

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



AUGUST 15, 2022

LEGISLATIVE AND BUDGET COMMITTEE

**PUBLIC
TELECONFERENCE**



**CALIFORNIA BOARD
OF
BARBERING AND COSMETOLOGY**



**MEMBERS OF THE
COMMITTEE**

Reese Isbell, Chair
Megan Ellis
Derick Matos
Calimay Pham

**LEGISLATIVE AND BUDGET
COMMITTEE MEETING**

**PUBLIC TELECONFERENCE
MEETING**

August 15, 2022

**10:00 A.M - Until Completion of
Business**

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

The Board may take action on any
agenda item.

NOTE: Pursuant to Government Code section 11133, neither a public location nor teleconference locations are provided. Public participation may be through teleconferencing as provided below.

Important Notices to the Public: The Board of Barbering and Cosmetology will hold a public meeting via a WebEx Events. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mca677146481669b224e3214208aeddcd>

Webinar number: 2496 286 9578

Webinar password: BBC08152022

Instructions to connect to the meeting can be found at:

https://www.barbercosmo.ca.gov/about_us/meetings/how_to_join_webex_event.pdf

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

In order to ensure all public members have an opportunity to speak and in the interest of time, public comments will be limited to two minutes unless, in the discretion of the committee, circumstances require a shorter period or longer period; members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at

<https://thedcapage.wordpress.com/webcasts/>.

AGENDA

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Discussion and Possible Approval of the June 13, 2022, Committee Meeting Minutes
3. Discussion and Review of the Board's Budget
4. Discussion and Possible Recommendations Regarding Proposed and Chaptered Legislation:
 - 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
 - f) SB 189 (Committee on Budget and Fiscal Review) State Government
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, 11125.7(a))
6. Future Agenda Items
7. Adjournment

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.

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

Agenda Item
No. 1
No Attachments

DRAFT
CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY

LEGISLATIVE AND BUDGET COMMITTEE MEETING

MINUTES OF JUNE 13, 2022

BOARD MEMBERS PRESENT

Reese Isbell, Chair
Megan Ellis
Calimay Pham
Derick Matos

STAFF MEMBERS PRESENT

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

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

Reese Isbell, Committee Chair, called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, DISCUSSION AND POSSIBLE APPROVAL OF THE MARCH 7, 2022, COMMITTEE MEETING MINUTES

Chair Isbell requested a change in how the minutes were prepared. He indicated that after the motion was made, it was followed by public comment and the vote. He suggested that the motion be written again before the voting so one does not have to go back and check what the motion stated.

Ms. Pham moved to approve the March 7, 2022, Meeting Minutes. Ms. Ellis seconded. Public comment was opened. No comments were received from the public.

Motion to approve March 7, 2022, minutes carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The committee members voted "Yes": Reese Isbell, Megan Ellis, Derick Matos, and Calimay Pham.

3. AGENDA ITEM #3, DISCUSSION AND POSSIBLE ACTION REGARDING LEGISLATIVE AND BUDGET COMMITTEE'S ROLES AND TASKS

Executive Officer Kristy Underwood gave a brief background on the Legislative and Budget Committee's roles and tasks. She stated that while some boards under the Department of Consumer Affairs (DCA) look at every bill, the Board of Barbering and Cosmetology (Board) was only presented with bills that would directly impact it. The Board's analyst tracks more bills than are brought to the Board. DCA also tracks other bills and updates staff on any changes, if any.

Ms. Underwood stated that some other boards look at bills that only affect them, while other boards also look at all bills related to the DCA. She indicated that this agenda item was meant to determine what the Committee would like to see going forward.

Chair Isbell asked if the Committee had previously discussed issues or passed a resolution or a policy statement that was not specific to legislative bills. Ms. Underwood said 'no.' Board Legal Representative, Ms. Sabina Knight, stated that that would not be in the purview of the Committee since it is a Legislative and Budget Committee. The Committee tasks and roles were narrowly defined. Ms. Knight added that the Committee could only recommend to the full Board to look for an author for proposed legislation.

Chair Isbell indicated that he comes from San Francisco, and they make resolutions frequently. He mentioned some resolutions that the San Francisco Board had recently made and wondered if the California State Board had done so in the past. Ms. Underwood stated that it had never happened. Ms. Knight stated that some other boards had toyed with the idea of doing resolutions for something like mental health month. She pointed out that the boards made banners for their websites without needing an official resolution in such cases.

Ms. Pham voiced support for the practice of only addressing bills that have a direct effect on the operations of the Board. She felt it would not be a good use of time to address everything and then have to discuss them with the full Board.

Ms. Knight stated that the Committee can always rely on staff to present any bills to the full Board. This includes all changes or amendments that the Committee might not have seen. They will have a chance to look at it with the full Board.

Public comment was opened. No comments were received from the public.

4. AGENDA ITEM #4, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING PROPOSED BILLS:

Ms. Underwood indicated that no significant changes had occurred with current legislation.

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

Ms. Underwood stated the Board had a support position for this bill as the Committee had recommended. The bill had not changed since the Committee last looked at it. Ms. Underwood recommended maintaining the support position, adding that it is a department-wide bill that would have no significant impact on the Board.

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

Ms. Underwood stated the bill requires for underrepresented community members to be placed on the Board. The Committee took a watch position because they believed the Board is diverse. Ms. Underwood recommended maintaining the watch position.

c) AB 1661 (Davies) Human Trafficking: Notice

Ms. Underwood reminded the Committee that the Board took a support position if the bill was amended to add tattoo shops to the types of businesses that should post the notice. Staff contacted the author's office and informed them of the position. Ms. Underwood recommended maintaining the support position. Chair Isbell suggested indicating on the analysis that the status came from the April 25, 2022, board meeting.

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

Ms. Underwood stated the Board took a support position for this bill. It was meant to allow the continuation of virtual meetings, but the bill died. DCA executive officers will continue to pursue the bill to make the option of virtual meetings available in the future.

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

Ms. Underwood stated the bill is currently in the Senate. It required some cleanup language in SB 803. The Board had taken a support position if the bill was amended to include the remaining cleanup language. Ms. Underwood recommended maintaining the support position.

Chair Isbell inquired if the Committee would be doing a budget update. Ms. Underwood said 'no,' adding that an update to the budget would be included in the next committee meeting.

Public comment was opened. No comments were received from the public.

5. AGENDA ITEM #5, Public Comment on Items Not on the Agenda

Public comment was opened. No comments were received from the public.

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

Chair Isbell proposed the budget as an agenda item.

Ms. Pham inquired about the proposed schedule for the Committee going forward. Ms. Underwood stated that the initial proposal was for monthly meetings. She pointed out that since the Board would be meeting in July, the Committee could look at an August date, after which the meetings would not have to be monthly. Chair Isbell asked if some of the bills would change with the end of the session in August. Ms. Underwood stated that no changes were expected.

Public comment was opened. No comments were received from the public.

7. AGENDA ITEM #7, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 10:26 a.m.



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Budget Projection Reports and Fund Condition

Below is the Budget Report Fiscal Year (FY) 2021-22 Expenditure Projection based on Fiscal Month (FM) 10 (April 2022). Based on these projections, the Board is scheduled to revert \$1,618,560 back into the Board Fund.

**Board of Barbering and Cosmetology
 FM 11 Fiscal Year 2021/22
 Projected Expenditures 05/30/2022**

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
5100 Permanent	5,622,000	4,468,027	1,153,973
5100 Temporary	587,000	476,150	110,850
5105-5108 Per Diem, Overtime & Lump Sum	0	51,526	(51,526)
5150 Staff Benefits	3,222,000	2,655,801	566,199
5170 Salary Savings	0	0	0
Total of Personnel Services	9,431,000	7,651,504	1,779,496
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
5301 General Expense	166,000	108,346	57,654
5302 Printing	250,000	527,825	(277,825)
5304 Communication	21,000	62,114	(41,114)
5306 Postage	232,000	28,287	203,713
5308 Insurance	4,000	10,898	(6,898)
53202-204 Travel In State	73,000	34,277	38,723
53206-208 Travel, Out-of-State	0	1,643	(1,643)
5322 Training	11,000	7,500	3,500
5324 Facilities Operations	1,022,000	1,079,333	(57,333)
53402-53404 Attorney General, OAH, C&P Services Interdept	1,672,000	330,230	1,341,770
53404-53405 Consultant & Professional Svs. - External	1,646,000	2,500,832	(854,832)
5342 DCA Pro Rata	6,144,000	6,144,000	0
5342 Interagency Services	1,000	52,658	(51,658)
5344 Consolidated Data Center	68,000	51,000	17,000
5346 Information Technology	38,000	64,821	(26,821)
5362-5368 Equipment	131,000	243,841	(112,841)
5390 Other Items of Expense & Vehicles	43,000	81,382	(38,382)
54 Special Items and Expenses	0	34,846	(34,846)
Total Operating Expenses & Equipment	11,522,000	11,363,833	158,167
Total Expenses	20,178,000	19,015,338	1,937,662
Schedule Reim. Other			
Net Appropriation	20,953,000	19,015,337	1,937,662

The below analysis of the Board's Fund Condition projects to have 15.8 months in reserve for FY 2021-22. This means the Board would be able to continue to operate for 15.8 months without collecting any additional revenue. Due to expenditures naturally increasing, the Board's fund will start to decrease, beginning FY 2022-23, down to 13.2 months of revenue in reserves.

0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition

Prepared 7.11.2022

(Dollars in Thousands)

2022-23 Governor's Budget with 2021-22 FM 11 Projections

	PY 2020-21	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25
BEGINNING BALANCE	\$ 46,274	\$ 23,812	\$ 21,951	\$ 25,267	\$ 22,101
Prior Year Adjustment	\$ 439				
Adjusted Beginning Balance	\$ 46,713	\$ 23,812	\$ 21,951	\$ 25,267	\$ 22,101
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 1,047	\$ 221	\$ 1,106	\$ 1,106	\$ 1,106
4127400 - Renewal fees	\$ 9,306	\$ 437	\$ 9,838	\$ 9,838	\$ 9,838
4129200 - Other regulatory fees	\$ 1,127	\$ 1,857	\$ 5,289	\$ 5,289	\$ 5,289
4129400 - Other regulatory licenses and permits	\$ 2,974	\$ 3,938	\$ 3,149	\$ 3,149	\$ 3,149
4143500 - Miscellaneous Services to the Public	\$ 20	\$ 14		\$ 0	\$ 0
4163000 - Income from surplus money investments	\$ 184	\$ 77	\$ 542	\$ 327	\$ 270
4171400 - Escheat of unclaimed checks and warrants	\$ 16	\$ 3	\$ 12	\$ 12	\$ 12
4172500 - Miscellaneous revenues	\$ 5	\$ 1	\$ 8	\$ 8	\$ 8
4173500 - Settlements and Judgements - Other	\$ 8			\$ 0	\$ 0
Totals, Revenues	\$ 14,687	\$ 6,548	\$ 19,944	\$ 19,729	\$ 19,672
Loan from the Barbering and Cosmetology Contingent Fund (0069) to the General Fund (0001) per Item 1111-011-0069, Budget Act of 2020	\$ -25,000				
Totals, Transfers and Other Adjustments	\$ -25,000	\$ 0	\$ 0	\$ 0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ -10,313	\$ 6,548	\$ 19,944	\$ 19,729	\$ 19,672
TOTAL RESOURCES	\$ 36,400	\$ 30,360	\$ 41,895	\$ 44,996	\$ 41,773
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 18,313	\$ 18,981	\$ 20,759	\$ 21,382	\$ 22,023
Chapter 16, Statutes of 2020 (AB 84)	\$ 0	\$ 723	\$ 0	\$ 0	\$ 0
9892 Supplemental Pension Payments (State Operations)	\$ 316	\$ 316	\$ 316	\$ 316	\$ 316
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 1,115	\$ 1,189	\$ 1,197	\$ 1,197	\$ 1,197
Less funding provided by the General Fund (State Operations)	\$ -7,156	\$ -12,800	\$ -5,644		
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 12,588	\$ 8,409	\$ 16,628	\$ 22,895	\$ 23,536
FUND BALANCE					
Reserve for economic uncertainties	\$ 23,812	\$ 21,951	\$ 25,267	\$ 22,101	\$ 18,237
Months in Reserve	34.0	15.8	13.2	11.3	9.3

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
 Expenditure growth projected at 3% beginning BY +1.
 Expenditures General Salary 4.55% increase.



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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: 08/02/22 In committee: Referred to suspense file.

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: June 30, 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: 08/02/2022 In committee: Referred to suspense file.

Analysis:

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

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

Board's Position: Watch

AMENDED IN SENATE JUNE 30, 2022
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, 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 to include, but not be limited to*, 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 ethnic
7 origin of Californians shall use separate collection categories and
8 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 published
18 or released on or after January 1, 2023. The data shall be made
19 available to the public in accordance with state and federal law,
20 except for personal identifying information, which shall be deemed
21 confidential.

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

2 (1) “African Americans who are descendants of persons enslaved
3 in the United States” means individuals who self-identify as Black
4 or African American with at least one ancestor who was enslaved
5 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,
9 Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African
10 Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of
11 Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini,
12 Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya,
13 Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania,
14 Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria,
15 Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal,
16 Seychelles, Sierra Leone, Somalia, South Africa, South Sudan,
17 Sudan, 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. 3. Section 11140 of the Government Code is amended
27 to read:

28 11140. (a) It is the policy of the State of California that the
29 composition of state boards and commissions shall be broadly
30 reflective of the general public, including ethnic minorities and
31 women.

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

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

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

1 (1) “Board member or commissioner from an underrepresented
 2 community” ~~means~~ *includes, but is not limited to*, all of the
 3 following:

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

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

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

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

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

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

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

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. 5. Section 18553 is added to the Government Code, to
38 read:

39 18553. "Core competencies" mean the particular education,
40 experience, knowledge, and abilities that each applicant is required

1 to have in order to be considered eligible for a particular group of
2 classifications.

3 SEC. 6. Section 18930.1 is added to the Government Code, to
4 read:

5 18930.1. The board shall establish a process that includes
6 diversity and best practices in each aspect of the design,
7 announcement, and administration of examinations for the
8 establishment of employment lists.

9 SEC. 7. Section 18931 of the Government Code is amended
10 to read:

11 18931. (a) The board shall establish minimum qualifications
12 for determining the fitness and qualifications of employees for
13 each class of position. The department may require applicants for
14 examination or appointment to provide documentation as it deems
15 necessary to establish the applicants' qualifications.

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

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

29 SEC. 8. Section 18933 of the Government Code is amended
30 to read:

31 18933. (a) Within a reasonable time before the scheduled date,
32 the department or a designated appointing power shall announce
33 or advertise examinations for the establishment of eligible lists.
34 The announcement shall include the following:

- 35 (1) The date and place of the examination.
- 36 (2) The nature of the minimum qualifications and the functional
37 core competencies.
- 38 (3) The general scope of the examination.
- 39 (4) The relative weight of its several parts if more than one type
40 of test is to be utilized.

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

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

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

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

11 18936. (a) All examination materials, including examination
12 questions and any written material, shall be maintained for each
13 examination for three years, after which they shall be disposed of
14 pursuant to a policy adopted by the board.

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

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

27 (d) The department or a designated appointing power may set
28 minimum qualifying ratings for each phase of an examination and
29 may provide that competitors failing to achieve those ratings in
30 any phase shall be disqualified from any further participation in
31 the examination.

32 SEC. 10. Section 19402 of the Government Code is amended
33 to read:

34 19402. (a) All upward mobility programs shall include annual
35 goals that include the number of employees expected to progress
36 from positions in low-paying occupational groups to entry-level
37 technical, professional, and administrative positions, and the
38 timeframe within which this progress shall occur. The Department
39 of Human Resources shall be responsible for approving each
40 department's annual upward mobility goals and timetables.

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

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

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

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

23 SEC. 11. Section 19574 of the Government Code is amended
24 to read:

25 19574. (a) The appointing power, or its authorized
26 representative, may take adverse action against an employee for
27 one or more of the causes for discipline specified in this article.
28 Adverse action is valid only if a written notice is served on the
29 employee prior to the effective date of the action, as defined by
30 board rule. The notice shall be served upon the employee either
31 personally or by mail and shall include: (1) a statement of the
32 nature of the adverse action; (2) the effective date of the action;
33 (3) a statement of the reasons therefor in ordinary language; (4) a
34 statement advising the employee of the right to answer the notice
35 orally or in writing; and (5) a statement advising the employee of
36 the time within which an appeal must be filed. The notice shall be
37 filed with the board not later than 15 calendar days after the
38 effective date of the adverse action.

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

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

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

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

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

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

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

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

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

26 (3) This report shall be submitted in compliance with Section
27 9795.

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

32 SEC. 12. The provisions of this act are severable. If any
33 provision of this act or its application is held invalid, that invalidity
34 shall not affect other provisions or applications that can be given
35 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: Chaptered

Previous 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 requires 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: 07/19/2022 Chaptered by Secretary of State - Chapter 106, Statutes of 2022.

Board's Position: Support if amended to include tattoo shops.

Analysis:

This bill will 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.

At the April 25, 2022, board meeting, the Board took a support if amended position to include tattoo shops.

On July 19, 2022, the bill was approved by the Governor and Chaptered by Secretary of State. It was not amended to include tattoo shops.

Signing Message:

None.

Assembly Bill No. 1661

CHAPTER 106

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

[Approved by Governor July 19, 2022. Filed with Secretary of State July 19, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1661, 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.

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

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

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

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

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

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

(4) Intercity passenger rail or light rail stations.

(5) Bus stations.

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

(7) Emergency rooms within general acute care hospitals.

(8) Urgent care centers.

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

(10) Privately operated job recruitment centers.

(11) Roadside rest areas.

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

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

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

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

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

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

The hotlines are:

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

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

Spanish is the most widely spoken language to print the notice in more than one language in addition to English and Spanish.

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

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

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

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

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

(2) Myths and misconceptions about human trafficking.

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

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

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

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

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

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

(h) A business or establishment that fails to comply with the requirements of this section is liable for a civil penalty of five hundred dollars (\$500) for a first offense and one thousand dollars (\$1,000) for each subsequent offense. A government entity identified in Section 17204 of the Business and

Professions Code may bring an action to impose a civil penalty pursuant to this subdivision against a business or establishment if a local or state agency with authority to regulate that business or establishment has satisfied both of the following:

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

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

(i) This section does not prevent a local governing body from adopting and enforcing a local ordinance, rule, or regulation to prevent slavery or human trafficking. If a local ordinance, rule, or regulation duplicates or supplements the requirements that this section imposes upon businesses and other establishments, this section does not supersede or preempt that local ordinance, rule, 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: 05/27/2022 bill died.

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

Additional Information:

It is unknown why this bill did not move forward, however, the language was placed into Senate Bill 189, which was signed by the Governor and became effective immediately.

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: 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 ~~(c) 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: 08/02/2022 Read second time. Ordered to third reading.

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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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Committee on Budget and Fiscal Review

Subject: State Government

Bill Number: SB 189

Version: Chaptered

Previous 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 requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

This Bill:

This bill added section 11133 back into the Government Code which reinstates the remote meeting provisions of the Bagley-Keene Open Meeting Act that were previously in place during the pandemic. This bill, until July 1, 2023, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided.

Status:

06/30/2022 Chaptered by Secretary of State. Chapter 48, Statutes of 2022.

Analysis:

The Board did not take a position on this bill. At the July 25, 2022 board meeting, the Board discussed how to hold future meetings due to the passage of this bill. Members stated they enjoyed in-person meetings because the energy and comradery, but it is good to have the option for members to attend virtually if they are suddenly unable to travel. Virtual meetings also save money as board members and staff do not need to travel. The Board came to the decision that full board meetings will be held in-person (or hybrid if necessary) and committee meetings will be hybrid or virtual.

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.

Signing Message:

None.

Senate Bill No. 189

CHAPTER 48

An act to amend Sections 8051 and 19951 of, and to add Section 19440.1 to, the Business and Professions Code, to amend Sections 51.7, 52, 54.3, 4225, and 6606 of the Civil Code, to amend Section 67380 of the Education Code, to amend Sections 3527, 7903, 8310.7, 8310.8, 9112, 9112.5, 11136, 11343, 11512, 11540, 12804, 12901, 12903, 12907, 12925, 12935, 12940, 12940.3, 12944, 12945, 12965, 13957, 14692, 15670, 15676.2, 18720, 18720.2, 18720.3, 18720.4, 19704, 50085.5, and 65040 of, to amend the headings of Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of, and Article 2 (commencing with Section 12935) of Chapter 5 of Part 2.8 of Division 3 of Title 2 of, to add Sections 8286.5, 8310.6, 11540.5, 12482, and 12816.5 to, to add Chapter 1.5 (commencing with Section 16343) to Part 2 of Division 4 of Title 2 of, and Article 5.5 (commencing with Section 65052) to Chapter 1.5 of Division 1 of Title 7 of, and to add and repeal Section 11133 of, and to add and repeal Article 5.10 (commencing with Section 8590.15) of Chapter 7 of Division 1 of Title 2 of, and to repeal Section 15676.5 of, the Government Code, to amend Sections 1262.6 and 17008.5 of, and to add Section 131052.5 to, the Health and Safety Code, to amend Sections 107.5, 1156.3, 1424, 1429, 1429.5, 1430, 1684, 1697.5, 1700.50, 1700.52, 3073, and 3073.9 of the Labor Code, to amend Sections 243.4, 422.92, and 679.10 of the Penal Code, to add Section 95.60 to the Revenue and Taxation Code, to amend Sections 1095 and 14034 of the Unemployment Insurance Code, and to amend Section 11216.2 of the Vehicle Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 30, 2022. Filed with Secretary of State June 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 189, Committee on Budget and Fiscal Review. State Government.

(1) Existing law, the Horse Racing Law, establishes the California Horse Racing Board within the Business, Consumer Services, and Housing Agency. That law vests the board with all powers necessary and proper to enable it to carry out the Horse Racing Law and makes the board responsible for, among other things, adopting rules and regulations for the protection of the public and the control of horse racing and parimutuel wagering and administration and enforcement of all laws, rules, and regulations affecting horse racing and parimutuel wagering.

Existing federal law, the Horseracing Integrity and Safety Act of 2020, requires the Federal Trade Commission, the Horseracing Integrity and Safety Authority, and a specified antidoping and medication control enforcement

mean any authorization to expend during a fiscal year the proceeds of taxes levied by or for that entity and the proceeds of state subventions to that entity, except as specified, exclusive of refunds of taxes.

Existing statutory provisions implementing these constitutional provisions establish the procedure for establishing the appropriations limit of the state and of each local jurisdiction for each fiscal year. Under existing law, revenues and appropriations for a local jurisdiction include subventions and with respect to the state, revenues and appropriations exclude those subventions. Existing law defines, for those purposes, “state subventions” as only including money received by a local agency from the state, the use of which is unrestricted by the statute providing the subvention.

This bill, for fiscal years commencing with the 2020–21 fiscal year, would define “state subventions” to additionally include money provided to a local agency pursuant to certain state programs and would require any money received by a local agency pursuant to that provision to be included within the appropriations limit of the local agency, up to the full appropriations limit of the local agency, as prescribed.

(20) 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 requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

This bill, until July 1, 2023, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided.

This bill would repeal those provisions as of July 1, 2023.

(21) The California Constitution provides that the Legislature may make no law except by statute and may enact no statute except by bill. The California Constitution requires the Legislature to pass a budget bill making appropriations for the ensuing fiscal year by midnight on June 15 of each year.

This bill would add a section to the Government Code that identifies the bills that constitute the Budget Act for each fiscal year from 2011–12 through 2020–21.

(22) Existing law establishes the Office of Broadband and Digital Literacy within the Department of Technology. Existing law requires the office to oversee the acquisition and management of contracts for the development and construction of a statewide open-access middle-mile broadband network, as defined.

The bill would make a statement of the Legislature’s goals, as part of the 2022 Budget agreement, to provide for the development, construction, and acquisition of a statewide open-access middle-mile broadband network, and for the maintenance and operation of the resulting infrastructure. The bill would specify, in this regard, appropriations to be made in the future and would prescribe requirements to be satisfied before the funds would be available for encumbrance or expenditure.

(23) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(24) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. Section 8051 of the Business and Professions Code is amended to read:

8051. (a) On and after July 1, 2022, an entity that is not a shorthand reporting corporation may, wherever headquartered in the United States, engage in the conduct described in subdivision (b) of Section 8050 if it is approved for registration by the board after meeting all of the following requirements:

(1) The entity pays an initial annual registration fee to the board. Until January 1, 2025, the fee shall be five hundred dollars (\$500). On and after January 1, 2025, the fee shall not exceed five hundred dollars (\$500) or the board’s cost of administering this section, whichever is less.

(2) The entity has designated a board-certified reporter-in-charge who is a full-time employee of the registered entity and a resident of California, and who holds a currently valid California license at all times as a certified

emergency dispatch center of the Department of the California Highway Patrol

(C) Any rule, regulation, standard, or requirement promulgated or enforced by the Division of the State Architect or the Office of the State Fire Marshal pursuant to the laws described in subparagraphs (A) and (B).

(3) Notwithstanding any other law, for purposes of work performed pursuant to this article involving the Department of General Services, the department may enter into negotiations directly with any firm for the provision of services described in Section 4525.

(e) Prevailing wages shall be paid to all workers employed on a project that is subject to this article, in accordance with Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

SEC. 19. Section 9112.5 of the Government Code is amended to read:

9112.5. It is the intent of the Legislature that available cash sources, including, but not limited to, an allocation of the moneys deposited into the State Project Infrastructure Fund prior to 2018 and moneys appropriated in the Budget Acts of 2018, 2021, and 2022, be used to fund the projects authorized by Section 9112.

SEC. 20. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and

offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

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

SEC. 21. Section 11136 of the Government Code is amended to read:

11136. Whenever a state agency that administers a program or activity that is funded directly by the state or receives any financial assistance from the state has reasonable cause to believe that a contractor, grantee, or local

Agenda Items

No. 5-7

No Attachments