

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**APRIL 6, 2026**

**Board Meeting**

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

**and**

**Public Teleconference**

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

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

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**BOARD MEMBERS:**  
Tonya Fairley, President  
Danielle Munoz, Vice  
President  
Anthony Bertram  
Michelle Edgar  
Megan Ellis  
Dr. Yolanda Jimenez  
Sinar Lomeli  
Tamika Miller  
Calimay Pham  
Steve Weeks

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**April 6, 2026  
Department of Consumer Affairs  
1747 North Market Blvd  
HQ2 Hearing Room #186  
Sacramento, CA 95834**

**09:30 am - Until  
Completion of Business**

**AGENDA**

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

**OPEN SESSION:**

1. Call to Order/ Roll Call/ Establishment of Quorum (**Tonya Fairley**)
2. Review, Discussion and Possible Approval Regarding the Sunset Review Hearing Responses
3. Public Comment on Items Not on the Agenda  
*Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))*
4. Adjournment

*Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location listed above or log in via Webex with the instructions below.*

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

This meeting is available to the public in person, via Webex and webcast. The meeting is accessible to the physically disabled.

A person who needs disability-related accommodation, modification in order to participate in the meeting, or any other information may make a request by contacting:

Monica Burris at (279) 280-8517, email: [monica.burris@dca.ca.gov](mailto:monica.burris@dca.ca.gov), or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

**Virtual/Teleconference instructions and information:** If you would like to participate virtually via WebEx Events, you may find the instructions to connect to the meeting can be [here](#).

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 a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: [XXXXXX@mailinator.com](#).

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*Agenda Item*

*No. 1*

*No Attachments*

## CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to the Board or areas of concern that should be considered, along with background information for each issue. There are also recommendations Committee staff have made regarding particular issues or problem areas the Board needs to address. The Board and other interested parties have been provided with this Background Paper and the Board will respond to the issues presented and the recommendations of staff.

### **BBC ADMINISTRATIVE ISSUES**

#### **ISSUE #1: (NATIONAL EXAMINATIONS AND BPC § 139.) Should the BBC be required to conduct occupational analyses for license types for which there is no California-specific examination?**

**Background:** To obtain a license from the BBC, applicants are required to take and pass a written examination. BPC § 7338 specifies that examinations must be “determine the applicant’s skill in, and knowledge of, the practice of the occupation for which a license is sought and shall include written tests in antisepsis, disinfection, and the use of mechanical apparatus and electricity as applicable to the practice for which the applicant has applied for licensure.” As soon as an applicant passes the examination, they can be issued a license almost immediately.

The objective of a license examination is to determine whether applicants meet minimum competency requirements. Consequently, examination reviews and occupational analyses are conducted to assess whether the examination appropriately evaluates the candidates’ skill levels in carrying out tasks routinely performed by the profession in a safe and competent manner. BPC § 139 requires the DCA and programs within the Department to develop a policy to evaluate examinations and conduct occupational analyses, and define circumstances under which review is appropriate, standards for review of state and national examinations, and standards for determining appropriate costs of reviews, among other examination policy considerations.

National examinations provide many advantages to regulatory programs and licensees alike. For example, licensing entities are not required to develop and administer the examinations, which provides considerable cost and workload savings to the program. For license candidates, advantages include that a national examination provides increased portability, greater assurance that their education will prepare them to pass the examination, and increased availability of test taking dates and locations. However, there is rationale for a California-specific examination in some circumstances that must be considered on a case-by-case basis. For example, there are professions where the law and ethical standards in California deviate sharply from other states, seismic considerations for engineering and architecture that must be evaluated in California, professions that do not require licensure in other states, and professions for which there is not a national examination.

A key component of BPC § 139 is the legislative findings of subdivision (a), which state in relevant part: “It is the intent of the Legislature that the policy developed by the department pursuant to subdivision (b) be used by the fiscal, policy, and sunset review committees of the Legislature in their annual reviews of these boards, programs, and bureaus.” During the legislative process and sunset oversight, each program within DCA has established whether its examination for licensure is California-specific, a national examination, or a combination of both. A program can also move to adopt a national examination on its own volition if it is not mandated to require a specific examination.

The written examination BBC uses is developed by the National Interstate Council of Board of Cosmetology (NIC), which the Board adopted in 2009. Yet, the BBC sunset report includes attachments C1, the 2019 Occupational Analysis of the Barbering Profession, C2, the 2020 Occupational Analysis of the Electrologist Profession, C3, 2021 Occupational Analysis of the Esthetics Profession, and C4, the Occupational Analysis of the Manicurist Profession. A summary description of each occupational analysis (OA) states the Board requested that the Department of Consumer Affairs’ Office of Professional Services (OPES) conduct the OA to define the practice for each profession in California in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure. The conclusion of each study states that use of the outline contained in the report ensures the Board is compliant with BPC § 139.

BPC § 139(c) states, “Every regulatory board and bureau, as defined in Section 22, and every program and bureau administered by the department, the Osteopathic Medical Board of California, and the State Board of Chiropractic Examiners, shall submit to the director on or before December 1, 1999, and on or before December 1 of each subsequent year, its method for ensuring that *every licensing examination administered by or pursuant to contract with the board is subject to periodic evaluation*” [emphasis added]. It is the Committees’ belief that the Legislature did not intend for a DCA program to be required to routinely evaluate a national examination that is not administered by or under contract with a DCA program under the provisions of BPC § 139.

In the Board’s sunset report, Table 3. Expenditures by Program Component (page 20), the Examination line item shows \$1.833 million in FY 2021/22, \$2.053 million in FY 2022/23, \$2.405 million in FY 2023/24, and \$ 2.699 million in FY 2024/25. Over the reporting period, a total of \$8.99 million has been spent on the examination line item even though the Board only has one California-specific examination for the hairstyling license type.

**Staff Recommendation:** *The Board should update the Committees on the status of OPES examination review, costs for this work, and any next steps the Board plans to take.*

**Board Response:**

The Board complies with section 139 by contracting with the OPES for Occupational Analysis (OA). Since 2019, the costs to the Board are as follows:

Service	Costs for Subject Matter Experts	Costs for OPES
2019 Barber OA	\$5,282	\$57,072
2020 Electrology OA	\$3,775	\$56,592
2021 Esthetic OA	\$2,400	\$56,016
2021 Manicurist OA	\$2,400	\$56,016
2026 Cosmetology OA	\$7,019	\$59,636
Totals	\$20,876	\$285,332
<b>Total 2019 - 2026</b>		<b>\$306,208</b>

In addition to the costs noted above, the Board is required to have the OPES review the national examination that is currently used. These costs are:

Service	Costs for Subject Matter Experts	Costs for OPES
2021 National Exam Review & Linkage (all types)	\$1,600	\$35,724
2022 National Electrologist Exam Review	\$700	\$12,904
2026 National Cosmetology Exam Review & Linkage	\$1,600	\$31,036
Totals	\$6,200	\$79,664
<b>Total 2021 - 2026</b>		<b>\$85,864</b>

These costs do not include the extensive Board staff time that must be utilized to recruit, develop contracts, and oversee the subject matter experts that are needed for this process.

The Board currently pays for the occupational analysis to be conducted by OPES as well as by the national examination vendor. Part of the Board’s contract with the national examination vendor requires the adherence to industry professional guidelines and technical standards (i.e. The Standards for Educational and Psychological Testing (2014) American Educational Research Association, American Psychological Association, and National Council on Measurement in Education). In addition, the contract requires that the vendor must utilize California licensees in the examination development process. This is a duplicative cost to the Board that does not appear to be needed.

The Board plans to evaluate whether duplicative analysis and review requirements can be streamlined and will work with the Committees on potential statutory or contractual changes to reduce unnecessary costs.

**ISSUE #2: (BOARD REGULATION APPROVALS.) Is the regulations approval timeline reasonable? What are the delays and where can efficiencies be achieved?**

**Background:** During the previous sunset oversight review, the Committees requested the Board to provide the Committees with an update on pending regulations and the current timeframes for regulatory packages. The focus on proposed regulation approval originates from what appears to be a systemic increase in time from development to approval for regulations within DCA programs.

Prior to 2016, boards and bureaus like BBC organized within DCA filed rulemaking packages directly with OAL. Boards and bureaus were not required to submit rulemaking packages to DCA or the overseeing agency for review and approval prior to submission for publication in the Notice Register. OAL reported that this process was unusual within state government: most programs must submit regulations packages to their respective agency for approval. As a result, in September 2016, the Secretary of the Business, Consumer Services, and Housing Agency (BCSH) changed the procedures: boards and bureaus were now required to submit rulemaking packages to DCA and BCSH for review prior to filing with OAL. BCSH stated that the reason for the decision was an increase in the number of regulations disapproved by OAL for failing to meet their statutory requirements.

According to a 2019 DCA report to the Legislature, Internal Review of Regulation Procedures, “the resulting enhanced scrutiny from Agency and DCA’s Legal Affairs Division successfully reduced the number of disapproved regulation packages, with the number of disapprovals falling from nine in 2016 to only one in 2018.” The report also found that “while disapproval rates plummeted, a consequence was lengthened timelines to adopt regulations. Several boards and bureaus raised objections to the lengthened review time and reported difficulty obtaining timely updates about regulation packages under review.” The “pre-review” process required regulations to go through DCA’s entire review

process prior to the package being submitted for public comment. DCA established a formal Regulations Unit to “minimize the length of time it currently takes to review regulatory packages; allow board and bureau attorneys to focus on the increased workload of non-regulatory work; respond to the demand of regulation packages under review and the increase of regulation packages from AB 2138 (Chiu and Low; Chapter 995, Statutes of 2018); avoid the habitual carry-over of regulation packages; and enhance the level of regulation training provided to boards and bureaus to improve the quality of regulations and create efficiencies by having better quality packages submitted for review.”

Promulgating regulations allows state programs to clarify, make specific, or implement statute. The Board adopts regulations to add specificity to the Act stemming from legislation in order to establish a framework for program administration, e.g. to establish training requirements, set fees, stand up the enforcement procedures and disciplinary guidelines, etc. When promulgating regulations, programs must comply with the Administrative Procedure Act (APA) (Government Code section 11340 et seq.). Requirements include providing a 45-day public notice of the proposed regulation and an opportunity for stakeholders to comment and compel changes to the language. In cases when the language is amended, there will be an additional 15-day notice period. Once the language is final, the proposed regulation is submitted to the Office of Administrative Law, which reviews the regulation to ensure six standards are met and/or established: 1) necessity; 2) authority; 3) clarity; 4) consistency; 5) reference; and 6) nonduplication (GOC § 11349.1(a)). The Office of Administrative Law has strict timelines and must approve or disapprove a regulation within 30 days of submission or the regulation is deemed to have been approved (GOV § 11349.3(a)).

However, before a proposed regulation is submitted to OAL, it undergoes rigorous review at the Department and Agency levels. These reviews often result in regulations being returned for rework then rereview multiple times. This review is not required to adhere to timelines and programs have reported that proposed regulations have taken years to obtain approval from DCA’s Legal Affairs Division. During the Board’s previous sunset review, regulations were discussed in the Committees’ background paper and the Committees recommended that the Board provide the Committees with an update on pending regulations and the current timeframes for regulatory packages. Based on this recommendation in the previous background paper, the Board provided an update in its Prior Issues section of its current report. As reported by the Board, since the last sunset review:

The Board has promulgated several regulatory packages since the last sunset review. Below is each regulatory package, when it was initiated, and the timeline for completion:

Topic	Start Date	Status
AB 2138 Substantial Relationship & Rehab Criteria	05/18/2019	Approved by OAL on 06/09/2021, Effective on 06/09/2021.
Personal Service Permit	02/12/2019	Approved by OAL on 07/23/2021, Effective on 10/01/2021.
Instructional Materials	02/11/2019	Approved by OAL on 09/20/2022, Effective on 01/01/2023.
Transfer of Credit	05/25/2018	Approved by OAL on 08/10/2023, Effective on 10/01/2023.
SB 803 Clean-Up	12/03/2021	Approved by OAL on 08/28/2024, Effective on 10/01/2024.
Technical Clean-up, Section 100	01/26/2024	Approved by OAL on 05/15/2025, Effective on 05/15/2025.

Pre-Apprentice Training	01/01/2022	Approved by OAL on 04/16/2025, Effective on 07/01/2025.
SB 1451 Hairstylist Licensing Fees	09/22/2024	Approved by OAL on 08/07/2025, Effective on 10/01/2025.

Certainly, time for development and writing can be significant depending on the complexity, size, and stakeholder interest of a proposed regulation. However, the approval timelines appear excessive. While the Department review has improved approval rates, the Committees question whether the review provides a level of feedback and improvement that offsets the delays experienced by the programs, especially when this table confirms reports from other programs – that it can take years to obtain approval to submit a proposed regulation to OAL. As a board – a semi-autonomous entity within the administration that can sponsor its own legislation – it may be more effective and less workload intensive to run legislation in many cases rather than promulgate regulations.

***Staff Recommendation:*** *BBC should inform the Committees of the causes of the significant delays in its most recently reported approved regulations and any pending regulations. The Board should also discuss ways to effectively shorten approval timelines and a plan to implement those methods. The Board should also discuss whether it would be beneficial to codify certain regulations to allow future changes to be made through the legislative process.*

**Board Response:**

The Board understands that the time frames for regulations to be approved are longer than desired. The Board works closely with the DCA’s Regulation Unit to ensure the proposed regulatory package submitted to OAL meets statutory requirements and is well-reasoned and fully supported, maximizing the likelihood of approval. In doing so, regulatory language may receive several edits that are then discussed and approved at one of the Board’s quarterly board meetings.

Given the structure of the Board being within a department that is within an agency, there are five state entities that play a role in the regulatory process including the Board. These are: the DCA, Business Consumer Services and Housing Agency, Department of Finance, and then finally the OAL. Each entity must utilize adequate time to review and provide feedback on these regulatory packages. Should any changes be requested at any level, the package is returned to the Board at the following scheduled board meeting. This process can naturally extend the time to submit a regulation to OAL.

The Board allocates one full-time position to be dedicated to developing regulations that has been vacant since 8/2025. The Board recently re-classed this position from an Analyst II to an Analyst III. This higher level of state classification will allow the Board to hire someone with greater skills that will be able to develop regulatory language that would require minimal changes therefore reducing the timeframe. Regarding codifying certain regulations, the Board does see an advantage of having legislative language that does not require regulatory clarification. One area where this could be beneficial is the Apprentice Program (discussed under item #10). The Board looks forward to working with Committee staff to strengthen statutory language.

**BBC LICENSING ISSUES****ISSUE #3: (CLEAN UP AND REVISION OF BBC BUSINESS REQUIREMENTS.) Should BBC be authorized to issue licenses to limited liability companies (LLCs) and require Secretary of State (SOS) registration for its establishment applicants?**

**Background:** The Board has historically issued establishment licenses to LLCs, but current statute is not clear if this business structure is allowed under the Act. SB 323 (Vargas, Ch. 419, 2012) enacted the California Revised Uniform Limited Liability Company Act, which allows a business that is required to be licensed under the Business and Professions Code to form as an LLC so long as the practice act specifically authorizes its licensees to form as an LLC (Corporations Code (CORP) § 17701.04 (b)). However, the Act does not authorize an establishment to form as an LLC.

Prior to the revisions to the limited liability company requirements, the Beverly-Killea Limited Liability Company Act prohibited domestic and foreign LLCs from rendering professional services in California. Professional services were defined as “any type of professional services which may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.”

In 2004, Attorney General Opinion No. 04-103 concluded that, “A business that provides services requiring a license, certification, or registration pursuant to the Business and Professions Code may conduct its activities as a limited liability company if the services rendered require only a nonprofessional, occupational license.”

Following the AG opinion, numerous DCA boards and bureaus that issued occupational licenses began issuing licenses to LLCs, including the BBC. However, now that the question of whether “professional services” are being rendered is no longer a trigger and specific authority must be granted by the practice act, DCA programs have systematically requested authority to issue licenses to LLCs through amendments to their practice acts, most recently, the Home Furnishings and Thermal Insulation Act and Household Movers Act by SB 814 (Roth, Chapter 508, Statutes of 2023).

Separately, the Board issues licenses to corporations, but does not require the corporations to be in good standing with the Secretary of State (SOS), provide its identification number issued by the SOS, or provide information about the Chief Executive Officer, Secretary, Chief Financial Officer, or any other corporate officer who will be active in the establishment being licensed.

Corporations Code (CORP) § 200(a) authorizes one or more natural persons, partnerships, associations or corporations, domestic or foreign, to form a corporation by executing and filing articles of incorporation with the SOS, at which time, the corporate existence begins unless expressly provided by law or in the articles of incorporation. The corporation must meet additional requirements, such as: choosing a name that is distinguishable and not misleading to the public, as determined by the SOS; including minimum information in the articles of incorporation; and set forth the number of directors of the corporation; among other requirements. Additionally, within 90 days of filing the articles of incorporation and every 24 months thereafter, the corporation must file a statement of information or be subject to suspension (CORP § 2205).

Many of the programs within DCA that issue licenses to corporations require the corporation to provide some form of information to demonstrate the corporation is in good standing with the SOS, whether it’s the SOS identification number, the statement of information, or a copy of the articles of incorporation as a condition precedent to licensure. Additionally, most of these programs automatically

suspend a license when a licensee fails to remain in good standing with the SOS. Examples of other practice acts that require SOS registration for their corporations are locksmiths, alarm companies, contractors, repossessioners, proprietary security services, private security services, automotive repair, electronic and appliance repair, and registered dispensing ophthalmic businesses. It is unclear why the Board's corporations do not follow suit.

**Staff Recommendation:** *The Board should advise the Committees whether establishment licensees should demonstrate good standing with the Secretary of State as a condition of licensure. The Committees may wish to implement this requirement. The Committees may wish to implement explicit authority to license establishments formed as limited liability companies.*

**Board Response:**

The Board believes that requiring an establishment that is not owned by a sole proprietor to be in good standing with the Secretary of State as a condition of licensure would be a positive and appropriate change. In addition, the Board believes that a business that owns and operates an establishment can also be a Limited Liability Company. Currently, the majority of establishments are owned by sole proprietors. Board data reflects the following distribution of licensed establishments that are not owned by a sole proprietor:

- 4,744 Corporation
- 5,281 Limited Liability Companies
- 1,230 Partnership

The Board further believes that the requirement to maintain good standing with the Secretary of State should also apply to Board-approved schools and apprenticeship programs that are not owned by a sole proprietor. This would help ensure that all organizational entities participating in the Board's licensing and training structure meet baseline compliance and accountability standards.

**ISSUE #4: (SCHOOL REVIEW.)** The Board still believes it should have sole oversight for schools that train students to become licensed in cosmetology, barbering, and electrology, despite lacking the expertise for important student protections that are provided to California students under the California Private Postsecondary Education Act administered by the Bureau for Private Postsecondary Education. Will changes result in meaningful opportunities for students desiring training and careers in the beautification services industry?

**Background:** The Board shares oversight of barbering and cosmetology schools with the Bureau for Private and Postsecondary Education (BPPE), both having statutory authority to approve schools as a legal condition for them to operate. A school is approved by the Board then by BPPE. However, the Board's approval is limited to reviewing criteria in BPC § 7362.1:

- Facility approval, including square footage and equipment for comprehensive instruction.
- Sufficient enrollment of 25 bona fide full-time students.
- Curriculum approval, including practical training and technical instruction to be taught and hours taught in each topic.

BPPE has oversight to approve all other aspects of licensing the school, including ensuring the following minimum operating standards are met: 1) the content of each educational program can achieve its stated objective; 2) the institution maintains specific written standards for student admissions for each educational program and those standards are related to the particular educational program; 3) the facilities, instructional equipment, and materials are sufficient to enable students to

achieve the educational program's goals; 4) the institution maintains a withdrawal policy and provides refunds; 5) the directors, administrators, and faculty are properly qualified; 6) the institution is financially sound and capable of fulfilling its commitments to students; 7) upon satisfactory completion of an educational program, the institution gives students a document signifying the degree or diploma awarded; 8) Adequate records and standard transcripts are maintained and are available to students; and 9) the institution is maintained and operated in compliance with the California Private Postsecondary Education Act of 2009 and all other applicable ordinances and laws (Education Code (EDC) § 94885).

The Board conducts inspections prior to approval and routine inspections to complete its licensing mandate. In addition to reviewing and approving new school applications, the Board provides schools with quarterly pass/fail rates, which are required to maintain their accreditation status. The Board also receives various applications for schools, such as adding or removing a course, updating authorized personnel, and updating school contact information. Schools do not pay an application fee to the Board, which would reimburse the Board for application processing workload. Additionally, schools are not required to pay fees for license maintenance workload imposed upon the Board. However, BPPE charges a \$5,000 application fee, a \$3,500 renewal fee, and additional fees based on circumstances of the individual campus and the annual revenue of the school (EDC § 94930.5).

The Board may revoke, suspend, or deny school approval when an owner or employee has engaged in specific acts, such as unprofessional conduct, repeated failure to comply with health and safety rules, and failure to comply with Board-adopted regulations applicable to schools, among other acts (BPC § 7362(b)). When a school inspection reveals health and safety violations, a notice of violation must be issued, and a copy of the notice must be provided to the BPPE (BPC § 7313(b)). The Board claims that BPPE has no similar requirement to share information with the Board when BPPE conducts an inspection, although the two programs have historically shared information and collaborated through a formal Memorandum of Understanding. It would be helpful for the Committees to understand the status of continued joint efforts between BBC and BPPE to promote educational quality, to prevent fraud, and to support students.

The Board asserts that its authority is focused on protecting the public who may patronize a school for services, not the students who attend the school to become licensed by the Board. The Board claims that it continues to receive complaints alleging a school is selling hours and producing fraudulent Proof of Training documents (a Board-required document that is for examination admittance). The Board states that to properly investigate these allegations, increased enforcement authority is needed. It would be helpful for the Committees to understand what authority the Board should be granted in order to build cases to use its school approval revocation authority, including whether additional unprofessional conduct activities should be built into the Act so that the Board can take swift and appropriate action.

In its 2014 sunset report, the Board stated its position that it should be the regulatory entity to have sole oversight of schools, stating:

*The Board believes that it is the best positioned regulatory entity to have sole oversight of schools. Dual oversight is not cost-effective and it is redundant to have two DCA entities regulating the same business. The Board cannot be removed from oversight because schools offer industry specific, Board regulated services, to consumers. Therefore, the Board should be the sole DCA in charge of regulating beauty schools. With regard to tuition recovery assurances, there are three options (a) cosmetology, barbering and electrology schools can be required to post bonds (as was required before the Student Tuition Recover Fund); (b) BPPE*

*will continue to handle this for barbering, cosmetology and electrology schools (as they do with all other private postsecondary's); or (c) this function can be transferred to the Board.*

The Board believes there should be a statutory requirement for the BPPE to provide the Board with formal discipline including accusations, final decisions, as well as citations. Informing BBC could also be achieved through mandates on BBC-approved schools to report adverse actions from accreditors, governmental agencies, or other oversight bodies. It is unclear how a MOU would not capture information sharing, such as BPPE providing information to BBC if it cites a beautification services training program for unlicensed activity and it would be helpful for the Committees to understand where gaps remain. It would be helpful to understand the additional resources, including revenue, BBC believes it needs to continue its role in school oversight.

**Staff Recommendation:** *The Board should inform the Committees of the current costs of services associated with school approval maintenance, such as curriculum change reviews and routine inspections, and the fee schools should pay for the services at a cost neutral rate. The Board should advise the Committees whether a MOU with BPPE could include any cost-sharing of fees schools pay to BPPE in order to support the Board's educational quality role and curriculum approval for schools. BBC should advise the Committees on the status of a MOU with BPPE and provide information about school approval revocation efforts that have not been successful, as well as those that the Office of the Attorney General have rejected for formal action and the rationale.*

**Board Response:**

The Board currently has 273 approved schools. One full-time Analyst II is dedicated to the workload involved with school approvals and maintenance and the number of routine inspections would require the work of two full-time inspectors. The Board spends approximately \$445,000 annually in staff resources to process and maintain the existing workload.

To adequately fund these responsibilities, the Board believes that a statutory fee limit of \$575 for an initial school application is necessary. The Board also recommends establishing a biennial renewal requirement with a renewal fee of \$175 to support ongoing curriculum review, inspection, and compliance oversight.

With respect to cost-sharing with the BPPE, the Board does not believe an MOU could reasonably be structured to allocate a portion of BPPE's fees to support the Board's statutory duties. As described in the BPPE's 2026 Sunset Report under new issue #1, the BPPE states: *A new fee structure is urgently needed to ensure the Bureau can continue to protect and support California's postsecondary education students.* The BPPE does not appear to be in a position to allocate funds to the Board to assist them in the work that is statutorily required of the Board.

As for the existing MOU with the BPPE, the Board and the BPPE currently share information on enforcement actions. The BPPE now has a system that allows them to share citations and disciplinary action in a timely manner and the Board shares inspections and enforcement activity with the BPPE. The Board works collaboratively with the BPPE's licensing unit on the approval of any new school application or new course request ensuring that both agencies have issued approval prior to a final approval being provided to the school.

The Board has sent few cases to the Office of the Attorney General for formal disciplinary action due primarily to the Board's limited authority to review student records, which are often critical in substantiating school-related violations. However, in 2026, the Board successfully pursued one case,

resulting in the school being placed on probation and ordered to pay \$15,000 in cost recovery.

**ISSUE #5: (COMBINED LICENSES.) Should BBC offer combined barber/cosmetology, manicurist/esthetician, or other combined licenses if applicants have the appropriate training?**

**Background:** SB 803 (Roth, Chapter 643, Statutes of 2021) made numerous licensing reforms to streamline processes and reduce barriers to entry. Among the changes made by this legislation was reducing the number of education and training hours required to qualify for the examination for licensure as a cosmetologist and barber from 1,600 to 1,000 hours and 1,500 to 1,000 hours, respectively.

The Board states that there is increased demand from applicants who wish to hold multiple licenses. The most frequently found dual license is among those who hold manicuring and esthetic licenses. The Board also reports increased demand from individuals seeking to hold a barber and a cosmetology license. To obtain both licenses, an individual must re-enroll in an approved school and complete additional hours and apply and pass the examination.

For example, the curricula for a cosmetologist and a barber license both include 100 hours in health and safety, 100 hours in disinfection and sanitation, 200 hours in chemical hair services to include all hair types and textures, and 200 hours in hairstyling services to include all hair types and textures. At that point the curricula deviate. A student in a barber course would complete a minimum of 200 hours of coursework in shaving and trimming the beard while a cosmetologist student would complete 150 hours in skin care, 50 hours in lash and brow beautification, and 100 hours in manicure and pedicure. Therefore, for a cosmetologist to obtain a license in barbering, the student would need to re-enroll and complete the 200 hours of coursework in beard shaving and trimming. However, the student would need to pay for, take, and pass the examination for the barber license that would evaluate the student's knowledge of many of the same minimum standards upon which the student was already tested as a cosmetology candidate.

The Board currently has 23,061 individuals who hold both a manicuring and esthetic license and 5,033 individuals who hold both a barber and cosmetology license. The Board believes this trend will continue to increase as manicurists and barbers want to perform waxing services and cosmetologists want to provide beard grooming services.

The Board proposed establishing combined license types to allow an individual to attend one course of study, take and pay for only one examination, and maintain only one license. Other states are offering combined licenses include Alabama and Texas, which have a manicuring/esthetic license; Iowa and Utah, which have a cosmetology/barber license; and Florida, which offers a specialist registration that combines skin care and nail care.

**Staff Recommendation:** *The Board should inform the Committees of any other potential combinations or specialties that may be in demand by its licensees, if any. The Board should discuss the effects of adding new licenses and examinations on workload, lost revenue to combined licenses, the cost of examination development and administration, and additional relevant implementation details.*

**Board Response:**

The Board has evaluated additional license combinations and believes that the only feasible pairings are the Barber/Cosmetology combination and the Manicuring/Esthetics combination. These pairings reflect current industry demand. Men's grooming services continue to expand, with many barbers seeking to offer waxing services, which are not included in the barber scope of practice. Likewise,

many nail salons routinely offer waxing and lash services, requiring licensed manicurists to obtain additional hours to qualify for an esthetician license. Combining these license types would reduce barriers for licensees and better reflect the services already offered in the marketplace. The Board has not identified other specialty pathways currently in demand that would warrant a separate license.

With respect to workload impacts, combining licenses would marginally reduce application volume, as individuals would apply for a single combined license rather than two separate licenses. However, the Board anticipates this impact would be minimal since only 0.06 percent of barbers, cosmetologists, manicurists, and estheticians currently hold more than one license.

The costs to develop the combination examinations would be minimal and would be covered by the application and license fee that individuals would be required to pay to obtain licensure. There would be no need to develop additional occupational analyses, but there may be workshops conducted by the exam developer to combine the necessary examination content.

There would be an associated revenue impact. If licensees with dual licenses renewed only a single combined license, the Board estimates a reduction of approximately \$1.4 million in renewal revenue every two years. If the Legislature chooses to pursue these combinations, additional analysis will be required to determine how best to grandfather individuals who currently maintain dual licenses. Although combining licenses would result in some revenue loss, the Board believes the overall impact would be limited and outweighed by the benefits to individuals (particularly students) who would no longer need to pay two application fees, complete two examinations, or maintain two separate licenses.

**ISSUE #6: (LICENSURE BY ENDORSEMENT.) Should applicants who are licensed in another state be required to show proof of passing an examination?**

**Background:** Unlike many programs within the Department, the Board has a straightforward procedure for a licensee from one state to become licensed in California. BPC § 7331 authorizes the Board to issue a license to an individual who holds a valid license in another state, submits a completed application and fees, and submits proof of a license in another state that is in good standing and not revoked, suspended, or otherwise restricted. BBC’s website notes that applicants for this process need to contact the entity that issued them a license, request a certification of that license to be sent directly to Board, and specifies that licensure documentation needs to come directly from the state the individual was originally licensed in.

The prior sunset legislation, SB 803 (Roth, Chapter 648, Statutes of 2021) streamlined the process, which previously required the license to have been active for three of the last five years, during which the applicant was not subject to discipline or a criminal conviction. Since that change in policy in 2021, the Board has seen a significant increase in state-to-state license transfers.

License Type	2019	2020	2021	2022	2023	2024	2025
Barber	116	64	81	116	112	229	132
Cosmetologist	944	618	750	896	1454	2207	1368
Electrologist	2	0	0	0	3	4	1
Esthetician	218	173	234	498	554	673	358
Manicurist	242	193	254	451	748	1079	526
<b>Total</b>	<b>1,522</b>	<b>1,051</b>	<b>1,319</b>	<b>1,961</b>	<b>2,871</b>	<b>4,192</b>	<b>2,385*</b>

\*As of 7/1/2025

The Board reports instances where an individual who has not completed education or training obtains a license in another state and transfers their license to California. The Board has been working with multiple states on addressing fraud in the industry and through this process, became aware of individuals who submit fraudulent records to obtain a license in another state then uses that license to obtain a California license under BPC § 7331. The Board believes these individuals’ intent is to circumvent taking the minimal competency examination. The Board suggests that the Act should be updated to provide the Board authority to require applicants for licensure from another state, who possess a license, to provide evidence of having passed a licensing examination from another U.S. state or territory.

It would be helpful to the Committees to understand the scope of this issue and how a fraudulent license would even emerge. It would be helpful to understand whether there are certain states that are more likely to issue a license to someone who has not completed requirements like passing the exam or how a license can be issued without ensuring the applicant is actually eligible for licensure. Does the Board currently lack authority to request information from other states to ensure an applicant has met licensure requirements? Is there a more practical approach?

**Staff Recommendation:** *The Board should inform the Committees about the actual fraud in license transfer, including the number of cases found and actions taken by the Board. The Board should advise the Committees of whether alternatives exist that would provide a defense against fraudulent license transfer.*

**Board Response:**

The Board has identified significant indicators of licensure fraud occurring nationwide. The Board currently has several open investigations involving a substantial number of licenses that appear to have been issued based on fraudulent documentation. One case consists of approximately 200 applicants that submitted fraudulent records. The Board is also aware of social media accounts and websites advertising services that allow individuals to obtain licenses in other states without completing the required examinations. These entities appear to submit fraudulent documents to other jurisdictions, after which individuals immediately apply for licensure in California.

The Board identified these concerns by reviewing the number of applications received from other states. Two of the most common states that individuals are funneling fraudulent records through are New York and Washington. The number of applications received from those states has increased sharply in recent years, as shown below:

State	2021	2022	2023	2024	2025
New York	187	247	381	938	1,058
Washington	129	215	1,126	1,349	1,051

In 2022 the statute was changed to allow for license-to license, however, the Board nor the legislature could predict that this would increase the number of fraudulent applications being received.

The Board views this issue as a significant consumer protection risk. Some related allegations of consumer harm are currently under investigation. The Board is also concerned that fraudulent pathways to licensure may be exploited by individuals engaged in human trafficking. The Board believes that requiring an applicant to show proof of examination in the United States will greatly reduce the fraud in this area. The Board feels the only alternative would be to require all applicants for licensure to take and pass the examination in California to ensure minimal competency and that consumers are protected.

**ISSUE #7: (INTERSTATE COMPACTS.) BBC sponsored legislation to require California to join a national cosmetology compact.**

**Background:** California currently does not participate in any professional licensing compacts. Compacts have proven to be problematic and challenging for California licensees and regulatory programs alike, in terms of compact governance, enforcement options, parity in licensure qualifications, and other aspects of compact pathways. When a state joins a compact, it is subject to the rules of the compact and the bylaws established by a compact governing body. While a member state may have a vote or voice in the governance of a compact and may have some say in the development and amendment of bylaws, that is not the case for all licensing compacts.

Many licensing priorities in California may not be reflected in compacts, such as the ability for individuals in California to become licensed using an individual taxpayer identification number, rather than only a social security number. Compact rules and specifications cannot be amended by a single member state and updates are not always subject to the transparent and open discussions held in the Legislature or by California regulatory programs subject to the Bagley-Keene Act. Some compacts group categories of licensees together who may be licensed by a separate licensing entity, and there are often a number of key differences between the rules and processes of a compact and the practice acts administered by a California program.

Military spouses, historically one of the populations with the most sympathy surrounding the need for greater licensure portability given the frequency of their movement to other states, are already taken care of and covered by federal action taken in 2023. They can now practice temporarily with their license from another state if they have orders stationing them in California.

Many professions for which a national licensing compact has been established, like cosmetology, already enjoy streamlined approaches to licensure that California regulatory boards offer out-of-state providers. So far, members of the Legislature have not been convinced that joining compacts, particularly given the pathways available to out-of-state providers to legally engage with California patients and clients, is necessary. Concerns have been raised about the potential for individuals from states with policies and priorities that do not align with California being more easily able to take jobs that California licensees, who attended California schools, would have to compete for. Issues have also arisen about how enforcement works for compact licensees practicing in a state other than their home state and where California's strong consumer protection laws in general could possibly take a back seat to a state that does not prioritize patient and client safety in the same way.

The Cosmetology Licensure Compact is a model legislation project developed by the National Center for Interstate Compacts within the Council on State Governments (CSG), in partnership with the US Department of Defense (DOD). Work began in 2021 through stakeholder committees to develop this compact, following CSG and DOD's efforts to establish compacts for a number of professions. The stated intent of the compact is to "create reciprocity among participant states and reduce the barriers to license portability and employment." During its January 23, 2023, meeting, the BBC formally voiced its support for joining an interstate cosmetology licensure compact and voted to move forward with pursuing a legislative proposal to enact the model legislation. On April 10, 2023, the BBC formally voted to sponsor and support AB 1328 (Gipson), which contained the model compact language provided by CSG and DOD. That model language includes a provision common in CSG and DOD drafted compacts that "No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact."

**Staff Recommendation:** *BBC should advise the Committees on benefits to California licensees that would be realized by joining the compact.*

**Board Response:**

The Board understands that compacts may not work for every professional license, however, for cosmetology, we believe it would benefit California licensees and enhance consumer protection. Membership in the Cosmetology compact would allow our licensees to work in other compact states. For example, Arizona is already a member of the compact, and the Board is aware of licensees who reside in Arizona during the winter months. Participation in the compact would allow these individuals to continue working without interruption.

For California licensees, compact participation improves earnings and flexibility by reducing duplicate fees and processing delays when working seasonally or relocating, while providing clear multi-state visibility of licensure and discipline that supports professional mobility. Additionally, the shared database will allow states to verify licensure information instantly and ensure that an individual has passed an examination for minimal competency. This will increase consumer protection by ensuring that individuals performing services meet the requirements of providing services in California.

**ISSUE #8: (CRIMINAL BACKGROUND CHECKS.) Should the Board be authorized to collect fingerprints for the purpose of criminal history review post-AB 2138?**

**Background:** Prior criminal history of BBC applicants and individuals in the beautification services industry has not been an area of focus, given the opportunities for jobs upon reentry that the industry provides. In 2006, AB 861 (Bass, Chapter 411) authorized the Board to issue a probationary license to applicants who may otherwise have been denied, subject to terms and conditions deemed appropriate by the Board, including participation in a rehabilitation program. In support of the bill, the author stated, "When we create barriers for an individual to work and provide for their family, we do a disservice to that individual and provide opportunities for them to re-offend – thus contributing to the vicious cycle of recidivism. AB 861 is a modest attempt to address the needs for those persons who have paid their debt to society, have complied with treatment and parole requirements, and have a desire to become an asset to a society from which they were once a liability."

To promote positive reintegration outcomes, CDCR offers career and technical education programs for incarcerated persons, which are taught by journey-level professionals with coursework intended to result in licensure. Board courses taught include cosmetology, manicurist, and barbering. Additionally, on August 15, 2025, CDCR announced Valley State Prison in Chowchilla launched a first of its kind barbering academy to promote rehabilitative and employment opportunities for its inmates. Additionally, the Board works with CDCR to conduct examinations in state correctional facilities so inmates are licensed upon release and ready to obtain gainful employment upon release.

Subsequent to AB 861, AB 2138 (Chiu, Chapter 995, Statutes of 2017) reformed licensing decisions Department-wide by limiting the discretion provided to all entities within DCA applicable to criminal history as the basis for license denial, suspension, or revocation. AB 2138 specified these actions may only be taken if the applicant or licensee was convicted of a crime substantially related to the qualifications, functions or duties for which the individual is seeking licensure or is licensed, the conviction had to be within seven years of the date of application, and the applicant had to be given an opportunity to show evidence of rehabilitation, among other requirements (BPC § 480). Each of these provisions is broader in scope and more accommodating to applicants with convictions than provisions implemented specifically for the Board.

Typically, DCA programs require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. The licensing entities may obtain and receive criminal history information from the Department of Justice and the United States Federal Bureau of Investigation for the purpose ensuring substantially related criteria is not cause for denial prior to licensure. Programs also receive subsequent arrest records to ensure licensees have not been convicted of a substantially related crime after being issued a license for the purpose of license maintenance. Thirty-one programs within DCA are authorized to require fingerprints for these purposes (BPC § 144). However, the Act is one of seven practice acts within the DCA that does not require fingerprinting for its licensees. Instead, BPC § 480(f) authorizes BBC to require applicants for licensure to disclose criminal conviction history on an application for licensure. Essentially, BBC applicants are trusted to disclose their criminal histories.<sup>1</sup>

During this reporting period, the Board denied 15 applications based on the following criminal history that was self-disclosed and determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480.

<b>Substantially Related Convictions (BPC § 480)</b>	
<b>Year of Conviction</b>	<b>Conviction Description</b>
2013	Lewd or lascivious act with a child who is under the age of 14 years and 10 years older than the child
2019	Pimping
	Pandering by Encouraging
2013	Rape by force or fear
	Sodomy with person under 18-years
	Lewd act with child under 14 years
2002	Aiding and abetting health care fraud
2013	Sexual battery
2019	Possession of Child Pornography
2012	Sexual battery
2017	Lewd or lascivious act with a child who is under the age of 14 years
2015	Lewd or lascivious act with a child who is under the age of 14 years and 10 years older than the child
2017	Human trafficking
2010	Robbery
2014	Attempted murder
	Child endangerment
2012	Indecent exposure
2016	Prostitution
2010	Aggravated sexual assault

<sup>1</sup> Applicants for the Board’s Personal Service Permit, which was created by SB 803 (Roth, Chapter 648, Statutes of 2021), are required to submit fingerprints to check for substantially related convictions in California. One permit was denied for failure to self-disclose a conviction of Penal Code § 261.5 – sexual intercourse with a minor with special circumstances – a conviction that was confirmed by fingerprint submission.

According to Board regulations, a crime is substantially related if, “it evidences present or potential unfitness of the applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare.” (16 CCR § 970). Considering the size of the

Board's applicant pool, the Board's and CDCR's programs specifically designed to help inmates obtain a Board license, and the self-disclosure on the Board application, it is untenable to expect that the above 15 individuals capture all who have been convicted of substantially related crimes out of the 1,222,638 original applications and renewals received by the Board over the past four fiscal years.

**Staff Recommendation:** *The Board should inform the Committees if allowing applicants to self-disclose under penalty of perjury is in the best interest of consumer protection and whether fingerprinting and criminal background check requirements would enhance the Board's ability to protect consumers. The Board should also discuss any negative impacts that may be realized by requiring background checks of its applicants and whether it would prove to be a barrier to entry in the workforce. If so, would those barriers be offset by rehabilitation criteria and conviction aging limits enacted under AB 2138?*

**Board Response:**

The Board currently has over 600,000 licensed individuals and relies on self-certification of past criminal convictions. When evaluating whether to require formal criminal background checks for licensure, it is important to consider the types of consumer harm the Board encounters. The Board's consumer harm cases are overwhelmingly related to negligence or improper performance of services, not to conduct associated with prior criminal convictions. Based on the evidence available to the Board, the types of harm occurring in California do not appear to be addressed by adding a criminal background check requirement.

Over the past four years, the Board has taken action on six licensees under Penal Code section 23, which authorizes licensing boards—through the Office of the Attorney General—to request the suspension of a license during criminal proceedings. These cases represent a very small fraction of the Board's more than 600,000 licensees.

Requiring criminal background checks could present a significant barrier to individuals seeking to enter the profession. When Board staff provide presentations to students, the most common question is, "What if I have a conviction?" In many cases, these are convictions that would not result in denial of licensure under existing law, such as driving under the influence or minor drug-related offenses. The Board also offers a pre-approval process, allowing prospective students to disclose their criminal history prior to enrollment. The Board then works with schools to determine whether the convictions are substantially related to the profession and may affect future licensure.

The Board is concerned that a fingerprint-based background check requirement may discourage potential students from enrolling out of fear that past mistakes will prevent licensure. The Board processes approximately 40,000 applications each year. The delays associated with obtaining fingerprints would extend processing times and create unnecessary obstacles. Additionally, each applicant would incur at least \$50 in fingerprinting costs.

Implementing such a requirement would also significantly increase the Board's workload, necessitating additional staff and system modifications to the BreZE licensing database.

**ISSUE #9: (SPANISH EXAMINATIONS PASS RATES.) Why do the pass rates for candidates who take Spanish examinations continue to remain low when compared to overall test pass rates and pass rates for Vietnamese, Korean, and Chinese?**

**Background:** The low pass rates for Spanish examination takers has been discussed during several consecutive sunset reviews, yet the problem persists. In the Board’s previous background paper, the following was cited as a completed report:

*BBC has experienced low passing rates for candidates who take the cosmetology written examination in Spanish. (AB 181, Bonilla, Chapter 430, Statutes of 2016) specifically addressed this issue by requiring BBC to review the Spanish language examination if, by January 1, 2016, the pass rate for Spanish speakers did not increase to the average pass rate for all other language examinations. The pass rates have significantly increased, therefore, in compliance with California Business and Professions Code, Section 7303.2 (b) BBC completed its review.*

The current sunset report examination data does not agree. While the examination pass rates for Spanish-speakers who take the esthetician, electrology, and manicurist exams are comparable to the overall pass rates, cosmetologist and barber examination pass rates continue to fall behind all others. Following are the examination pass rates for the first time barber and cosmetology examinations for the past two fiscal years for each language.

Examination Pass Rates by Language*		English		Spanish		Vietnamese		Korean		Chinese	
		Candidates	Pass	Candidates	Pass	Candidates	Pass	Candidates	Pass	Candidates	Pass
FY 2023/24	Barber	3,465	56%	288	29%	54	37%	3	67%	5	40%
	Cosmetology	6,290	67%	653	26%	457	48%	63	33%	892	67%
FY 2024/25	Barber	3,611	60%	360	32%	44	32%	7	57%	6	33%
	Cosmetology	6,747	71%	769	26%	642	63%	70	56%	2,153	77%

\* The overall pass rate for the first time cosmetology examination is 66% and the first time barbering examination is 55%. A full accounting of examination data can be found in the Board’s sunset report on pages 39-43.

The Board has identified several potential causes for low pass rates, including deficiencies in the apprenticeship program, which has a large Spanish-speaking participation and lacks resources and guardrails to ensure Spanish speakers are being properly trained. This may be demonstrated by the data. In FY 2024/25, there were 769 Spanish-speaking cosmetology candidates. Of those, 292 completed an apprenticeship program and 229 candidates failed the examination. For the 360 Spanish speaking barber candidates in FY 2024/25, 83 completed an apprenticeship program and 59 of them failed the examination. The apprenticeships in these cases may have failed these candidates, but it does not account for the overall low pass rate of 32% shown above for Spanish-speaking cosmetologist candidates and 26% for Spanish-speaking barbering candidates. Other factors are negatively influencing outcomes and it would serve the Board and its potential licensee population if the Board and Committees could work to eliminate these barriers.

**Staff Recommendation:** *The Board should discuss strategies to address inequities experienced by Spanish speakers that lead to low examination pass rates. Should there be a state examination for Spanish speakers? Aside from apprenticeship reform, which is discussed in Issue 10, what meaningful steps can be taken to improve outcomes for this population at the Board level?*

**Board Response:**

The Board has conducted extensive research on the passage rates for the Spanish-language examinations. At its February 2026 meeting, the Board again presented updated data on these outcomes. To further evaluate potential concerns, the Board requested that its examination vendor conduct a Differential Item Functioning (DIF) study to determine whether test items perform similarly for candidates testing in English compared to those testing in Spanish. The study found that the majority of exam items functioned equivalently across both language versions.

The examination vendor does provide translation guides for the examination, and the Board promotes these translation guides to students and schools. The examination is also displayed in both the requested language and English, for example, an examination that has been requested in Spanish has each question displayed in both English and Spanish.

The Board does not have oversight of the student enrollment process, nor does it approve schools to offer instruction in any specific language. This may be an area for potential statutory or regulatory consideration. Additionally, the Board currently has no authority over the quality of education provided by private schools. Accredited private schools must maintain minimum passing standards, whereas non-accredited schools have no such requirement. Of the Board's 273 approved schools, 115 are accredited and 129 are not.

To effectively address the issues raised regarding examination outcomes, the Board would require additional oversight authority over private school operations and instructional quality. This topic is further discussed in the Board's response to Issue #4.

**BBC ENFORCEMENT ISSUES****ISSUE #10: (APPRENTICESHIPS.) Should the Board have authority to take disciplinary action when an apprenticeship program does not comply with Division of Apprenticeship Standards (DAS) rules and regulations?**

**Background:** The Board offers apprenticeships as an alternative pathway toward licensure outside the traditional classroom education and training, which can be cost prohibitive for many students. The Legislature has evaluated multiple issues stemming from the apprenticeship program over previous sunset reviews, such as the quality of training received, the low examination pass rates of apprentices, and whether apprentices should be paid for their services while learning.

As noted in the Committees' previous background paper, the number of apprenticeship programs has increased significantly in the past number of years. A contributing factor is thought to be that apprenticeship programs do not have to be approved as schools and therefore, are not required to undergo the BPPE approval process. Instead, apprenticeships are approved by the Division of Apprenticeship Standards (DAS) and must comply with the Shelley-Maloney Apprentice Labor Standards Act of 1939 (LAB §§ 3070-3074.7). Additionally, the program sponsor must be approved by the Board. Those seeking approval as an apprenticeship program sponsor must submit : 1) a written request for board approval of its apprenticeship program and identifies the subject matter of the apprenticeship; 2) proof that the program sponsor is approved by the California Apprenticeship Council to offer the apprenticeship; 3) a detailed outline of the proposed training program which demonstrates compliance with the apprenticeship regulations contained in this article; and 4) a copy of the agreement between the program sponsor and the apprentice (16 CCR § 913(b)).

An apprentice commits to working a minimum of 32 hours and no more than 42 ½ hours per week of on-the-job training (OJT) hours and must complete a minimum of 3,200 OJT hours over a 2-year period. The individual also completes related supplemental instruction (RSI) classes, a minimum of 220 hours over a two-year period. An individual interested in becoming an apprentice contacts a program sponsor who charges a fee or fees that usually cover the individual’s kit, textbooks, and any related supplemental classes taken at a school, in addition to other administrative fees for adding or changing trainers, transferring to a different establishment, or extending the term of the apprenticeship.

Apprentices complete a 39-hour pre-apprentice training class with the program sponsor which focuses on basic sanitation and health and safety laws. Upon completion, the individual finds a trainer and establishment, both BBC licensed in good standing with no disciplinary actions in the prior two years. The individual also registers as an apprentice with DAS. Apprentices are paid at least minimum wage and cannot work for commission or rent a station in the establishment they are registered to work in. The training establishment obtains workers compensation for the individual. After completing at least 21 months of the apprenticeship program, the required OJT and RSI hours, the individual applies to take the same exam as individuals who completed the traditional school pathway.

LAB § 3075.1 states the position of the Legislature as a matter of a practical form of training when it serves public interest, “It is the public policy of this state to encourage the utilization of apprenticeship as a form of on-the-job training, when such training is cost-effective in developing skills needed to perform public services.” However, the Board has concerns about the current state of apprenticeships and the barriers that they are currently presenting.

Attachment E of the Board’s sunset report is a *Report on the Status of the Apprenticeship Program*. This report identifies several areas of concern, specifically:

- Tuition and Fees
- Low Passage Rates (Especially Spanish Pass Rates)
- Training Facilities/Academies
- On the Job Training Concerns
- Funding
- Wages and Workers Compensation
- Lack of Enforcement
- Overall Success of the Program
- Board Dedicated Resources

*Tuition and fee violations.* LAB § 3091 prescribes, “Acceptance of an application for entrance into an apprenticeship training program shall not be predicated on the payment of any fee. Reasonable costs for expense incurred may be charged after an applicant has been accepted into the program.” Typically, an apprentice might expect to pay for a kit of tools to train with, which the Board estimates should be reasonably priced at approximately \$500. Yet, of 115 apprentices who the Board spoke to in March 2025, all 115 reported having paid between \$2,500 and \$15,000 to participate in their program.

*Spanish-speaking pass rates.* Another barrier is the low passage rates on the examination for candidates who received education via the apprenticeship program. The low pass rates have been historically challenging for the program and could be attributable to multiple factors. The Board reports a primary contributing factor cited by the Board is that the apprentice program is often used by Spanish-speakers. Although pass rates are low overall for apprentice participants, they are significantly lower for Spanish-speakers. Data reported by the Board show pass rates for Spanish speakers to be

significantly lower than those of all other languages.

Apprentice Non-Spanish Examinations 2024				
License Type	Pass	Fail	Total	Pass %
Barber	292	372	664	44%
Cosmetology	199	334	533	37%

Apprentice Spanish Examinations 2024				
License Type	Pass	Fail	Total	Pass %
Barber	24	59	83	29%
Cosmetology	63	229	292	22%

Among the potential causes, the Board suggests no instructor requirements, no requirement for Spanish speaking students to be provided education in Spanish, and there are no requirements for Spanish speaking students to have the Spanish approved textbooks, among others.

*On-the-job training requirements not being met.* BPC § 7332 requires an apprentice to learn or acquiring knowledge under the supervision of a licensee approved by the Board and defines “under the supervision of a licensee” as “the apprentice shall be supervised at all times by a licensee approved by the board while performing services in a licensed establishment. At no time shall an apprentice be the only individual working in the establishment.” Yet, Board staff find that apprentices are not receiving training and instead are being used as a full-time employee and left alone to provide services, which the Act specifies is unlicensed activity.

Although there are supervision requirements, there are no requirements for the supervisor other than holding a valid license in good standing without any outstanding fines. The *Report* suggests the trainer often does not understand they are agreeing to provide training and simply sign off to bring the apprentice on board. Consequently, Board staff are finding there are no on-the-job training logs as required, on-the-job training logs are being pre-filled out, or they are being completed at the end of the program as opposed to throughout the program.

The above issues are examples of those provided in Attachment E, which demonstrate opportunities for improvement to the current apprentice program for each of the areas of concern as identified by the Board and its staff. The Board submitted multiple legislative requests to implement significant reforms to the apprenticeship program focused on enhancing enforcement to improve the learning experience for apprentices, decrease costs to apprentices, increase the likelihood of successful outcomes, and increase compliance with the Act and Labor Code.

***Staff Recommendation:*** *The Board should work with the Committees to identify workable solutions to apprenticeship issues negatively impacting outcomes. The Committees may wish to implement reforms to the apprenticeship program in order to establish standards that define apprenticeship responsibilities, guardrails to protect apprentices from exploitation, and ensure proper training, while providing the Board with enforcement capability.*

**Board Response:**

The Board is happy to work with the Committees to develop thoughtful solutions to address the issues within the apprenticeship program.

**ISSUE #11: (ENFORCEMENT DATA QUESTIONS.) Are there process changes that explain anomalies in the Board’s enforcement data? Does the Board need statutory changes to address anomalies and new trends affecting enforcement operations?**

**Background:** The Enforcement Division protects the health, safety, and welfare of California consumers by fielding and investigating complaints, conducting inspections, taking enforcement action (such as issuing citations), and pursuing disciplinary action against licensees who do not comply with the Act. The Board also enforces licensing requirements to ensure minimum standards are complied with to protect consumers from incompetent, negligent, or otherwise unfit practitioners.

While the majority of the Board’s enforcement activity seems to have remained consistent and/or improved from previous years based on reported data, review of Table 9. Enforcement Statistics on pages 48-51 of the Board’s sunset report reveal data suggesting potential issues. Under Complaints that were closed without referral for investigation, in Fiscal Year (FY) 2021/22, there were 0 and in FY 2022/23 and FY 2023/24, there were 2 each. In FY 2024/25, 1,135 complaints were closed without referral for investigation. Complaints are typically closed without an investigation because the complaint is non-jurisdictional, the complainant fails to provide evidence to support their claims, or when there is clearly no violation. However, given the trend, the Committees must question the cause of such a sudden escalation in complaint closures without investigation.

<b>Table 9. Enforcement Statistics</b>				
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
<b>COMPLAINTS</b>				
Intake				
Received	4,514	5,158	5,639	6,269
Closed without Referral for Investigation*	0	2	2	1,135
Referred to INV	4,559	5,135	5,642	5,082
Pending (close of FY)	25	46	43	121
Conviction / Arrest				
CONV Received	12	9	10	12
CONV Closed Without Referral for Investigation*	0	0	0	1
CONV Referred to INV	12	9	10	11
CONV Pending (close of FY)	0	0	0	0
Source of Complaint <sup>7</sup>				
Public	1,277	1,453	1,561	1,619
Licensee/Professional Groups	19	9	1	0
Governmental Agencies	15	30	6	1
Internal	671	443	315	816
Other	17	26	7	1
Anonymous	2,527	3,210	3,759	3,844

In the narrative about Enforcement, the Board reported that during the reporting period, there was a 39% increase in complaints received, from 4,514 in FY 2021/2022 to 6,269 in FY 2024/2025, i.e. at the same time the Board received the most complaints in a year, it closed more than ever without investigating. The Board reported it managed the workload by redirecting staff, but the average days

for processing cases also spiked due to enforcement staff focusing on redirected work, neither of which is sustainable. The Committees would be interested in the cause of the sudden increase, especially if there were an opportunity to resolve the issue before complaint workload becomes unmanageable.

Also in the Complaints section of Table 9, under the internal source of complaints, there were 671 internal complaints generated in FY 2021/22, which then dropped to 443 in FY 2022/23, and 315 in FY 2023/24. Internally generated complaints then jumped to 816 in FY 2024/25. What prompted not only reversing the trendline of decreasing internally generated complaints, but more than doubling them in one year? Was there a legislative change that required this action, an internal policy or process change, staffing issues, or another cause?

Finally, the Board's inspection program is essential to the success of the Board's efficacy in enforcing the BBC's health and safety regulations. Inspections may be directed, random, initial and/or targeted and can be conducted in the over 52,000 establishments and 248 schools of barbering, cosmetology, and electrology. Inspections can be the result of a complaint alleging consumer harm, random to ensure compliance with health and safety regulations, or targeted in the event of an outbreak. However, inspections data is not included in the data table and not discussed in the sunset report narrative. Advising the Committees of the scope and scale of the inspection work conducted by the Board would be valuable in assessing the Board's efficacy and contributions to protecting the health and welfare of California's consumers.

***Staff Recommendation:*** *The Board should provide more information about its enforcement program, specifically why the number of complaints and complaints closed without investigation suddenly increased in FY 2024/25. The Board should describe any correlation between the number of internally generated complaints, overall number of complaints, the number of complaints without investigations, and the backlog in issuing citations it experienced. The Board should also inform the Committees about its inspection program and provide data specific to the number of inspections conducted, how many inspections were in response to complaints versus random inspections, how many separate facilities were inspected, and how many inspections resulted in citations.*

**Board Response:**

The Department of Consumers Affairs initiated a project to streamline the annual reporting process and to make the data that is being reported by each Board consistent. As a result of these reporting improvements, in Fiscal Year (FY) 2024/25, BBC changed its intake procedures so complaints that had insufficient evidence (such as an incomplete address), non-jurisdictional complaints (such as tattoos, permanent makeup, or massage at establishments that are not licensed by the Board), or redundant complaints against an establishment are counted as being closed without referral for investigation. Redundant complaints are forwarded to the analyst working on the initial complaint received so we can verify all allegations are being addressed but only the initial complaint is counted as referred for investigation.

The Enforcement statistics show that in FY 2024/25 the number of cases that had an internal Source Complaint was 816, a 160% increase from the 315 reported in FY 2023/24, while the number of complaints received during FY 2024/25 only increased 11% percent from FY 2023/24. There are several factors that lead to the increase in complaint cases that were opened internally. The number of cases that were opened as the result of inspection results increased 42% from 256 in FY 2023/24 to 364 in FY 2024/25. BBC opened 36 internal cases to verify that licensees that had completed a Certified Master Pedicure Program were not providing services outside the scope of their manicurist license. BBC opened 131 internal cases to verify if apprentices whose Program Sponsor had gone out of business were working without a new apprentice license. BBC also implemented a new process where inspectors do not go to

unlicensed establishments and conduct inspections. If an inspector believes that a location is unlicensed, they provide the address to BBC office staff who research the license history of that location. If the establishment is not licensed an internal complaint case is opened. These cases accounted for 250 internal cases.

There is no correlation between the number of complaint cases being opened and the backlog in issuing citations. The citation backlog was due to staffing shortages, which were resolved by the end of FY 24/25. Following implementation of the Mobile Inspection Program in November 2024, citation processing times have improved substantially, with citations now issued within one day of the inspection.

During the reporting period, the Board conducted 23,501 inspections. Of those, 6,991 inspections (30%) were in response to complaints. The remaining inspections were routine or targeted enforcement inspections. A total of 19,586 inspections were conducted at separate facilities. The Board issued 27,012 citations during the reporting period, which includes citations issued to establishment owners as well as individual licensees.

**ISSUE #12: (EVOLUTION OF THE INDUSTRY.) The demand for beautification and wellness services has grown through increased consumer interest in anti-aging and cosmetic treatments, advancements in non-surgical technologies, as well as social media and online beauty culture.**

**Background:** According to the Board, the average consumer visits a barber or cosmetologist six to 24 times a year. The BBC notes that barbering and cosmetology establishments are trusted spaces, where high health and safety standards are monitored and maintained. When the Board was originally established, services were fairly basic according to BBC, including simple perms, basic facials, or manicures. In the 1950's, most chemical dye services were to cover gray hair. Today, individuals desire all types of colors added to their hair and, despite the proliferation of options for consumers to do this at home, BBC says that not applying the right formulation can damage hair and cause significant scalp burns and scarring. BBC advises that improper disinfection of hair tools can spread bacteria, fungus, and parasites. The skin care industry has evolved from basic skin care such as cleansing and moisturizing, to treatments that target anti-aging, skin firming, texture and pigment correction, and more. BBC states that the consumer's desire brings more and more options into the skin care world which leads to an increase of services performed by estheticians. According to the Board, skin care product manufacturers are always developing new products and machines to assist estheticians in their services but that many services can be significantly harmful to a consumer and go beyond what an esthetician can provide. The Board notes that pedicures continue to pose one of the highest risks to consumers in the beauty industry and that, while strict cleaning protocols have reduced the amount of harm, this service still poses a significant risk. BBC says if it does not investigate locations offering services, the public may be harmed cuts and puncture wounds; burns from hot tools; chemical burns; allergic reactions; eyes, hands and feet injuries and; improper disinfection injuries, among others.

According to the Board, while barbering and cosmetology services cannot be offered online, a substantial number of services are advertised online and outside licensed establishments (often at an individual's home). The Board established a process in 2020 for staff to work directly with local business licensing entities as this practice has resulted in demonstrable consumer harm and in one extreme case, an individual acquired a serious infection from a manicure in someone's home. The Board has benefitted from cooperation with many local business licensing entities that have ordinances prohibiting a business from operating at a residence or chemicals (often used in this industry) are not allowed to be disposed via residential drains.

Over the past decade, the United States has experienced a significant increase in consumer demand for wellness services and beautification enhancements. This demand has fueled rapid growth in a category

of businesses often referred to as medical spas (med spas), which may combine elements of services with spa-style retail settings. These facilities are regulated in California based on the type of treatments and services offered and by the professional licenses required to perform them. A number of aesthetic procedures, such as injectable neuromodulators or laser treatments, must be performed or supervised by licensed medical professionals. Cosmetologists, estheticians, and electrologists, while licensed professionals and highly qualified in superficial treatments, may never inject the skin, use lasers, or perform certain invasive treatments. BPC §2400 generally prohibits corporations or non-physicians from owning or controlling a medical practice and as a result, many businesses that offer services that are deemed to be invasive, even in a spa type setting where estheticians also provide services or a salon where barbers and cosmetologists practice, must still be owned and controlled by a licensed physician, often through a professional medical corporation with the physician maintaining majority ownership and authority over clinical decisions. Many California businesses offering various cosmetic services operate through a physician-directed clinical entity that works with a management services organization which handles non-medical business functions while the physician maintains legal responsibility for certain services and supervision of employees and other providers.

It would be helpful for the Committees to understand how BBC keeps pace with the evolution of beautification and wellness services and what education BBC does to ensure that small business owners are not cited for activities that they are not actually engaging in, just by virtue of various services being offered conveniently to consumers in one location. It would be helpful for BBC to describe advancements in education and training provided BBC licensees, modernization of BBC citation efforts, and any inspector training to ensure BBC is aware of how beautification services are safely provided today. It would be helpful to understand what surveys and workforce data BBC has captured to better understand the landscape of licensees who may work on the same premises, premises owned by licensed healthcare providers, as individuals authorized to perform more invasive procedures who provide those services.

***Staff Recommendation:*** *BBC should update the Committees on efforts it takes to balance support of licensees legally providing beautification and wellness services, while new and not likely taught in school along with other minimum competencies given the expansion of the industry, with upholding safety for consumers. BBC should advise the Committees on education it provides its staff about FDA-approved devices and treatments, who is authorized to use those, and what BBC does to verify that the appropriate licensees are actually performing services that go beyond the scope of BBC licensees.*

**Board Response:**

The beauty industry evolves rapidly, and the Board stays informed of emerging trends through inspections, attendance at trade shows, industry research, and collaboration with other states. Although the Board monitors new services and devices, it has no authority over product or device manufacturers. As a result, out-of-scope products and devices are frequently marketed directly to licensees.

Under current law, Business and Professions Code section 7320 specifies that nothing in the chapter authorizes the practice of medicine, and CCR section 991 prohibits licensees from performing invasive procedures. The Board must therefore determine, on a case-by-case basis, whether a service constitutes the practice of medicine or an invasive procedure. When inspections identify a potentially medical service, the Board reviews the product or device being used and evaluates its intended purpose. A service intended solely for beautification is generally within scope, while a service intended to “treat” a condition may constitute the practice of medicine.

Some services that licensees may legally perform are not required to be taught in school. For example, dermaplaning became a popular service after it was permitted beginning in January 2022. Although many schools have incorporated dermaplaning into their programs, others have not. To support safe practice, the Board provided guidance to all licensees on best practices for dermaplaning.

The Board ensures staff remain current on industry trends through regular staff meetings and a monthly internal newsletter. New devices identified during inspections or at trade shows are shared with enforcement, licensing, and inspection staff to promote consistent statewide understanding.

During inspections, licensees are asked to describe the intent of the service they are providing. For example, if a licensee states that a service is intended to treat rosacea, this would indicate the practice of medicine. Inspectors also review service menus, both in-person and online, to assess what information is being conveyed to consumers and whether any advertised services fall outside the authorized scope of practice.

The Board believes that some currently out-of-scope services may be safely performed by licensees if appropriate training and standards are established. These may include select body-contouring procedures, radio-frequency devices, and certain cryo devices. The Board is committed to working with the Committees to explore ways to address the rapidly evolving landscape of barbering and beauty services.

### **TECHNICAL CHANGES**

**ISSUE #13: (TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF THE ACT AND BBC OPERATIONS.) There are amendments to the Act that are technical in nature but may improve BBC operations and the enforcement of the Barbering and Cosmetology Act.**

**Background:** There may be instances where non-substantive and technical changes to the Act are needed to correct deficiencies or other inconsistencies in the law. Because of numerous statutory changes and implementation delays, code sections can become confusing, contain provisions that are no longer applicable, make references to outdated report requirements, and cross-reference code sections that are no longer relevant. The Board’s sunset review is an appropriate time to review, recommend, and make necessary statutory changes.

**Staff Recommendation:** *The Committees may wish to amend the Act to include technical clarifications.*

**Board Response:**

The Board is happy to work with the Committees on technical clarifications to the Act.

**CONTINUED REGULATION OF INDIVIDUALS PROVIDING BEAUTIFICATION SERVICES AND BEAUTIFICATION SERVICES ESTABLISHMENTS BY THE BOARD OF BARBERING AND COSMETOLOGY**

**ISSUE #14: (CONTINUED REGULATION BY THE BOARD OF BARBERING AND COSMETOLOGY.) Should the licensing and regulation of individuals providing beautification services and beautification services establishments be continued and be regulated by the current BBC membership?**

**Background:** As an organization, the Board functions well, meets performance metrics used to evaluate regulatory agency effectiveness, and lacks many of the structural problems that other boards face, such as issues regarding fiscal solvency. The Board has longstanding complications with defining enforcement authority when other regulatory agencies also have jurisdiction, such as school approvals and apprenticeships.

The Board continued, largely unchanged, for decades, then went through extensive reforms during its previous sunset, all of which were implemented without significant issue. Meanwhile, industry continues to evolve and grow, especially with the proliferation of social media and med/spas. The Board is not able to begin to reconcile its mandatory curriculum and scope of practice framework to sync to the constant developments in this space yet every day, Californians enroll in school and start the myriad necessary steps required to gain entry in the field and to enjoy economic opportunity available to appearance professionals. The vast majority of BBC licensees are women. Huge numbers of licensees are minorities. Immigrants have a pathway to prosperity and viable career options as beautification services professionals. Licensing implies that members of the public who receive services from an individual face serious harm if that individual has not met certain requirements necessary for that license. Barriers to employment are real and, in the case of beautification services professionals in California, the risk to consumers and harm to the public does not appear to justify maintaining status quo.

**Staff Recommendation:** *BBC should be continued, to be reviewed again on a future date to be determined; however, the Committees should strongly consider modifications to the Act to enhance the Board’s enforcement capability, modify apprenticeship requirements, and continue to reduce barriers to entry into the professions regulated by the Board.*

**Board Response:**

The Board agrees with the continued regulation of the barbering and cosmetology industry. The Board looks forward to working with the Committees to enhance its enforcement capabilities, strengthen the apprenticeship program, and continue examining opportunities to reduce barriers to entry. We welcome continued dialogue with the Committees to support these shared goals.

*Agenda Item*

*No. 3*

*No Attachments*

*Adjournment*