

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



MARCH 20, 2023

Health and Safety Advisory Committee Meeting

**PUBLIC
TELECONFERENCE**

**CALIFORNIA BOARD
OF
BARBERING AND COSMETOLOGY**



**HEALTH AND SAFETY ADVISORY
COMMITTEE
NOTICE AND AGENDA**

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

**MEMBERS OF THE
COMMITTEE**

Calimay Pham, Chair
Reese Isbell
Danielle Munoz
Jude Balmin
Paul Bryson
Brandon Hart
Brandy Hamilton
Giovanni Harfouche
Asia Jackson
Paula Johnson
Leslie Roste
Yumi Youn

**PUBLIC TELECONFERENCE
MEETING**

March 20, 2023

**9:00am – Until Completion of
Business**

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=m6c2b8b448915588c006d31fd6f5ddcde>

Webinar number: 2485 407 7656

Webinar password: BBC03202023

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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. Election of Committee Chairperson
3. Executive Officer's Opening Remarks (Kristy Underwood)
4. Review and Possible Approval of September 26, 2022, Committee Meeting Minutes
5. Discussion and Possible Recommendation Regarding Possible Amendments to Health and Safety Regulations (Title 16, California Code of Regulations sections 977-995)
6. Public Comment on Items Not on the Agenda
Note: The Committee may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))
7. Suggestions for Future Agenda Items
8. 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: Natalie Mitchell at (916) 244-6644, email: natalie.mitchell@dca.ca.gov or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

Agenda Items

No. 1-3

No Attachments

DRAFT
CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY

HEALTH AND SAFETY COMMITTEE MEETING

MINUTES OF SEPTEMBER 26, 2022

COMMITTEE MEMBERS PRESENT

Calimay Pham, Chair
Kellie Funk
Reese Isbell
Paul Bryson
Deedee Crossett
Brandy Hamilton
Paula Johnson
Leslie Roste
Yumi Youn

STAFF MEMBERS PRESENT

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

COMMITTEE MEMBERS ABSENT

Danielle Munoz
Lorianne Burr
Brandon Hart
Mark Rierson

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

Kristy Underwood called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, ELECTION OF COMMITTEE CHAIRPERSON

Ms. Underwood stated that anyone on the Committee could serve as Chairperson. Ms. Pham nominated herself as the Chair. Mr. Isbell also nominated Calimay Pham.

MOTION: Mr. Isbell moved to nominate Ms. Pham to serve as the Chairperson of the Health & Safety Committee. Ms. Roste seconded. No comments were received from the public.

Motion to nominate Ms. Pham as the Committee Chairperson carried; 9 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Kelly Funk, Reese Isbell, Calimay Pham, Paul Bryson, Deedee Crossett, Brandy Hamilton, Paula Johnson, Leslie Roste, and Yumi Youn.

3. AGENDA ITEM #3, EXECUTIVE OFFICER'S REMARKS (KRISTY UNDERWOOD)

Ms. Underwood gave a brief overview of what the Committee would discuss at this meeting. She stated that the Committee had been looking to update the health and safety regulations for several years. Senate Bill (SB) 803 came into law on January 1, requiring the Committee to look at the administrative fines and if a fine could be removed because there was no risk to consumer harm for that violation.

The Committee had previously provided staff's risk assessment on each violation. Staff took the proposed regulations and inserted what the Committee wanted with each of the fines and each range based on the risk level. The Committee would discuss and agree with the fine amounts tied directly to what the regulation says.

Ms. Underwood emphasized that the legislature's intent in SB 803 was to ensure that the Board establishes, by regulation, a schedule of administrative fines for violations that directly impact consumer safety. She also mentioned that the regulation process is extensive and that the proposed regulations had not yet been presented to the full Board. The Committee would be making a recommendation to the full Board. She further urged the Committee to focus on the intent of the regulation and not so much on the actual wording because the language might change through the process.

Chair Pham mentioned that some suggestions about the changes people wanted to see in the regulations had been brought forward. She requested Ms. Underwood to briefly discuss the process of changing the language. Ms. Underwood stated that there were many future opportunities for the language to change. Once there's a consensus from the Committee, staff will start working with the legal office to get the language clarified. The regulation package would then be presented to the Board. The Board will either send it back to the Committee for further work or agree with it.

Ms. Underwood added that anytime the Board changes health and safety regulations, they must go to the Department of Public Health for review. The changes from the Department of Public Health will circle back to the Board, and the Board could go back to the Committee at that time, thus making it a long process.

4. AGENDA ITEM #4, REVIEW AND POSSIBLE APPROVAL OF JUNE 6, 2022, COMMITTEE MEETING MINUTES

MOTION: Mr. Isbell moved to approve the June 6, 2022, Committee meeting minutes. Ms. Roste seconded. No comments were received from the public.

Motion to approve June 6, 2022, Committee meeting minutes carried; 8 yes, 0 no, and one abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Kelly Funk, Reese Isbell, Calimay Pham, Paul Bryson, Deedee Crossett, Brandy Hamilton, Leslie Roste, and Yumi Youn.

The following Committee Members voted "Abstain": Paula Johnson.

5. AGENDA ITEM #5, DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING POSSIBLE AMENDMENTS TO HEALTH AND SAFETY REGULATIONS (CCR SECTIONS 977-995) AND SCHEDULE OF ADMINISTRATIVE FINES.

Ms. Underwood stated that a table was inserted for each section, including the risk level and what the Committee had discussed at the last meeting for fines for the first, second, and third offense. The fines had been made consistent for each risk level.

- **Section 978 (a) (1-5) – Minimum equipment and supplies.**

This section lists all the requirements that an establishment must have. A school and licensees must ensure that they have this minimum equipment and supplies.

1. Covered waste containers for establishments for the disposal of hair.
2. At least one covered container labeled 'dirty' to hold used lined.
3. Store all clean electrical tools and lines in a separate closed clean container.
4. Have containers for the disinfectant solution labeled and containing sufficient disinfectant for complete immersion.
5. Label disinfected tools 'clean' and all the tools in the establishment labeled 'dirty.'

Each of the above violations has a \$50 fine for the first offense, \$75 for the second offense, and \$100 for the third offense. The Committee at the last meeting agreed that all the above violations are low risk.

6. Electrolysis - Identified as high risk because it is an invasive procedure. Electrologists have to use single-use pre-sterilized filaments.
7. 978A – 7 & 8. - The disinfectant solution should be mixed and ready to go. You must have your manufactured, labeled container for the disinfectant you used. Both violations were identified as high risk.

- **Section 978 (b)**

This is where all licensees shall maintain chemical safety in the following matter:

1. All containers shall be distinctly labeled to disclose their contents.
2. Safety data sheets for all hazardous chemicals shall be readily available.
3. All chemicals shall be stored according to the manufacturer's label.
4. All chemicals shall be disposed of according to the manufacturer's directions.

Ms. Crossett mentioned that the SDS sheets are now available online, so manufacturers don't send them out anymore with the products. She asked if it would be necessary to have them in print or if having them readily available online would be enough. Ms. Underwood stated that the language would be clarified, but having them online should be enough.

Ms. Roste mentioned that SDS are typically used in an emergency, so they must be readily available. Sometimes, only the manager of an establishment has access to the software, and when they are away, there's nobody with access in case of an emergency if they are only available online. She pointed out that that should be considered in the language.

Ms. Roste also mentioned that Section 978 (a) (5) should be made a high risk instead of a low risk. The section states, 'label disinfected tools 'clean' and all the tools in the establishment labeled 'dirty.'" She noted that the regulation only requires the tools to be labeled but not telling people to disinfect the tools. Ms. Funk agreed with Ms. Roste's sentiments, adding that having disinfected tools ready for use will ensure that the next customer does not have to wait 15 minutes.

Chair Pham mentioned that the requirement to have tools clean and disinfected is not mentioned anywhere else in the regulations apart from section 978 (a) (5) and that on its own, it is an important high-risk requirement. She stated that the second half of the sentence of not allowing all tools to be labeled dirty was a staff request because they found that establishments would label all tools dirty so that they don't get cited when inspectors find dirty tools. Ms. Underwood agreed that the two parts of that sentence should be separated. The Committee agreed to separate the sentence and make the first part of having disinfected tools labeled as clean and ready for use a high risk.

- **Section 979 - Disinfecting and storing all non-electrical tools**

All the steps required to disinfect tools are listed in the section properly. It is a high risk with a fine of \$250 for a first offense. The same applies to electrical tools.

- **Section 980.1 – Disinfecting a foot basin.**

This regulation has drastically changed from what is currently in regulation. Currently, the regulation is separated into four sections, confusing for staff and licensees, but this proposal combines them all.

The violation is cited as a high-risk per-foot spa chair that has not been disinfected. If an establishment has five chairs that are not cleaned correctly, each Chair will be cited separately and will attract a fine of \$250 per Chair. The logs were identified as low risk. Chair Pham mentioned that the chart is listed incorrectly because it said that a and b, the cleaning and the logs, are listed as high risk, while c, the disposable liners, are low risk. She felt that a and c should be a high risk, then b is a low risk. Ms. Allison Lee, the Board Project Manager, stated that it was up to the Committee to identify each one as either low or high risk. Chair Pham stated that part c, the disposable liners, should be high risk because it discusses cleaning and disinfecting. Mr. Isbell echoed Chair Pham's sentiments that the two should be switched to make b the low risk and c the high risk. Ms. Funk also agreed that the logging should be low-risk, if fine. Ms. Brandy Hamilton felt that the logging should be low to medium risk because it is the only way an inspector can determine if something has been cleaned.

Ms. Underwood stated that point c is for single-use disposable liners, which indicated that the liners should be disposed of immediately after use, and the basin shall be cleaned and disinfected. She pointed out that for liners, the feet never come in contact with the water going through the plumbing, which is the risk associated with the foot spas. She asked if the risk is truly as high as someone not using a liner as someone using a liner.

Ms. Funk suggested splitting c into two, adding that the high offense would be that the liner is disposed of and not reused. Disinfecting it afterward should be the lower risk since a liner was used. Ms. Roste agreed.

Mr. Isbell agreed that splitting part c and putting b as the low risk would be ideal. He also agreed that there had been much confusion about the different types of foot spa cleaning issues.

Ms. Hamilton added that when discussing the liner, the language 'properly use' should be added. She mentioned that some salons puncture the liners with a jet cap, and the water is still circulating. This could potentially make it a high risk.

- **Section 981 – Disposal of single-use tools.**

This section includes any single-use tools, such as sharps, that come into direct contact with a client and should be disposed of immediately. It is identified as a high risk.

- **Section 982 - Sterilizing tools**

Identified as a high risk. Electrology tools must be sterilized.

- **Section 983 - Hand hygiene**

Deemed a high risk.

- **Section 984 - Communicable illnesses.**

This is when someone has a communicable illness and performs services or works on a person with a known communicable illness—deemed high risk and a violation.

Ms. Crossett noted that this regulation only covers what can be visually seen on the client. She asked if language could be added to indicate that a client should have a signed consultation card that confirms that they don't have the illness. According to her, however, such occurrences were very rare. Ms. Underwood was unsure whether the Board could make recommendations in actual regulations.

Public Comment

No comments were received from the public.

- **Section 986 - Brushes**

This section was deemed as a high risk. If a dirty brush is used on someone's face or hair, that could lead to consumer harm. Ms. Crossett noted that number three stated, 'lay brushes flat on a towel to dry.' Number four stated that all brushes should be in a clean, covered container. She asked if the brushes should be left out. Ms. Underwood clarified that the brushes would be left out to dry.

- **Section 987 – Linens**

This section was deemed a low risk.

- **Section 988 - Multi-use Cosmetics**

This section was deemed a high-risk violation. It requires that all cosmetic products be kept in a clean, closed container. When only a portion of a cosmetic product is to be used, it shall be removed from the bottle not to contaminate the remaining portion. For example, leaving a wax stick in a pot shall be considered double dipping.

- **Section 989 – Prohibited substances, equipment, tools, and supplies.**

This section was deemed high risk. Prohibited substances and tools include methylene chloride, credo blades, and ultraviolet light boxes. Ms. Underwood mentioned that many states were banning the oven-looking devices and that California should follow suit. Right now, they can be used as storage boxes, but she suggested that the Board should get rid of them. Other prohibited supplies include sterilization pouches, roll-on wax applicators that cannot be disinfected, neck or nail dusters, glue, or adhesive around the eye unless they are specifically manufactured for the eye.

Section B – licensees shall not advertise or provide any injection regardless of whether the device uses a needle. Any hair removal from the nose or ear canal, removal of ingrown toenails, removal of moles or skin tags, emptying of the intestines utilizing fluids of a lower portion of the gastrointestinal tract, medical claims such as weight loss or detoxification, and any service using a live animal, such as fish pedicures, are all extremely high-risk violations.

Ms. Crossett noted that many estheticians were doing piercings and tattooing, although they were not supposed to. She asked if there should be language in there to check on that. Ms. Underwood stated that they shouldn't be prevented from doing it, but there should be a standard for how they should do it.

Ms. Crossett also mentioned that makeup brushes use ultraviolet light boxes to dry after cleaning them. It is a closed container, marked clean, and says storage only. She asked if the regulation meant it was okay to have the equipment in a spa or school, but it cannot be used for disinfection or sterilizing. Ms. Underwood stated that the regulation banned the equipment completely.

Ms. Crossett stated that the ultraviolet light boxes provide a better way to dry the brushes than leaving them on a counter since the boxes are clean and closed. She felt there should be language prohibiting their use for disinfection or sterilization instead of

banning them altogether. Ms. Roste agreed, adding that most towel warmers have a light feature built in these days. Banning all UV light equipment would also be banning the towel warmers.

Ms. Yumi Youn mentioned that with the passing of SB 803, many schools were preparing to start teaching lash tinting and extension. She indicated that many students were buying lash glue and other products from Amazon or online and wondered which agency would check on the safety of the products, whether it was FDA or the Board. Ms. Underwood stated that the Board does not have any oversight of the products. The Board can, therefore, not approve any specific products. It can only ensure that the product used is specifically manufactured for that purpose. For instance, many cases have been of eyelashes being attached using glue that should not be put on the eyes. Ms. Youn reiterated that some products, like nail glue, should be specified. Otherwise, they will confuse. Ms. Crossett stated that it would be safe if the glue said it was for the eyes. That's how specific it can go.

About the UV light boxes, Ms. Roste stated that most people were buying them online, and the boxes say sterilize on them. Therefore, most people, including the consumers, thought the boxes were being used correctly. She indicated that if the Board wanted to say they cannot be used for disinfection, they must demonstrate how the disinfection should be done before putting brushes in the UV boxes. She added that most states were banning the boxes from the people who thought they were using them properly, but they were not. Mr. Paul Bryson pointed out that some people might misinterpret the banning of UV light boxes. They might think that UV nail lamps are also being banned. He added that the language should specify that it is UV boxes used as sterilizers and disinfectants.

Ms. Crossett suggested adding teeth whitening and jewels to the prohibition list. She mentioned that some people that shouldn't be performing the procedures were even doing it at shows. Ms. Underwood felt that delving into that area would raise issues with the Dental Board.

- **Section 990 – Shampoo bowls and treatment tables.**

This section was listed as low risk. The Committee did not have any additional comments.

- **Section 991 – Invasive procedure**

This section was listed as very high risk. It includes an application of electricity that visibly contracts the muscle, application of a topical substance that requires a physician's prescription, penetration of the skin by metal needles or filaments unless it's electrology, abrasion or exfoliation of the skin below the epidermis, removal of any calluses, and any action that results in thermal, chemical, or electrical burn of the skin.

Regarding the visible contraction of the muscle, Ms. Funk stated that the microcurrent that she has been learning about is a sensory reaction that is not visible. Ms. Funk suggested changing the part which said 'visibly contracts the muscle' because it is a

loophole that she had seen many estheticians getting through. Ms. Crossett pointed out that if it's not visible and does not contract the muscle, it should be allowed for a penetrating product. She mentioned that some microcurrent could be used with massage to loosen up the wrinkles around the eyes, and none of that contracts the muscle, which should be okay to use. Ms. Funk mentioned that she also would like some clarification on the language as she had a microcurrent device that she wanted to bring into the treatment room, but it was not allowed.

Mr. Isbell stated that the language referred to using a product, but the Committee was referring to simply having the product in the room as the violation. He suggested clarifying that language, adding that there had been cases of people having it in the room but claiming that they were not using them.

Ms. Underwood stated that Ms. Funk is a new Board member who is also a licensed esthetician, and Ms. Crossett is an esthetician and a school owner. She requested them to clarify whether all esthetic procedures contract the muscles.

Ms. Funk confirmed that all the esthetic procedures contract the muscle, even the facial massage. She reiterated that aestheticians are already manipulating the muscles in the skin, but microcurrent is a low-level stimulant used on Bell's Palsy or stroke victims. She reiterated that she has been training on micro-current for about a year. She attended the skincare convention in June in Las Vegas and had taken two seminars on it. She stated that from what she had learned, there was a very specific difference in the current allowed in a spa treatment room as opposed to a medical administration. She had therefore purchased an acceptable device.

Ms. Crossett stated that the safest way is to check if the procedure does not result in bruising or swelling or if the face does not twitch while working. She mentioned that in her case, they use microcurrent to penetrate the product or relax the face. She voiced concern with the current language, which indicated that microcurrent should not be used because that would take away a big tool.

Ms. Funk mentioned that the only contraindications she knew of were epilepsy, pacemaker, arrhythmia, and heart palpitations. She suggested having a form that clients would sign to denote if they have any medical contraindications. Ms. Underwood indicated that the language would be clarified.

Ms. Lee mentioned that the language had been added in response to an industry bulletin on electrical muscle stimulators. Licensees should not do anything that causes body toning, muscle firming, or tightening, but low-level galvanic and microcurrent could be used for product penetration. Ms. Underwood stated that more research would be done on the section and the wording to make it understandable. Ms. Crossett pointed out a level of devices that could be used to clarify the language. She mentioned that some devices, such as the cool sculpting, fall into the class two category and can only be used under medical supervision.

Ms. Youn mentioned that she had been an esthetician and a nurse for many years, so she understood both sides well. She stated that she had microcurrents a lot on herself and some of her customers and thus agreed that the language should specify that the high current microcurrent can be used since it causes low stimulation for facial muscles.

Ms. Funk proposed sending some of her research on the different levels of electrical current that can be used to Ms. Underwood to help with the wording. Ms. Underwood informed the Committee that she was in current talks with the Medical Board and would meet them tomorrow. They would be looking into some things that estheticians were expanding their scopes into. An internal Department of Consumer Affairs Med Spa task force would be formed to look into that.

Ms. Paula Johnson added that the electrical currents in that section should be quantified numerically. It would also help translate into other languages as everyone would understand the numbers.

- **Section 994 – Cleanliness and Repair**

This section requires establishments to keep the floor, walls, ceilings, furniture, furnishings, and fixtures in equipment clean and in good repair and not allow waste, hair clippings, or refuse to accumulate or overflow in their containers. First offense fine is set at \$100 and it was deemed a medium risk.

- **Section 995 – Building standards**

This section was listed as medium risk. It requires hot and cold running water and potable drinking water.

Ms. Crossett asked if there were regulations around people doing their laundry internally on their own. She mentioned that she had learned in school that degrees on washing machines should be marked. Ms. Underwood stated that a section says that linens shall be laundered either by commercial laundering or by non-commercial laundering process. The proposed language states 160 degrees, but inspectors cannot enforce this. Non-commercial laundering requires using a washer on the hot water setting and a dryer until the linens are hot to touch.

Ms. Crossett asked if a building standard should have hot water on their washing machines and a dryer that gets hot if the laundry is done internally. Ms. Underwood stated that that is not a requirement.

Ms. Johnson inquired if the building standards had considered adding anything about ventilation requirements. Ms. Underwood stated that the section stated a system of adequate ventilation following part two, section 1203 of the California Code of regulations, which are building standards.

Public Comment

Jaime Schrabeck from Precision Nails stated that some things listed in Sections 989 and 991 as very high risk were not high risk. She wondered if any of the risk levels were legally defensible. She also mentioned that the regulations were being discussed regarding what the inspector can observe and cite. She asked if the law limits the Board's authority to assess administrative fines for Article 12 to health and safety only. She added that as an expert witness, she had observed many occasions where a client might have experienced something, but just because an inspector wasn't there, no action was taken. She thus felt that the Board should hold a person responsible even when an inspector is not there to observe and cite. That would be grounds for disciplinary action listed under 7404.

6. AGENDA ITEM #6, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA.

Jaime Schrabeck stated that the Personal Service Permit did not clearly define what it means to be incapacitated, allowing someone licensed to go somewhere other than working in an establishment to provide services. She requested that there be a way of establishing what it means to be incapacitated in the future because it regards health and safety.

7. AGENDA ITEM #7, SUGGESTIONS ON FUTURE AGENDA ITEMS

Mr. Isbell requested Ms. Underwood to provide feedback on her meeting with the other boards.

Chair Pham asked about the next time the Committee discusses the regulations. Ms. Underwood stated that the Committee meets twice yearly since it is a large committee. She indicated that staff would clean up the language and bring it back to the Committee. The next meeting might be in early 2023.

Ms. Funk proposed adding in Section 989 of prohibited substances products that estheticians or hairstylists have made themselves, such as self-made concoctions. She pointed out that these are not regulated and might be used professionally.

8. AGENDA ITEM #8, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 11:32 a.m.

BOARD OF BARBERING AND COSMETOLOGY

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

SPECIFIC LANGUAGE

LEGEND

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

Amend Section 977, Title 16, California Code of Regulations, as follows:

§ 977. Health and Safety Definitions.

The following words and terms, when used in this article, shall have the following meanings:

~~Autoclave—A device used to sterilize tools, equipment and supplies by subjecting them to high-pressure saturated steam.~~

~~Over-the-Counter—Cosmetology, barbering or electrology products that are made available for purchase by the general public without a physician’s prescription.~~

~~Cosmetics – Substances used to enhance the appearance of the human body.~~

Communicable Illness – Illness that is spread from person to person or from animals to people through the direct or indirect transmission of an infectious agent or its products.

~~Contaminated – The presence of blood or other potentially infectious materials on an item’s surface or visible debris such as dust, hair, nails, and skin.~~

Cosmetic Product – Any substance or mixture regardless of form (solid, liquid, or gas) intended to be applied to the human body for cleansing, beautifying, or altering appearance. Examples include, but are not limited to, shampoo, hairspray, hair color, makeup, lotion, wax, cuticle remover, and acrylic powder.

~~Dermis—The layer of skin just below the epidermis; the living layer of the skin.~~

~~Disinfect or Disinfection – The use of chemicals intended to eliminate ~~destroy~~ harmful bacteria, fungi, and viruses and pathogens on implements or tools to render them safe for use.~~

Disinfectant – A product registered by the U.S. Environmental Protection Agency (EPA) that has demonstrated bactericidal, fungicidal and virucidal activity. The products used must include a label from the manufacturer that indicates the EPA registration, and must be in liquid form to disinfect non-electrical tools and spray or wipe form to disinfect electrical tools and shears. Wipes and sprays may be used unless otherwise specified.

Dry Heat Sterilizer—A device used to sterilize equipment and supplies by use of hot air that is nearly or completely free of water vapor.

Epidermis – The outermost layer of the skin; ~~the non-living layer of the skin.~~

Electrical Tools – Any All tools used for barbering, cosmetology and electrology that comes in contact with a client and requires electricity to operate by means of an electrical cord, wireless charger, or battery. These include, but are not limited to clippers, blow dryers, curling irons and flat irons.

Foot Basin – Open portion of On a foot spa chair, or a stand-alone tub (with or without plumbing) the open vessel that is filled with water and in which the client's feet are placed during a pedicure.

Hot Styling Tools – Tools that utilize heat to style hair.

Linens – Items made of fabric material such as towels, robes, sheets, and smocks.

Non-Electrical Tools – Any All tools used for barbering, cosmetology and electrology that does not use any form of electricity to operate. These include, but are not limited to shears, razors, cuticle nippers, ~~cuticle pushers, nail clippers,~~ metal files, metal smoothers, combs and hair clips.

Non-porous – A material that does not allow fluids to pass through or be absorbed. Examples include, but are not limited to, metal, plastic, silicone and glass.

Poisonous—A substance that can cause sickness or death by entering or touching the body.

Porous – A material that allows fluids to pass through or be absorbed. Examples include, but are not limited to wood, cloth, stone, foam, and sponges.

Sanitary—A clean, healthy condition.

Soiled—dirty; not clean.

Single-Use Tool – Any item intended for disposal after a single-use only or any porous item that cannot be cleaned and disinfected. Examples include, but are not limited to,

gloves, cotton, lancets, nail files, toe separators, wooden sticks, sponges, and mascara wands.

Sterilize or Sterilization – The process of killing microorganisms (bacteria, fungi, viruses, and spores). The destruction of all microbial life, including bacteria, fungi, viruses, and spores, which removes or kills all forms of microbial life, including transmissible agents (such as fungi, bacteria, viruses and spore forms) by use of an autoclave or dry heat sterilizer.

Sterilizer – A device approved by the U.S. Food and Drug Administration (FDA) that sterilizes using high-pressure saturated steam (autoclave) or hot air that is nearly or completely free of water vapor (dry heat).

Tub—A standalone, open vessel that is filled with water and in which the client's feet are placed during a pedicure.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 978, Title 16, California Code of Regulations, as follows:

§ 978. Minimum Equipment and Supplies.

(a) All establishments owners, and schools owners, and licensees shall have and maintain the following minimum equipment and supplies:

(1) Have If hair services are performed, at least one covered waste container per establishment for the disposal of hair, if hair services are performed. Hair must be disposed of in a covered waste container.

(2) Have at least one Closed covered containers labeled "Dirty" to hold used linens, all soiled towels, gowns, smocks, linens and sheets in any enclosed area frequented by the public.

(3) Closed, clean cabinets, drawers, or containers to hold Store all clean non-electrical tools, towels, gowns, smocks, and linens and sheets in separate closed, clean containers made of non-porous materials.

(4) Have cContainers for disinfectant solution labeled "Disinfectant" for tools and equipment to be disinfected. Containers must be labeled "Disinfectant Solution." contain sufficient disinfectant solution to allow for complete immersion.

(5) Each container specified in (4) shall contain sufficient disinfectant solution to allow for the total immersion of tools. Have disinfected tools, labeled as clean, that are ready for use.

~~(6) If electrolysis is performed, an autoclave or dry heat sterilizer that meets the requirements of Section 982 single-use, pre-sterilized filaments must be used.~~

~~(7)(b) Have Establishments and schools shall have disinfectant solution, mixed according to manufacturer's directions and/or spray or wipes, available for use at all times.~~

~~(8)(c) Have a A-manufacturer-labeled container for the disinfectant used must be available at all times in the establishment or school. In the event that the last remaining disinfectant has been used, the empty manufacturer-labeled container must be present.~~

~~(9) All establishment owners, school owners, and licensees shall not have all tools in the establishment labeled as "Dirty".~~

(b) All licensees shall maintain chemical safety in the following manner:

(1) All containers shall be distinctly labeled to disclose their contents.

(2) Safety Data Sheets (SDS) for all hazardous chemicals must be readily available through electronic or printed means during business hours.

(3) All chemicals must be stored according to the manufacturer's label. No chemicals shall be stored in areas accessible by the public, such as restrooms.

(4) All chemicals shall be disposed of according to the manufacturer's directions when provided.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 979, Title 16, California Code of Regulations and title, as follows:

§ 979. Disinfecting and Storing Non-Electrical Tools.

~~(a) Before use upon a client, a~~All non-electrical tools that can be disinfected, excluding shears, shall be disinfected before each use in the following sequential manner:

(1) Remove ~~all~~ visible debris.

(2) Clean with soap ~~or detergent~~ and water.

(3) Completely dry tools with a new, ~~clean~~ paper towel.

~~(4) Then totally immerse in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions. Use an EPA-registered disinfectant to wipe, spray or completely immerse tool for entire contact time. Any tool that cannot be disinfected with a wipe or spray must be immersed.~~

~~(5) Licensees or students shall wear~~ Wear protective gloves or use tongs when removing immersed tools from the disinfectant.

~~(6) Let air dry or dry with a new paper towel.~~

(b) The EPA-registered disinfectant solutions ~~specified in subdivision (a)~~ shall:

(1) Remain covered at all times.

(2) Be changed according to the manufacturer's instructions or when it is cloudy or contains debris.

(c) All tools used on a client or contaminated ~~soiled~~ in any manner shall be placed in a container labeled "Dirty," ~~"Soiled,"~~ or "Contaminated."

(d) All disinfected tools shall be stored in a clean, covered place that is labeled "Clean," or ~~"Disinfected."~~

(e) Disinfected non-electrical tools shall not be placed in a container, pouch or holder which cannot be disinfected. This includes any pockets, belts or holsters made of leather or cloth and includes hairclips being placed on any leather or cloth item of clothing.

~~(f) Shears shall be disinfected according to the following sequential procedures:~~

~~(1) Remove all visible debris.~~

~~(2) Clean with soap or detergent and water.~~

~~(3) Spray or wipe the shear with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.~~

~~(g) Disinfected shears shall not be placed in a container, pouch or holder that cannot be disinfected.~~

~~(f)(h)~~ If tools specified in this section are sterilized in accordance with the requirements outlined in Section 982, the requirements of this section will be deemed to have been met.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 980, Title 16, California Code of Regulations, as follows:

§ 980. Disinfecting Electrical Tools.

(a) Clippers, and other electrical tools shall be ~~disinfected prior to~~ before each use in the following sequential manner:

(1) ~~First removing~~ Remove all visible debris from the tool; and

(2) Disinfect with an EPA-registered disinfectant spray or wipe following the manufacturer's directions. ~~with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions.~~

~~(b) All disinfected electrical tools shall be stored in a clean place.~~

~~(c) All soiled electrical tools used on a client, or soiled in any manner, shall be placed in a container labeled "Soiled", "Dirty" or "Contaminated" (excluding hot styling tools).~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 980.1, Title 16, California Code of Regulations and title, as follows:

§ 980.1. Procedures for Cleaning and Disinfecting Whirlpool Footspas, and Air-Jet Foot Basins.

(a) ~~As used in this section, "whirlpool footspa" or "spa" is defined as any basin using circulating water.~~ After use with a client, each foot basin shall be disinfected in the following sequential manner:

(1) Drain water from basin.

(2) Remove and clean any removable parts, such as screens, jets, footplates, and/or magnetic jets. Removable parts shall be scrubbed and cleaned individually with a clean brush, liquid soap, and water.

(3) Rinse the inside walls of the basin with water.

(4) Reinsert any clean removable parts.

(5) Refill with water and add appropriate amount of EPA-registered disinfectant.

(A) Circulating Foot Basin: disinfectant solution must circulate for required contact time.

(B) Non-Circulating Foot Basin: disinfectant solution must remain undisturbed in basin for required contact time.

(6) Drain disinfectant from basin and rinse with clean water.

(7) Wipe dry with a new paper towel.

(b) Record each disinfection in the pedicure equipment cleaning log. The log must contain the date, time and initials of the person who completed the procedure.

(c) Single-use disposable, recyclable liners designed specifically and manufactured for use, and used as intended by the manufacturer, as a foot basin liner shall not be disinfected or re-used. Trash bags shall not be used in place of a foot basin liner. The liner must be disposed of immediately after use and the basin shall be cleaned and disinfected according to steps 1, 3, 5, 6, and 7 above and logged according to section (b) above.

(A) Establishment owners, school owners and licensees who utilize liners must maintain a supply of five liners per foot basin for use at all times.

(B) Liners shall not be placed in a foot basin until the client is present.

(C) Removable magnetic jets shall be cleaned after every use according to the requirements of 979(a) and must not be stored in the foot basin when the foot basin is not in use.

~~(b) An air-jet basin is defined as any basin using an air jet stream system to move water.~~

~~(c) After use upon each client, each whirlpool footspa or air jet basin shall be cleaned and disinfected in the following sequential manner:~~

~~(1) All water shall be drained from the basin.~~

~~(2) The inside walls of the basin shall be scrubbed and cleaned of all visible debris with a clean brush, liquid soap (labeled as such on soap product) and water.~~

~~(3) The spa basin shall be rinsed with water.~~

~~(4) The spa basin shall be refilled with clean water.~~

~~(5) The water in the basin shall be circulated with the correct amount (read manufacturer label for mixing instructions) of the EPA-registered hospital-liquid disinfectant that is labeled as a bactericide, fungicide and virucide, through the basin for at least 10 minutes.~~

~~(6) The spa basin must be drained, rinsed, and wiped dry with a new, clean paper towel.~~

- ~~(7) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.~~
- ~~(d) At the end of each day and after the last client, each whirlpool footspa or air-jet basin shall be cleaned and disinfected in the following sequential manner:~~
- ~~(1) The screen and any other removable parts shall be removed.~~
 - ~~(2) Scrub all visible debris from the screen, inside walls of the basin, any other removable parts, and the area behind them with a clean brush, liquid soap (labeled as such on soap product) and water.~~
 - ~~(3) Reinsert the clean screen and any other removable parts.~~
 - ~~(4) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow the spa manufacturer's instructions).~~
 - ~~(5) Drain the detergent solution and rinse the basin.~~
 - ~~(6) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide through the basin for at least 10 minutes.~~
 - ~~(7) Drain, rinse and wipe the basin dry with a new, clean paper towel and allow basin to dry completely.~~
 - ~~(8) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.~~
- ~~(e) At least once each week, after completing the procedures provided in subsection (d) (1 through 6), each whirlpool footspa and air-jet basin shall not be drained and the following sequential procedures shall be followed:~~
- ~~(1) Do not drain the disinfectant solution. The unit shall be turned off and the disinfecting solution shall be left undisturbed in the unit for at least 6 hours.~~
 - ~~(2) After the disinfectant solution has been sitting at least 6 hours, drain and rinse the basin with clean water.~~
 - ~~(3) Refill the basin with clean water and flush the system.~~
 - ~~(4) Record this procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.~~
- ~~(f) The pedicure equipment cleaning log shall be made available upon request by either a client or a board representative.~~
- ~~(g) A whirlpool footspa "Not in Service" must have a notation on the pedicure equipment cleaning log that the footspa is not in service. The footspa must have a "Not in Service" sign displayed upon the chair and be kept in a sanitary condition.~~
- ~~(h) A violation of this section may result in an administrative fine and/or disciplinary action. Each whirlpool footspa or air-jet basin not in compliance with this section may result in a separate violation.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Repeal Section 980.2, Title 16, California Code of Regulations, as follows:

~~§ 980.2. Procedures for Cleaning and Disinfecting Pipe-less Footspas.~~

- ~~(a) As used in this section, “pipe-less” footspa is defined as any unit with footplates, impellers, impeller assemblies and propellers.~~
- ~~(b) After use upon each client, each pipe-less footspa shall be cleaned and disinfected in the following sequential manner:~~
- ~~(1) All water shall be drained from the spa basin.~~
 - ~~(2) Remove footplate, and any other removable components according to the manufacturer's instructions.~~
 - ~~(3) Scrub all visible debris from the impeller, footplate, inside walls of the basin, and other components and the areas behind or under each with a clean brush, liquid soap (labeled as such on soap product) and water. Rinse with clean water.~~
 - ~~(4) Reinsert the properly cleaned footplate, and other components.~~
 - ~~(5) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.~~
 - ~~(6) Drain, rinse and wipe the basin dry with a new, clean paper towel.~~
 - ~~(7) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.~~
- ~~(c) At the end of every day and after performing the procedures provided in subsection (b) (1 through 7) and after the last client, each pipe-less footspa shall be cleaned and disinfected in the following sequential manner:~~
- ~~(1) Fill the basin with warm water and detergent (labeled as such on detergent product) and circulate the detergent through the spa system for at least 10 minutes (follow manufacturer's instructions).~~
 - ~~(2) Drain the detergent solution and rinse the basin.~~
 - ~~(3) Refill the basin with clean water and circulate the correct amount (read the label for mixing instructions) of the EPA-registered hospital-liquid disinfectant which the label claims is a bactericide, fungicide, and virucide, through the basin for at least 10 minutes.~~
 - ~~(4) Drain, rinse and wipe the basin dry with a new, clean paper towel.~~
 - ~~(5) Allow the basin to dry completely.~~
 - ~~(6) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done at the end of the day.~~
- ~~(d) At least once each week, after completing the procedures provided in subsection (c) (1 through 3), and the disinfectant solution in each pipe-less footspa shall not be drained and the following sequential procedures shall be followed:~~
- ~~(1) The unit shall be turned off and the disinfecting solution shall be left in the unit undisturbed for at least 6 hours.~~
 - ~~(2) After the disinfectant solution has been sitting at least 6 hours, rinse and wipe the basin dry with a new, clean paper towel.~~

- ~~(3) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done weekly.~~
- ~~(e) The pedicure equipment-cleaning log shall be made available upon request by either a client or a board representative.~~
- ~~(f) A whirlpool footspa "Not in Service" must have a notation on the pedicure equipment-cleaning log that the footspa is not in service. The footspa must have a "Not in Service" sign displayed upon the chair and be kept in a sanitary condition.~~
- ~~(g) A violation of this section may result in an administrative fine and/or disciplinary action. Each pipe-less footspa not in compliance with this section may result in a separate violation.~~

Note: Authority cited: Sections 7312 and 7406, Business and Professions Code.
Reference: Section 7312(e), Business and Professions Code.

Repeal Section 980.3, Title 16, California Code of Regulations, as follows:

~~§ 980.3. Procedures for Cleaning and Disinfecting Non-Whirlpool Foot Basins or Tubs~~

- ~~(a) As used in this section, "non-whirlpool foot basins" or "tubs" are defined as any basin, tub, footbath, sink, bowl, and all non-electrical equipment that holds water for a client's feet during a pedicure service.~~
- ~~(b) After use upon each client, each non-whirlpool foot basin or tub shall be cleaned and disinfected in the following sequential manner:~~
- ~~(1) All water shall be drained from the foot basin or tub.~~
- ~~(2) The inside surfaces of the foot basin or tub shall be scrubbed and cleaned of all visible debris with a clean brush, liquid soap (labeled as such on soap product) and water.~~
- ~~(3) The foot basin or tub shall be rinsed with clean water.~~
- ~~(4) Refill the foot basin or tub with clean water and the correct amount (read the label for mixing instructions) of the EPA-registered hospital liquid disinfectant which the label claims is a bactericide, fungicide, and virucide. Leave the disinfecting solution in the foot basin or tub for at least 10 minutes.~~
- ~~(5) Drain, rinse and wipe the basin dry with a new, clean paper towel.~~
- ~~(6) Record this procedure in the pedicure equipment-cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.~~
- ~~(c) The pedicure equipment-cleaning log shall be made available upon request by either a client or a board representative.~~
- ~~(d) A violation of this section may result in an administrative fine and/or disciplinary action. Each non-whirlpool foot basin or tub not in compliance with this section may result in a separate violation.~~
- ~~(e) All disinfected basins or tubs shall be stored in a clean, covered place labeled "Clean" or "Disinfected".~~

Note: Authority cited: Sections 7312 and 7406, Business and Professions Code.
Reference: Section 7312(e), Business and Professions Code.

Repeal Section 980.4, Title 16, California Code of Regulations, as follows:

§ 980.4. Disposable Foot Basin or Tub Liners

~~(a) Single use, disposable, recyclable, liners designed specifically and manufactured for use as a foot basin or tub liner shall be disposed of immediately after each use and may not be disinfected or reused.~~

~~(1) After disposal of the pedicure basin liner the basin or tub shall be scrubbed and cleaned of all visible debris with a clean brush and liquid soap (labeled as such on soap product) and water. The foot basin or tub shall be rinsed with clean water and wiped dry with a new, clean paper towel.~~

~~(2) Record the cleaning procedure in the pedicure equipment cleaning log. The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client.~~

~~(3) The pedicure equipment cleaning log shall be made available upon request by either a client or a board representative.~~

~~(4) Establishments or schools that utilize the liners must maintain a supply of five (5) liners per foot tub basin for use at all times.~~

Note: Authority cited: Sections 7312 and 7406, Business and Professions Code.
Reference: Section 7312(e), Business and Professions Code.

Amend Section 981, Title 16, California Code of Regulations and title, as follows:

§ 981. Disposing Single-Use Tools and Supplies.

(a) All single-use tools and supplies which come into direct contact with a client and cannot be disinfected (including, but not limited to buffers, pumice stones, wax sticks, toe separators, gloves, cotton pads, sponges, emery boards, and neck strips) shall be disposed of in a waste container immediately after use on a single client.

(b) New supplies and single use, disposable tools shall be stored in a clean, covered place labeled "New." Any single-use tools categorized as "sharps," including, but not limited to, pre-sterilized filaments, dermaplaning blades, hair razors, and lancets must be placed in a puncture-resistant, disposable sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps disposal container must be replaced when not more than three-quarters full and disposed of as biohazardous waste.

(c) No person working or training in an establishment or school shall be permitted to carry any tools or supplies in or on a garment or uniform (including pouches and

holsters) while practicing any of the acts as defined in Section 7316 of the Business and Professions Code.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 982, Title 16, California Code of Regulations and title, as follows:

§ 982. Sterilizing Electrolysis Tools.

(a) If a licensee, establishment owner or school owner chooses to sterilize no-electrical tools, the tools must be processed in the following sequential manner:

(1) Remove visible debris.

(2) Clean with soap and water.

(3) Package tools in sterilization pouches before processing in either the FDA-approved autoclave or dry heat sterilizer.

(4) After the sterilization cycle, sterilized tools shall remain in their pouches until ready for use. Pouches must be dated, labeled "Sterilized" (or have color indicators), and be undamaged.

(5) Any tool removed from the sterilization pouch, found in a damaged pouch, used on a client or contaminated in any manner shall be placed in a container labeled "Dirty."

(b) Sterilizers shall be checked monthly by a spore test kit sent to an independent laboratory to ensure efficacy.

(c) Spore test results shall be maintained in the establishment for one year and shall be made available upon request by either a client or a Board representative.

(d) Any package that was processed prior to a failed spore test result must be processed again with a functioning sterilizer.

~~(a) Before use upon a client in schools and establishments, all electrolysis tools that can be sterilized, excluding single-use, pre-sterilized, disposable needles/wire filaments, shall be sterilized by one of the following methods:~~

~~(1) Clean with soap or detergent and water (which may include the use of ultrasonic equipment) and then sterilized by one of the following methods:~~

~~(A) Autoclave, registered and listed with the U.S. Food and Drug Administration (FDA), used according to manufacturer's instructions.~~

~~(B) Dry heat sterilizer, registered and listed with the U.S. Food and Drug Administration (FDA), used according to manufacturer's instructions.~~

~~(C) Chemical (color change) indicators must be used on each sterilized package to indicate the sterilization process was completed.~~

~~(2) All sterilized tools shall remain in the package they were sterilized in until ready for use. This package must be undamaged and labeled "Sterilized" or "Sterilization".~~

~~(3) All tools that have been used on a client or soiled in any manner shall be placed in a container labeled "Dirty," "Soiled" or "Contaminated."~~

~~(4) Sterilization equipment shall be checked weekly to ensure that it is reaching the temperature required by manufacturer's instructions.~~

~~(b) Single use, pre-sterilized, disposable electrolysis needles/wire filaments must be placed in a puncture resistant sharps container immediately after use, when contaminated before use, or when opened and found damaged. The sharps container must be changed when not more than three quarters filled and disposed of as biohazardous waste.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 983, Title 16, California Code of Regulations and title, as follows:

§ 983. Hand Hygiene Personal Cleanliness.

~~(a) The attire of a licensee or student serving a client shall at all times be clean.~~

~~(a)(b) Every licensee or student performing services shall thoroughly wash their his or her hands with soap and water or use any equally effective alcohol-based hand-cleaning product immediately before serving each client.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 984, Title 16, California Code of Regulations and title, as follows:

§ 984. Communicable Illness Disease and Infestation.

(a) No establishment owner or school owner shall knowingly permit a licensee or student afflicted with an infection or parasitic infestation capable of being transmitted to a client to serve clients or train in the establishment or school. A licensee or student with fever, vomiting, diarrhea, or rash of unknown origin shall not perform services on clients, unless a note from a healthcare provider confirms they are not contagious.

(b) No establishment owner or school owner shall knowingly require or permit a licensee or student to work on a client with an infection or parasitic infestation capable of

being transmitted to the licensee or student. A client who provides documentation from a healthcare provider that specifically states there is no risk of transmission (for example, psoriasis or eczema) is not considered to be infectious.

- ~~(c) Infections or parasitic infestation capable of being transmitted between licensee or student and client include, but are not limited to, the following:~~
- ~~–Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever.~~
 - ~~–Streptococcal pharyngitis (“Strep throat”), until 24 hours after treatment has been initiated, and 24 hours after resolution of fever.~~
 - ~~–Purulent conjunctivitis (“pink eye”), until examined by a physician or other licensed clinician and approved for return to work.~~
 - ~~–Pertussis (“whooping cough”), until five days of antibiotic therapy has been completed.~~
 - ~~–Varicella (“chicken pox”), until the sixth day after onset of rash or sooner if all lesions have dried and crusted.~~
 - ~~–Mumps, until nine days after onset of parotid gland swelling.~~
 - ~~–Tuberculosis, until a local health department authority states that the individual is noninfectious.~~
 - ~~–Impetigo (bacterial skin infection), until 24 hours after treatment has begun.~~
 - ~~–Pediculosis (head lice), until the morning after first treatment.~~
 - ~~–Scabies (“crabs”), until after treatment has been completed.~~

~~(c)(d) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.~~

~~(d)(e) No person working or training in an establishment or school shall perform services shall be performed upon a surface of the skin or scalp where such skin is inflamed or broken (e.g., abraded, cut), or where a skin infection or eruption is present without wearing new single-use gloves; nor shall a person working or training in an establishment or school perform services be performed if the skin of a licensee’s his or her hands is inflamed, or broken, or where a skin infection or eruption is present, without wearing new single-use gloves.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code; and Section 121365, Health and Safety Code.

Repeal Section 985, Title 16, California Code of Regulations, as follows:

~~§ 985. Neck Strips.~~

~~A sanitary neck strip or towel shall be used to keep the protective covering, such as client capes, from coming in direct contact with a client’s neck.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 986, Title 16, California Code of Regulations and title, as follows:

§ 986. Neck Dusters and Brushes.

(a) Before use on a client, ~~all brushes, including but not limited to, natural fiber, facial, acrylic, nail art, tint and make-up brushes~~ neck or nail dusters and all other manicure brushes that are used in an establishment or school on a client shall be cleaned in the following sequential manner:

(1) ~~Remove all-visible debris.~~

(2) ~~Clean with soap or detergent and water~~ a cleansing agent appropriate to the brush.

i. Use make-up brush liquid spray cleaner or isopropyl alcohol for makeup brushes.

ii. Use an EPA-registered disinfectant according to manufacturer's directions for hairbrushes.

iii. Use acrylic monomer or acetone-based cleaners for acrylic application brushes.

iv. Use isopropyl alcohol or acetone-based cleaners for gel color and nail art brushes.

(3) ~~Lay brushes on a towel to dry. Dry dusters or brushes.~~

(4) ~~Store all clean dusters or brushes in a clean, covered container place which is labeled "Clean."~~

(5) ~~All dusters or brushes used on a client or contaminated-soiled in any manner shall be placed in a container labeled "Dirty," "Soiled" or "Contaminated".~~

(b) ~~Before use on a client, natural fiber, facial, acrylic, gel, nail art, and makeup brushes used in an establishment or school, on a client, shall be cleaned in the following sequential manner:~~

(1) ~~Remove all visible debris.~~

(2) ~~Clean by using a cleansing agent(s) such as: monomer, makeup brush liquid/spray cleaner, alcohol.~~

(3) Dry brushes.

(4) Store all clean brushes in a clean, covered place which is labeled "Clean".

(5) All brushes used on a client or soiled in any manner shall be placed in a container labeled "Dirty", "Soiled" or "Contaminated".

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) Business and Professions Code.

Amend Section 987, Title 16, California Code of Regulations and title, as follows:

§ 987. LinenTowels.

(a) After a ~~towel, sheet, robe, linen, or smock~~ has been used once, it shall be placed deposited in a closed, vented container made of non-porous material labeled "Dirty" and not used again until properly laundered ~~and sanitized~~.

(b) ~~Towels, sheets, robes, linen and smocks~~ Linen shall be laundered either by regular commercial laundering or by a noncommercial laundering process, ~~which includes immersion in water at least 160oF for not less than twenty-five (25) minutes during the washing or rinsing operation. Alternately, it is acceptable if the commercial laundry opts to use chemicals and cold water to reduce organisms on laundry, provided the laundry follows manufacturers' instructions for washing machines, dryers, detergents, rinse aids, and other additives. The laundry detergents used are not required to have stated antimicrobial claims.~~ Non-commercial laundering requires using a washer on the hot water setting and a dryer until linens are hot to the touch.

(c) All clean ~~towels, sheets, robes, linen and smocks~~ shall be stored in clean, closed cabinets or a clean, closed container.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 988, Title 16, California Code of Regulations and title, as follows:

§ 988. Multi-Use Containers. Liquids, Creams, Powders, and Cosmetics.

(a) All ~~liquids, creams, waxes, shampoos, gels and other cosmetic preparations~~ cosmetic products shall be kept in clean, closed containers. Powders may be kept in clean shakers.

(b) ~~All bottles and containers shall be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances shall be~~

~~additionally and distinctly marked as such. Poisonous substances that are maintained in the manufacturer labeled container are not required to have additional labeling.~~

~~(c)(b)~~ When only a portion of a cosmetic ~~preparation product~~ is to be used on a client, it shall be removed from the bottle or container in such a way as not to contaminate the remaining portion.

(1) This provision does not apply to cosmetic ~~preparations products~~ that have been demonstrated to be unlikely to transmit pathogens, ~~(e.g., such as nail polish, artificial nail acrylic monomer, liquids and gel nail polish).~~

~~(d)(c)~~ ~~Pencil cosmetics~~ Cosmetic pencils shall be sharpened before each use and pencil sharpeners shall be disinfected after each use according to section 979(a).

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 989, Title 16, California Code of Regulations and title, as follows:

~~§ 989. Prohibited Hazardous Substances, /Use of Products. No establishment or school shall:~~ Equipment, Tools and Supplies.

~~(a) Have on the premises cosmetic products containing hazardous substances banned by the U.S. Food and Drug Administration for use in cosmetic products. Establishment owners, school owners, and licensees shall not have on the premises or use:~~

~~(1)(b) Have on the premises m~~Methyl methacrylate monomer, and/or methylene chloride.

(2) Methylene chloride.

(3) A credo blade, rasp or any other tool intended to mechanically cut or remove skin, corns and/or calluses.

(4) Ultra-violet light boxes or cabinets used for sterilization or disinfection of tools. This does not include lights used to cure gel nail polish.

(5) Sterilization pouches (unless used with an autoclave or dry heat sterilizer according to section 982).

(6) Roll-on wax applicators that cannot be disinfected.

(7) Neck or nail dusters.

(8) Glue or adhesive unless used according to manufacturer's instructions and intended use.

(10) Piercing and tattooing equipment or machines unless trained and registered with the appropriate regulating agency.

(b) Establishment owners, school owners and licensees shall not advertise or provide:

(1) Any type of injection, regardless of whether the device uses a needle.

(2) Removal of hair from the inside of the nose or ear canal.

(3) Removal of ingrown toenails.

(4) Removal of moles and/or skin tags.

(5) Emptying the intestines by means of adding fluids to the lower portion of the gastrointestinal tract or rectum, such as colonics.

(6) Medical claims such as weight loss or detoxification.

(7) Any service using a live animal as a part of the service.

~~(c) Use a product in a manner that is disapproved by the FDA, Occupational Safety and Health Administration or EPA.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 990, Title 16, California Code of Regulations and title, as follows:

§ 990. ~~Headrests, Shampoo Trays and Bowls,~~ and Treatment Tables.

~~(a) The headrest of chairs shall be covered with a clean towel or paper sheet for each client.~~

~~(b)(a) Shampoo trays and bowls must be cleansed-cleansed with soap and water or other detergent after each use shampoo, kept in good repair, and kept in a clean sanitary condition at all times.~~

~~(c)(b) Before service, tTreatment tables shall must be covered with either new clean single-use treatment table paper, a clean towel-linen or a clean sheet, non-porous covering that shall be disinfected between uses after each use. After a towel or sheet has been used once, it shall immediately be removed from the treatment table and be~~

~~deposited in a closed container and not used again until it has been properly laundered and sanitized.~~

(c) Treatment table paper shall be immediately disposed of after a single use. Disinfect the treatment table before covering with clean treatment table paper, a clean linen, or a non-porous covering. Used linens shall be handled according to the requirements of section 987.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 991, Title 16, California Code of Regulations, as follows:

§ 991. Invasive Procedures.

(a) No licensee or student may use or have on the premises any a product, device, machine, or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis. Any such act shall be considered an invasive procedure.

(b) Prohibited ~~invasive~~ procedures include, but are not limited to, the following:

~~(1) Application of electricity that visibly contracts the muscle.~~

~~(2) Application of topical lotions, creams, serums or other substances which require a physician's prescription or a medical license to purchase.~~

~~(23) Penetration of the skin by metal needles or filaments, except electrolysis needles/wire filaments, in electrology services performed by a licensed electrologist.~~

~~(34) Abrasion and/or exfoliation of the skin below the epidermis epidermal layers.~~

~~(45) Removal of any callus, corn or skin tag by means of a razor-edged tool or similar device.~~

(5) Any action that results in thermal, chemical or electrical burn of the skin.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, 7320, 7320.1, Business and Professions Code.

Repeal Section 992, Title 16, California Code of Regulations, as follows:

~~§ 992. Skin Exfoliation.~~

- ~~(a) Only the upper layer of the skin, known as the epidermis, may, by any method or means, be removed, and then only for the purpose of improving the appearance of the skin.~~
- ~~(b) Skin removal techniques and practices which result in destruction of living tissue beyond the epidermal layer of the skin is prohibited.~~
- ~~(c) Only over the counter products that are not sold for physician's use only may be used for the purpose of skin exfoliation.~~
- ~~(d) All skin exfoliation products must be applied using the manufacturer's instructions for consumer health and safety.~~

~~Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, and 7320, Business and Professions Code.~~

Repeal Section 993, Title 16, California Code of Regulations, as follows:

~~§ 993. Prohibited Tools.~~

- ~~(a) No establishment or school shall have on the premises or use any razor-edged tool for the purpose of removing calluses or other similar procedures.~~
- ~~(b) No establishment or school shall have on the premises or use any needle-like tool used for the purpose of extracting skin blemishes and other similar procedures.~~

~~Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7320, and 7320.1, Business and Professions Code.~~

Amend Section 994, Title 16, California Code of Regulations, as follows:

§ 994. Cleanliness and Repair.

Establishment owners, school owners, and licensees shall:

- ~~(a) Establishments and schools shall kKeep the floors, walls, ~~woodwork,~~ ceilings, furniture, furnishing, ~~and fixtures,~~ and equipment clean and in good repair.~~
- ~~(b) Not allow No establishment or school shall permit an waste, hair clippings, or refuse to accumulateion of waste, hair clippings, or refuse or overflow their containers.~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

Amend Section 995, Title 16, California Code of Regulations, as follows:

§ 995. Building Standards.

(a) All licensed establishments and schools shall have:

~~(1)~~(a) Establishments and schools shall have a A system of adequate ventilation in accordance with Part 2, Section 1203, Title 24, California Code of Regulations.

~~(2)~~(b) A supply of hot and cold running water shall be provided in accordance with Part 5, Section 601.~~34~~34.1, Title 24, California Code of Regulations.

~~(3)~~(c) Establishments and schools shall supply potable Potable drinking water in accordance with Part 5, Section 601.~~34~~34.3, Title 24, California Code of Regulations.

~~(4)~~(d) Establishments and schools shall provide hand Hand washing facilities in accordance with Part 5, Section 601.~~34~~34.2, Title 24, California Code of Regulations.

~~(5)~~(e) Establishments and schools shall provide public Public toilet rooms in accordance with Part 5, Sections 422.6, 422.7, and Table No. 422.1, Title 24, California Code of Regulations.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e) and 7352, Business and Professions Code.

Agenda Items

No. 6-8

No Attachments