

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



JUNE 13, 2022

LEGISLATIVE AND BUDGET COMMITTEE

**1747 North Market Blvd
HQ2 Hearing Room 186, 1st Floor
Sacramento CA 95834**



**CALIFORNIA BOARD
OF
BARBERING AND COSMETOLOGY**



**LEGISLATIVE AND BUDGET
COMMITTEE MEETING**

**MEMBERS OF THE
COMMITTEE**

Reese Isbell, Chair
Megan Ellis
Derick Matos
Calimay Pham

Department of Consumer Affairs
1747 North Market Blvd
HQ2 Hearing Room 186, 1st Floor
Sacramento CA 95834

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

June 13, 2022

**10:00 A.M - 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 Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Discussion and Possible Approval of the March 7, 2022, Committee Meeting Minutes
3. Discussion and Possible Action Regarding Legislative and Budget Committee's Roles and Tasks
4. Discussion and Possible Recommendations Regarding Proposed Bills:
 - a) AB 646 (Low) Department of Consumer Affairs: Board: 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
5. Public Comment on Items Not on the Agenda
Note: The Committee 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))
6. Agenda Items for the Next Meeting
7. Adjournment

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee 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, 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 Item
No. 1
No Attachments

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

LEGISLATIVE AND BUDGET COMMITTEE MEETING

MINUTES OF MARCH 7, 2022

BOARD MEMBERS PRESENT

Megan Ellis
Calimay Pham, Vice President
Reese Isbell

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

COMMITTEE MEMBERS ABSENT

Derick Matos

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

Kristy Underwood called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, ELECTION OF COMMITTEE CHAIRPERSON

Members were asked to volunteer or nominate another member to be committee chairperson.

Mr. Isbell volunteered himself as Committee Chairperson. Ms. Pham moved to nominate Mr. Isbell as Committee Chairperson. Ms. Ellis seconded the motion. Motion was opened up for public comment. No public comments were made. Motion carried three yes, 0 no, and 0 abstain, per roll call vote as follows: The following Committee Members voted "Yes": Megan Ellis, Reese Isbell, Calimay Pham.

Mr. Isbell thanked the Committee members for the nomination and took over the meeting as Chair.

3. AGENDA ITEM #3, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING PROPOSED BILLS

Kristy informed the Committee that there are currently several bills that the Board is tracking. Therefore, this agenda will change regularly as bills get amended.

On each bill presented, the Committee may make a recommendation to the Board to either support, oppose, or watch a bill. If a bill requires any changes, the Committee can support it with amendments or oppose it unless amended.

(a) AB 646 (Low) Department of Consumer Affairs: Board: Expunged Convictions

This bill covers all DCA boards, and it is regarding expunged convictions. There is a requirement that certain information must be posted online when a license is revoked. The bill does not have a significant impact to the Board because the Board rarely revokes licenses. It mainly operates on citation and fine methods of discipline. The Board is known for going into prisons to test and license people who are incarcerated and who are close to being paroled so that they can gain employment in the industry quickly.

Chair Isbell moved to recommend a support position on the bill. Ms. Pham seconded. Motion was opened up for public comment. No public comments were made. Motion carried three yes, 0 no, and 0 abstain, per roll call vote as follows:
The following Committee Members voted "Yes": Megan Ellis, Reese Isbell, Calimay Pham.

(b) AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications

The bill covers all DCA boards. On or after January 1, 2023, it requires at least one volunteer Board member or commissioner from an underrepresented community. The bill is not significant for the Board as such data is not captured for any records. The Board is also very diverse. The bill might, however, impact other Boards. Ms. Underwood recommended a watch position on the bill. Ms. Pham felt that the bill is unclear about what it's trying to do or what changes it is trying to call for. She was in support of a watch position. Ms. Ellis agreed.

Ms. Pham moved to recommend a watch position on the bill. Ms. Ellis seconded. Motion was opened up for public comment. No public comments were made. Motion carried three yes, 0 no, and 0 abstain, per roll call vote as follows:
The following Committee Members voted "Yes": Megan Ellis, Reese Isbell, Calimay Pham.

(c) AB 1661 (Davies) Human Trafficking: Notice

The bill requires a notice with human trafficking information to be posted by barbering and cosmetology businesses. Chair Isbell asked if it was an inspection requirement that it is posted. Ms. Underwood stated that it is not currently a requirement, and the Board will not be responsible to enforce the bill. It is an amendment to the civil code. Ms. Pham supported the bill since it would not bring significant changes to what was already being done. She asked how licensees would be informed of the requirement to post. Ms. Underwood stated that information would be provided upon someone becoming licensed for the first time or at renewal time.

Ms. Pham moved to recommend a support position on the bill. Ms. Ellis seconded. Motion was opened up for public comment.

- Jamie Schrabec of Precision Nails urged the Board to take a watch position on the bill. She voiced concern that the Board was more concerned about posting than actually doing something about human trafficking. She also felt that the wording of line 14 of the bill was not clear. It was not clear whether it was a matter applying to all licensed establishments or all licensed individuals. She added that other businesses should also be required to post since human trafficking is happening everywhere.

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

The following Committee Members voted “Yes”: Megan Ellis, Reese Isbell, Calimay Pham.

(d) AB 1733 (Quirk) State Bodies: Open Meetings

The bill would change the Open Meeting Act to allow teleconferences. The Board has held virtual meetings the past few years based on the Governor's Executive Orders. Before the pandemic and Governor's Executive Orders, during a teleconference meeting, it was a requirement to post on the agenda every address where a Board member was calling from, which could be someone's home address. The bill will put it into statute that the Board could continue to hold teleconference meetings without posting board members' locations. Ms. Underwood believes that even though the next meeting is scheduled to be in person, this change would be a good amendment that would still allow for teleconference meetings to encourage public participation.

Ms. Pham pointed out that the analysis required at least one public location to be provided. Ms. Underwood explained that the intent is to have a hybrid setting where there is one location set for the in-person meeting while still allowing virtual interaction. Chair Isbell asked if there has been any review by the Governor's office or oversight on access during virtual conferences. Ms. Underwood stated that there'd been none. She added that all Boards had provided a lot of information to the Department of Consumer Affairs on the bill showing the amount of public participation.

Chair Isbell was concerned about the impact on people who cannot get on the web for their various meetings. Ms. Knight stated that the meetings are not only web-based. Anyone can call in even without internet access. Ms. Pham was concerned that having only one physical location would not be convenient for everyone to attend in-person meetings. Ms. Ellis agreed that having one physical location would not favor those who cannot easily commute to the location. She inquired about a projected cost estimate of having one public location. Ms. Underwood stated that the bill does not require that the physical location is in Sacramento and teleconferencing would still be allowed. Ms. Ellis asked about the number of public members that would attend in the case of having one public location. Ms. Underwood stated that the available numbers are based on pre-COVID times, so the numbers would range greatly.

Ms. Knight explained that the bill would allow for meetings to be held in one public location while still being broadcast for those who would not be able to attend. The only challenge was that there's only one place set up with a hearing room that can do the broadcasting from that physical location. Other locations are currently being explored. Ms. Pham asked if DCA is considering having the hearing rooms available for other Boards that would need them. Ms. Knight stated that DCA is looking to have rooms available for all boards in the Department as all would be subject to the same law. Ms. Underwood stated that DCA did not have a position on the bill. She mentioned that DCA does not typically take positions on bills until the end of the process. Ms. Knight informed that the bill was welcomed by other boards due to the flexibility it offered. A quorum would not be affected, and it would remain the same.

Chair Isbell moved to recommend a support position on the bill. Ms. Pham seconded. Motion was opened up for public comment.

- Jamie Schrabek of Precision Nails voiced support for the bill.

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

The following Committee Members voted "Yes": Megan Ellis, Reese Isbell, Calimay Pham.

(e) AB 2196 (Maienschein) Barbering and Cosmetology: Instructional Hours

This bill changes the educational hours from the current 1000 hours for barbering and cosmetology to 1200 hours for cosmetology. The hours were changed to 1000 hours in last year's sunset bill effective January 1, 2022.

Ms. Pham wondered about the change and asked what the extra 200 hours were trying to capture. Ms. Underwood stated that she had no additional information on the bill apart from what was in the analysis. She had not talked to the author or sponsor(s) of the bill. Ms. Pham suggested that the Committee take a watch position and wait for more information on the rationale behind the bill. Ms. Ellis agreed to a watch position.

Ms. Pham moved to recommend a watch position on the bill. Ms. Ellis seconded. Motion was opened up for public comment.

- Alison Ramey of Bellus Academy stated that the Academy was opposed to the provisions of SB 803 and the reduction of cosmetology hours. Although they were hoping for 1500 hours, she stated that they would compromise on the minimum number of hours provided in preparing students for a successful career.
- Ryan of the Paul Mitchell Schools was in support of the bill. He felt that with the reduction of hours, the students were not getting enough time to practice their skills. Therefore, the students are not prepared enough to enter salons as they do not have enough experience with clients.
- Fred Jones of the Professional Beauty Federation of California supported a watch position to see how the discussions went in the first policy committee and the first house. He added that cosmetology is the master license as it

incorporates not just hair but skin and nail services. As such, it was inappropriate to keep the same number of hours between barbering and cosmetology.

Mr. Jones also noted that since SB 803 indicated a minimum of 1000 hours, the market incentive would be to get the bare minimum. There will be pressure for schools competing for students and the students who only want to get licensed. He appreciated the Committee for keeping a watch position and expressed support for the motion.

- Kenda Woodward of the Paul Mitchell Schools stated that the reduction in the hours from SB 803 put a hindrance on students. The 1200 hours would give a few more hundred hours to have them master cosmetology. She encouraged the Board to look further into the bill.
- Jamie Schrabek of Precision Nails stated that were it not for SB 803, the Board would not be in existence. There was no way to know how the bill would affect schools yet except for their bottom line. There is incentive for schools to keep students in school to receive compensation from clients.
- Peggy Lee Cao of Paul Mitchell Schools stated that she manages two schools, one in New York and one in California. She indicated that they do 1000 hours in New York and it feels like they are rushing through. She believes that 1200 hours is a good compromise. Ms. Peggy was in support of the bill.

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

The following Committee Members voted “Yes”: Megan Ellis, Reese Isbell, Calimay Pham.

4. AGENDA ITEM#4, REVIEW AND DISCUSSION OF CURRENT BUDGET FY21/22, AND POSSIBLE RECOMMENDATIONS TO THE BOARD

The budget looked the same as it did in the recent Board meeting because it is still being worked on. No current projections are available. The budget relies on many other entities through the State of California. Therefore, systems have to be updated to get the current projections regularly. For the systems to be updated, every Board must complete its fiscal process on time. There are no issues with the budget. It is a healthy budget, making it the last to be looked at by the budget office. The Board relies heavily on the consumer affairs budget analyst who works on monthly projections, setting the annual budget through the Department of Finance, and legislative fiscal impacts from passed bills. The Board also has its own budget analyst who works with the DCA analyst on monitoring our spending and making sure we are in line. The fund condition is printed in the Governor's budget. Currently, the projections are not aligned and are always showing red on the printed material. The Board is working on the alignment to get it better adjusted. A better alignment will indicate an accurate measure of allocating for what is spent regularly. Most of the spending is standard as approximately the same amount is spent on printing and postage every year.

Since there are no practical exams, Ms. Pham asked what the facility expenses are expected to be. Ms. Underwood stated that the difference in expenses is significant without the practical exam. The cost averaged around \$1.5 million a year for the practical exam portion. As a result of that, a fee study will be done to determine if the

fees should be reduced as there are no more practical exams and facilities. This will be discussed in the strategic plan.

The Department has historically answered all calls. The Department currently uses the 800 number in its call center. Unfortunately, that call center hasn't been able to assist callers over the last few years because they only have limited access to the database. Therefore, the Board is looking at the possibility of having additional staffing in the office to answer the calls. Callers are usually given the option of emailing the office, but that puts an extra workload on the staff in responding to the emails. The budget change proposal process is coming up beginning of this year. Determination of the required staffing levels is ongoing. The available money will enable the allocation of additional staffing without asking for money from the fund condition. Changes happened on January 1, halfway through the fiscal year. They will be apparent when the fiscal year is closing out.

No public comments were made.

5. AGENDA ITEM #5, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comments were made.

6. AGENDA ITEM #6, AGENDA ITEMS FOR THE NEXT MEETING

- Ms. Underwood recommended monthly meetings. She also stated that in the past the Board only took positions on bills that directly impact the Board. She asked if the Committee would consider looking at bills that have department-wide impacts in the future. Chair Isbell agreed that the purview question should be part of the agenda for the next meeting. He also recommended having monthly Committee meetings. Ms. Pham suggested having the meetings scheduled relatively close to the Board meetings, so the information is ready to share on the Board meeting agenda. Ms. Ellis pointed out that this time of year has a lot of bills either being reviewed, amended, or edited. She proposed having regular meetings during this time of year and then moving to less frequent schedules when things slow down. Chair Isbell agreed with Ms. Underwood's and Ms. Ellis's recommendations.
- Jamie Schrabek of Precision Nails urged the Committee to have more frequent meetings earlier in the process. Ms. Schrabek also suggested keeping an eye on what's happening with the Bureau of Private Post-Secondary Education and the California Massage Therapy Council. She stated that even though massage therapy is not part of licensure, it happens in many of the same establishments that the Board licenses. Ms. Schrabek further urged the Board to add AB 1818 to its list and support it strongly because it would align manicurists with all the other licensed types and exempting them from AB 5. She stated that AB 1561 went the entire course without being brought up with the Board, and that extended the industry's sunset from AB 5 until 2025. If no action is taken, licensed manicurists would not be able to be independent contractors as of the end of 2024.

- Ms. Ellis proposed a discussion to determine whether to review all DCA policies or just those pertinent to the Board of Barbering and Cosmetology.
- Chair Isbell asked if the Committee has ever made recommendations or resolutions generally that are not explicitly related to a current bill.
- Ms. Underwood answered that it had not happened in the past. Chair Isbell added it to the next agenda items.

7. AGENDA ITEM #7, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 10:28 a.m.

Agenda Item

No. 3

No Attachments



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Members Low, Cunningham,
and Gipson

Subject: DCA: Boards: Expunged
Convictions

Coauthor: Senator Roth

Bill Number: AB 646

Version: January 24, 2022

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 reappplies 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: Referred to Senate Committees on Business, Professions and Economic Development and Public Safety

Analysis: Any changes to the online license system, BreEZe, 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.

Board's Position: 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

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

February 12, 2021

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 Senate. Read first time. To Committee on Rules for assignment.

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.

Board's Position: Watch

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

ASSEMBLY BILL

No. 1604

Introduced by Assembly Member Holden

January 4, 2022

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: From committee: Do pass and re-refer to Committee on Appropriations with recommendation: To Consent Calendar. (Ayes 8. Noes 0.) (May 31). Re-referred to Committee on Appropriations.

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.

Board's Position: Support if amended to add tattoo shops to the types of businesses that shall post the notice.

AMENDED IN ASSEMBLY MARCH 3, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1661

Introduced by Assembly Member Davies

January 18, 2022

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: In committee: Hearing postponed by committee.

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.

Board's Position: Support

ASSEMBLY BILL

No. 1733

Introduced by Assembly Member Quirk

January 31, 2022

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: $\frac{2}{3}$. 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 (e).

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 rolleall 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

Author: Assembly Member Maienschein

Subject: Barbering and cosmetology: instructional hours.

Bill Number: AB 2196

Version: April 6, 2022

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

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.

At the April 25, 2022 board meeting, the Board took a support if amended position to include remaining clean up language. The Board is seeking an amendment to BPC section 7353.4(b) to update the statute regarding inspections and an amendment to BPC section 7423(h) regarding the hairstylist application fee.

Board's Position: Support if amended to include remaining clean up language.

AMENDED IN ASSEMBLY APRIL 6, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2196

Introduced by Assembly Member Maienschein

February 15, 2022

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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Agenda Items

No. 5-7

No Attachments