establishment. ~~No~~ A regularly  
12 employed licensee shall *not* be displaced or have ~~his or her~~ *the*  
13 *licensee's* work hours reduced or altered to accommodate the  
14 placement of an extern in an establishment. Prior to placement of  
15 the extern, the establishment shall agree, in writing sent to the  
16 school and to all affected licensees, that no reduction or alteration  
17 of any licensee's current work schedule shall occur. This shall not  
18 prevent a licensee from voluntarily reducing or altering ~~his or her~~  
19 *the licensee's* work schedule.
- 20 (6) Externs shall wear conspicuous school identification at all  
21 times while working in the establishment, and shall carry a school  
22 laminated identification, that includes a picture, in a form approved  
23 by the board.
- 24 (d) (1) No less than 90 percent of the responsibilities and duties  
25 of the extern shall consist of the acts included within the practice  
26 of barbering as defined in Section 7316.
- 27 (2) The establishment shall consult with the assigning school  
28 regarding the extern's progress during the ~~unpaid~~ externship. The  
29 owner or manager of the establishment shall monitor and report  
30 on the student's progress to the school on a regular basis, with  
31 assistance from supervising licensees.
- 32 (3) A participating school shall assess the extern's learning  
33 outcome from the externship program. The school shall maintain  
34 accurate records of the extern's educational experience in the  
35 externship program and records that indicate how the extern's  
36 learning outcome translates into course credit.
- 37 (e) Participation in an externship program made available by a  
38 school shall be voluntary, may be terminated by the student at any  
39 time, and shall not be a prerequisite for graduation.

1 (f) The establishment that chooses to utilize the extern is liable  
 2 for the extern’s general liability insurance, as well as barbering  
 3 malpractice liability insurance, and shall furnish proof to the  
 4 participating school that the establishment is covered by both forms  
 5 of liability insurance and that the extern is covered under that  
 6 insurance.

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

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

15 (3) An extern may perform only acts listed within the definition  
 16 of the practice of barbering as provided in Section 7316, if a  
 17 licensee directly supervises those acts, except that an extern may  
 18 not use or apply chemical treatments unless the extern has received  
 19 appropriate training in application of those treatments from an  
 20 approved barbering school. An extern may work on a paying client  
 21 only in an assisting capacity and only with the direct and immediate  
 22 supervision of a licensee.

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

25 *SEC. 7. No reimbursement is required by this act pursuant to*  
 26 *Section 6 of Article XIII B of the California Constitution because*  
 27 *the only costs that may be incurred by a local agency or school*  
 28 *district will be incurred because this act creates a new crime or*  
 29 *infraction, eliminates a crime or infraction, or changes the penalty*  
 30 *for a crime or infraction, within the meaning of Section 17556 of*  
 31 *the Government Code, or changes the definition of a crime within*  
 32 *the meaning of Section 6 of Article XIII B of the California*  
 33 *Constitution.*

34 ~~SECTION 1. Section 7362.5 of the Business and Professions~~  
 35 ~~Code is amended to read:~~

36 ~~7362.5. (a) (1) A course in barbering established by a school~~  
 37 ~~shall consist of not less than 1,000 hours of practical and technical~~  
 38 ~~instruction in the practice of barbering, as defined in Section 7316.~~



1     ~~(2) A course in cosmetology established by a school shall consist~~  
2 ~~of not less than 1,200 hours of practical and technical instruction~~  
3 ~~in the practice of cosmetology, as defined in Section 7316.~~

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

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

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

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

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

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

29     ~~(e) The curriculum for a cosmetology course shall, at a~~  
30 ~~minimum, include technical and practical instruction in the~~  
31 ~~following areas:~~

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

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

- 1     ~~(3) Two hundred hours in chemical hair services, which includes~~  
2     ~~coloring, straightening, waving, bleaching, hair analysis,~~  
3     ~~predisposition and strand tests, safety precautions, formula mixing,~~  
4     ~~and the use of dye removers.~~
- 5     ~~(4) Two hundred hours in hairstyling services, which includes~~  
6     ~~arranging, blow drying, cleansing, curling, dressing, hair analysis,~~  
7     ~~shampooing, waving, and nonchemical straightening, and hair~~  
8     ~~cutting, including the use of shears, razors, electrical clippers and~~  
9     ~~trimmers, and thinning shears, for wet and dry cutting.~~
- 10    ~~(5) One hundred fifty hours in skin care services, which includes~~  
11    ~~chemical and manual facials and massaging, stimulating,~~  
12    ~~exfoliating, cleansing, or beautifying the face, scalp, neck, or body~~  
13    ~~by the use of hands, esthetic devices, cosmetic products, antiseptics,~~  
14    ~~lotions, tonics, or creams that do not result in the ablation or~~  
15    ~~destruction of the live tissue.~~
- 16    ~~(6) Fifty hours in hair removal and lash and brow beautification,~~  
17    ~~which includes tinting and perming eyelashes and brows and~~  
18    ~~applying eyelashes to any person, and includes removing~~  
19    ~~superfluous hair from the body of any person by use of depilatories,~~  
20    ~~tweezers, sugaring, nonprescription chemicals, or waxing, or by~~  
21    ~~the use of devices and appliances of any kind or description, except~~  
22    ~~by the use of lasers or light waves, which are commonly known~~  
23    ~~as rays.~~
- 24    ~~(7) One hundred hours in manieure and pedicure, which includes~~  
25    ~~water and oil manicures, hand and arm massage, foot and ankle~~  
26    ~~massage, nail analysis, and artificial nail services, including, but~~  
27    ~~not limited to, acrylic, liquid and powder brush-ons, dip, tips,~~  
28    ~~wraps, and repairs.~~



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## MEMORANDUM

DATE April 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Tonya Fairley, Committee Chairperson

SUBJECT: March 7, 2022, Education and Outreach Committee Meeting Update

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The Outreach and Education Committee (Committee) reviewed and discussed the Outreach and Education Report prepared by staff (attached). This report highlighted several of the Board's outreach and education efforts during the past few years.

At the next meeting, the Committee will review current examples of materials included with establishment licenses, handed out during inspections, mailed with citations, and provided with enforcement case correspondence.



# California Board of Barbering and Cosmetology Outreach and Education Report

## **Education and Outreach Overview**

The California State Board of Barbering and Cosmetology's (Board) mission is to ensure the health and safety of California consumers by promoting ethical standards and by enforcing the laws of the barbering and beauty industry.

The Board ensures that information is available for consumers, licensees, applicants, students and other interested parties through the Board's website, the Consumer Information Center, and by direct consumer and licensee contact.

Information is also provided through media outlets such as: Facebook, Twitter, Instagram, and trade publications. The Board currently has over 31,000 followers between the three social media outlets combined and over 10,000 subscribers on the Board's Interested Party email list. Email addresses are not required for licensees; however, the Board does have 270,200 email addresses of licensees who have elected to provide this information.

The Board works closely with the Department of Consumer Affairs' Office of Public Affairs on press releases to news media outlets, video productions, and outreach campaigns.

The Board's website contains information regarding: fact sheets designed to educate the public on health and safety topics, the licensing requirements in California, licensee status including any discipline, forms and publications, consumer complaint form to allow consumers to file a complaint online, average processing times for initial applications, renewal applications, examination scheduling, laws and regulations, and general information about the Board such as meeting notices and meeting minutes.

The Board remains in compliance with the Dymally - Alatorre Bilingual Services Act, therefore the Board translates all informational materials composed by the Board into Korean, Spanish and Vietnamese. In addition, the Board's Health and Safety Regulations are translated into Arabic, Farsi, Simplified Chinese, and Traditional Chinese.

The Board participates in trade shows, town halls meetings, and most recently virtual events with industry associations, local county public health offices, and the California Department of Public Health.

This report highlights several of the Board's Outreach and Education efforts during the past few years.

## **COVID-19 Pandemic**

The Board created a dedicated page on its website for COVID-19 Information. The webpage included Board publications, as well as links to the California COVID-19 website, the California Department of Public Health website, the CDPH/Cal OSHA Industry Guidelines, U.S. Centers for Disease Control and Protection website, and vaccine information.

The newly developed publications for our licensees and establishments reinforced the importance of COVID-19 Industry Guidelines and Staying Safe During the Pandemic. These publications were distributed by Board inspectors and were shared on the Board's social media platforms. The publications included:

- Returning to Work Checklist
- Staying Safe During the Pandemic Checklist
- Wear A Mask Poster for Establishments
- Postcard – Face Covering Reminder and COVID-19 website info
- 3 Steps to Reopening Your Establishment flyer

Since May 2020, Board staff participated in various events that were specific to the beauty and barbering industry. These outreach events were hosted by Legislators, specific counties offices, industry media, and the Board itself.

### **Board Virtual Outreach Events**

- Together with the California Department of Public Health - October 26, 2020
- Staying Safe During the Pandemic for Barbers - March 15, 2021
- Staying Safe During the Pandemic in Spanish - April 5, 2021
- Staying Safe During the Pandemic in Vietnamese - April 6, 2021

### **Legislators Events**

- Senator Thomas J Umberg Virtual Town Hall - May 28, 2020
- Assembly member Kevin McCarthy's Virtual Town Hall – March 11, 2021

### **Local County Public Health Events**

- Los Angeles Public Health – Telebriefing - June 4, 2020
- Los Angeles Public Health – Telebriefing - June 24, 2020
- Los Angeles Public Health – Telebriefing - July 9, 2020
- Los Angeles Public Health – Telebriefing – July 29, 2020
- Orange County Public Health – July 30, 2020
- Los Angeles Public Health – Telebriefing – August 13, 2020
- Los Angeles Public Health – Telebriefing – September 11, 2020
- Los Angeles Public Health – Telebriefing – October 22, 2020
- Los Angeles Public Health – Telebriefing – October 30, 2020
- Los Angeles Public Health – Telebriefing – November 24, 2020
- Los Angeles Public Health – Telebriefing – February 3, 2020
- Los Angeles Public Health – Telebriefing – February 11, 2020
- Los Angeles Public Health – Telebriefing – March 12, 2021
- Los Angeles Public Health – Telebriefing – April 7, 2021

## Media and Industry Association Events

- KSRO Radio Interview with Pat Thurston - July 21, 2020
- Sacramento Nail Association - Industry Webinar - July 31, 2020
- Outgrowth Podcast - August 5, 2020
- Professional Beauty Association Industry Webinar – August 6, 2020
- Barbicide Forum Interview – August 11, 2020
- The Point Interview by VT Nails TV – September 21, 2020
- Viet Nails TV Interview Hosted by Pro Nails Association – September 28, 2020

In addition to the outreach events, the Board sent targeted emails to stakeholders in specific counties as well as general educational emails to our List Serves. The emails the Board sent total over 3 million since July 2020. Board staff also directly called over 2500 establishments to answer questions and provide information to our licensees.



## **Senate Bill (SB) 803**

The Board's Sunset Review hearing was held on April 9, 2021 and the bill was signed by the Governor on October 7, 2021. Beginning in April 2021, SB 803 was a constant agenda item on the Board's next five board meetings:

- April 26, 2021
- May 25, 2021
- July 26, 2021
- October 25, 2021
- January 24, 2022.

The Board has always encouraged the public and licensees to attend the board meetings and share their comments. There was record participation and virtual viewers during these meetings (over 550 people).

The dates, locations and agendas for all board meetings are posted on the website and mailed/emailed to the Board's Interested Party list 10 days prior to the meetings.

With the passage of SB 803, the Board created a dedicated webpage to SB 803. Resources available on the page include a SB 803 Questions and Answers document, New Course Approval application and information for schools, and the entire bill's text.

Board staff participated in the various virtual events that were specific to SB 803.

### **Industry Associations Events**

- Professional Beauty Federation of California - November 1, 2021
- Professional Beauty Association - November 8, 2021
- California Aesthetic Alliance – December 3, 2021

The Board has been in communication with approved schools via email since September 2021 and has provided information on the New 1000 Hour Courses and Exam site closures.

Posts to the Board's social media platforms regarding SB 803 and the changes it brings to the Board started in October 2021 and continue to this day.



## **Safe Sandal Season**

The Board works hard to ensure that our licensees follow State laws and established infection control standards. In 2013, the Board and the Department of Consumer Affairs (DCA) launched a special campaign designed to educate consumers and licensee on safe nail salon practices. Specifically, regarding pedicures, as this service has proven to show the highest levels of consumer harm.

The Board published a Pedicure Safety Tips brochure, created consumer videos on what to look for when getting a pedicure, educational videos for licensees on how to clean their foot spas, and industry publications on proper cleaning procedures. The printed materials are available in Korean, Spanish and Vietnamese. The how-to video is also available in Vietnamese.

Over the past eight Safe Sandal Seasons, DCA and the Board have worked together in promoting the campaign via press releases, media advisories and social media posts. Board staff have been featured on several news media outlets and have been able to provide information regarding the importance of health and safety in the nail salons.

### **Media Interviews conducted by:**

- KCRA Channel 3
- News 10 Sacramento
- Fox 40 News
- Good Day Sacramento
- KIMIR NBC Palm Spring
- Fox 5- San Diego
- Telemundo 52
- Sac & Co Live

In 2021, the Board and DCA created two new videos for the campaign. The videos were posted on both the Board's and DCA's social media and are posted to the Board's Safe Sandal Season website page and YouTube channel.

All of these resources are available on the Board's Safe Sandal Season page on the website at [www.barbercosmo.ca.gov/consumers/safe\\_sandal.shtml](http://www.barbercosmo.ca.gov/consumers/safe_sandal.shtml).



## **CASafeSalon**

The Board launched a public education campaign called CASafeSalon in 2015. The purpose of the campaign was to educate consumers and licensees about salon health, infection control, and safe practices. Within the campaign there are six separate sections, which includes Workers Rights, Salon Sense, Infection Protection, and Safe Sandal Season. The Board has a dedicated webpage to the full campaign at <https://www.barbercosmo.ca.gov/consumers/safesalon.shtml>. Included below are summaries of a few of the sections.



### **Salon Sense**

The Salon Sense section provides resources to help establishment owners and licensees stay in compliance while protecting the health and safety of California consumers and upholding professional standards. The board developed Health and Safety training booklets to be used by employers or individuals to facilitate health and safety awareness. Below is a list of the booklets:

- CASafeSalon – Safely Using Chemicals
- CASafeSalon – Safety Data Sheets
- CASafeSalon – Communicable Diseases
- CASafeSalon – Ergonomics
- CASafeSalon – Protection from Hazardous Chemicals

Other Resources available on the Salon Sense page include access to required Establishment Notices/Postings, a Tools section which includes links to the Licensees Fact Sheets, Self-Inspection Worksheet, a What to Expect When you Are Inspected Brochure, and a collection of Board and DCA produced Videos covering subjects from Tips to Stay Fine Free and Proper Use of Disinfectants.

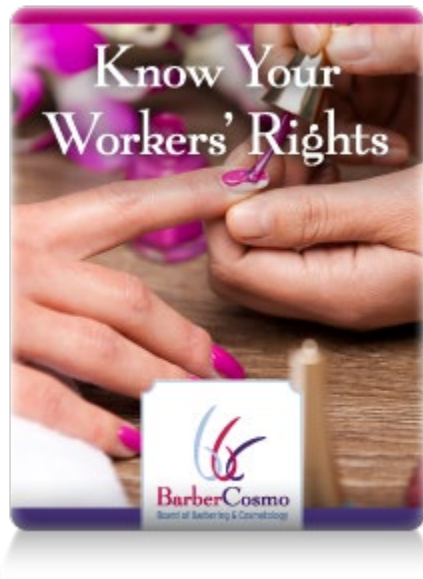
## Workers' Rights

The Workers' Rights section was created to provide easy access to resources for the Board's licensees on this subject. As part of the Health and Safety Advisory Committee's responsibilities, it is to provide the Board with recommendations on how to ensure licensees are aware of basic labor laws, including the key differences between benefits, and obligations of an employee and independent contractor, and how to obtain more information about state and federal labor laws. The Board took these recommendations and published two documents for the Board's licensees. The publications are available in Korean, Spanish and Vietnamese.

- Understanding Worker's Rights and Responsibilities
- Workers' Rights Contact Information Pocket Guide

The Board held two Town Hall meetings, one in Sacramento and one in San Diego, in conjunction with the Department of Industrial Relations (DIR), Employment Development Department (EDD) and Cal OSHA. The goal of the outreach events was to provide information to licensees to become aware of their workers' rights and responsibilities. The events were videotaped by DCA, and a video *Understanding Your Workers' Rights* was created and serves as a road map for licensees to access more information on the topics covered during the event.

All this information, including the video, the Board's publications, the EDD, the DIR, the Labor Commissioner, and Cal OSHA's resources are available on the Worker's Rights webpage.



## **#NoViolenceinBeauty**

On January 1, 2018, Section 7314.5 of the Business and Professions Code went into effect, allowing the Board to promote awareness of physical and sexual abuse. The Board – sponsored campaign #NoViolenceinBeauty was designed toward that end. A dedicated page on the Board's website was created to provide resources for licensees and consumers. It includes contact information to State and National Organizations and Services, such as:

- Adult Protective Services (APS)
- California Youth Crisis Lines
- Community United Against Violence
- FORGE
- National Domestic Violence Hotline

The Educational Resource section includes Board publications specifically created for the campaign. The publications are available in Korean, Spanish and Vietnamese.

- Physical and Sexual Abuse Awareness Training for Licensees
- Resource Sheet
- Sexual/Domestic Violence Infographic

During the campaign, the Board launch a social media blast of a dozen posts regarding facts regarding Elder Abuse, Sexual and Domestic Violence, and Human/Labor Trafficking.



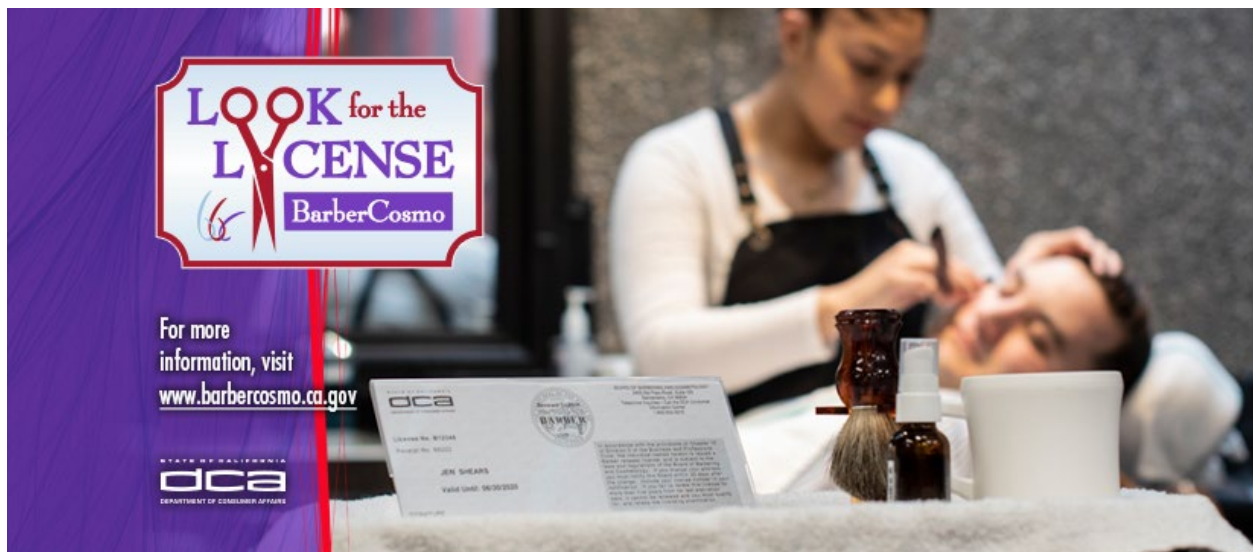
## **Look for the License**

One of the Goals of the 2018-2022 Strategic Plan, was to develop a consumer-facing campaign to education the public on unlicensed activity. Working with the Department of Consumer Affairs, the board designed the Look for the License artwork, which included outreach signage and social media art.

Board staff participated in following consumer events and were able to introduce the new campaign and provide information on the importance of receiving services from licensed individuals.

### **Legislators Events**

- CA Senior Legislature Senior Rally - May 2, 2018
- Assembly member Chris Holden Community Resource Fair – August 3, 2019
- CA Senior Legislature Senior Rally – May 7, 2019
- CA Senior Legislature Senior Rally Virtual Event – May 4, 2021







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## MEMORANDUM

DATE April 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Jacquelyn Crabtree, Committee Chairperson

SUBJECT: March 14, 2022 Health and Safety Advisory Committee Meeting Update

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The Health and Safety Advisory Committee (Committee) completed their discussion of the health and safety regulations (Title 16, Article 12, California Code of Regulations sections 977-995). Staff are cleaning up the language with the Department of Consumer Affairs before submitting to the full Board for approval.

At the next meeting, the Committee will continue to discuss the staff's analysis of the Board's laws and regulations and recommendations for the establishment of a schedule of administrative fines pursuant to the requirements of Business and Professions Code section 7407.



## MEMORANDUM

DATE April 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Regulations Update

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### **Instructional Materials (Title 16, CCR Section 961)**

This final package was filed with the Office of Administrative Law (OAL) on March 3, 2022. The Board of Barbering and Cosmetology anticipates OAL to complete review by April 15, 2022.

### **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, 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)
- 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 950.10 (Transfer of Credit)
- Title 16, CCR Section 972 (Disciplinary Guidelines)

*Agenda Items*  
*No. 11-13*  
*No Attachments*