

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

LEGISLATIVE AND BUDGET COMMITTEE MEETING

MINUTES OF AUGUST 15, 2022

BOARD MEMBERS PRESENT

Reese Isbell, Chair
Megan Ellis
Calimay Pham
Derick Matos

STAFF MEMBERS PRESENT

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

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

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

2. AGENDA ITEM #2, DISCUSSION AND POSSIBLE APPROVAL OF THE JUNE 13, 2022, COMMITTEE MEETING MINUTES

Ms. Pham moved to approve the June 13, 2022, Committee meeting minutes. Ms. Ellis seconded. No comments were received from the public.

Motion to approve June 13, 2022, minutes carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

3. AGENDA ITEM #4, DISCUSSION AND REVIEW OF THE BOARD'S BUDGET

Ms. Underwood stated information on the current budget was provided, including the budget projections and the fund condition. The Board has an assigned budget analyst at the Department of Consumer Affairs (DCA) budget office. They provide expenditures and projections regularly.

The budget is divided into two pieces, "Personnel Services" and "Operating Expenses & Equipment." Personnel services include staffing, per diem for Board members, overtime, and benefits paid to employees. The budget is set through the Governor's Office, the Department of Finance, and then the DCA budget office. The Board monitors spending and then forecasts actual and historic spending every year. The spending is standard since the expenses are the same every year.

This budget is one of the healthier budgets in the department, so it is not a priority for DCA. They try to provide monthly projections, but it doesn't always happen. Any changes the Board wants to make to the budget must be done through the budget process. For instance, if the Board wants to seek additional positions, it would have to fund that through a budget change proposal, which starts about a year in advance. It takes several years to get through the entire process because it must be approved by multiple levels and the Department of Finance. It would then be ultimately approved in the Governor's budget each year.

Ms. Pham noted that the amount scheduled to be reverted by the Board of \$1,618,000 differed from what was listed under net appropriation. She also stated that the Board was supposed to review its fees because the fund is healthy. She inquired how far along the process had gone and how long it would take. Regarding the reversion, Ms. Underwood stated that the budget numbers would fluctuate every month due to the many changes in SB 803. The fluctuations will be seen throughout the following year. The Board is still paying rent on the Glendale examination site because it had been a lease. That will change the reversion because the building had been sold. Staff was doing a fee study that was supposed to be completed by September. They met with DCA's budget office, which has an office staff that helped them. DCA is also working with other boards and bureaus on fee studies and looking at the dire need for fee increases. Staff anticipates completing the study early next year.

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

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

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

Ms. Underwood stated the Board had taken a support position on this bill regarding expunged convictions. It was in Committee and had been referred to the suspense file. It had not moved as of Friday. Chair Isbell inquired about the expected date that things must be passed and given to the Governor. Ms. Underwood stated it might be August 31 and the Governor has until late September. If the Board's position changes from when the Session ends to when the Governor signs, the Board would provide its new position to the Governor's office.

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

Ms. Underwood stated this Bill relates to the diversity of board membership. Ms. Underwood stated that this Board is diverse, and the Board took a watch position. On August 11, the Bill was approved out of Committee. It's been read the second time. It will go to the third reading and eventually to the Governor's Office.

c) AB 1661 (Davies) Human Trafficking: Notice

Ms. Underwood stated this Bill was chaptered and is regarding a human trafficking notice posted in salons. The Governor has signed it. The information will be posted on the website. Chair Isbell asked if there had been a message from the Governor. Ms. Underwood said no. Ms. Pham asked if the inspection side would be on the lookout for the posts in salons. Ms. Underwood stated that the Bill did not give the Board the authority to enforce the posting.

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

Ms. Underwood stated this Bill was changing the Open Meetings Act to allow virtual meetings. It died but the language was captured in a different bill.

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

Ms. Underwood stated this Bill started has clean-up language for SB 803. It was read the second time. A third reading will be ordered any day, and then it will go to the Governor's Office. Mr. Matos asked if there was a further discussion about externship compensation. Ms. Underwood stated that SB 803 allowed for compensation for cosmetologists but did not specify what that compensation should be, nor was it required. This Bill would allow a barber extern to receive compensation if they participate in the program.

Mr. Matos also asked if there had been a discussion from a consumer standpoint should any adverse effects occur when a student or an extern offers the service. Ms. Underwood stated that there had been no specific discussion about that. She stated externs must identify themselves as externs and must be supervised while in the salon. Salon owners can make decisions based on what is proper for their business.

Mr. Matos inquired if there had been a discussion to increase the 25% externship time because he thought that 25% is not enough education. Ms. Underwood stated that there were no discussions regarding that on this Bill, the minimum percentage had increased at the same time that the hours decreased, so externs are getting in salons quicker. Ms. Pham mentioned that the Board had unanimously agreed that the 25% was low. They recommended changing it when the Bill was working its way through, but the suggestion was not adopted.

Chair Isbell noted that the Board's position had been to support if amended. He asked if that had changed. Ms. Underwood stated that the Board's position remains support if amended. The Committee's recommendation to the Board will remain to support if amended. The Board wanted two additions made, but those were not added. Ms. Underwood will try to get the two items in a cleanup bill next year.

f) SB 189 (Committee on Budget and Fiscal Review) State Government

Ms. Underwood stated this Bill has been chaptered and allowed for virtual meetings.

The agenda item was opened for public comment.

- Colette Kavanaugh, Electrologists Association of California representative, stated that some language in AB 2196 should be amended as it was inaccurate. She stated that under barbering, cosmetology, and skincare, it says “except by the use of lasers and light waves.” Ms. Kavanaugh stated it should also say “and electrical hair removal, commonly known as electrolysis, thermolysis, and blend technique.” Ms. Kavanaugh also noted that electrolysis is defined inaccurately in the Bill. It should be amended to state that electrology is the study of permanently removing hair from or destroying hair on the human body using an electric needle only. Electrolysis, thermolysis, and blend technique are the processes of removing hair. She also pointed out that the health and safety component learned in electrology school is not like barbering, cosmetology, or skin care. AB 2196 does not state sterilization for electrology; it must be for the public's safety. She mentioned that electrologists must have sterilization included in instructional hours due to the prevention of bloodborne pathogens.
- Wendy Cochran asked when AB 1661 will be enforced or if it will remain educational only. She also pointed out that in AB 2196, it is noted that wage postings should be posted in all establishments. She expressed concern that some inspectors had started giving citations for having the wage postings available in a solo environment with one licensee. She asked how that is being handled and if the same will be required with AB 1661, even though it had been stated that there is no authority to inspect. Ms. Cochran thanked the Committee for correcting the language in AB 2196, disallowing hairstylists from providing facial and aesthetic services. She also noted the cleanup language in AB 2196 about what estheticians can do in their skin care services. She thought that noting body parts would continue to confuse people unless it is specified in the regulations what is allowed.
- Chrystal, an electrologist in San Jose, expressed concern that beauticians and barbers might be able to become electrologists with a lot less training than the 600 hours offered in electrology schools. She stated it would be a bad idea if that were considered.
- Fred Jones, Professional Beauty Federation of California, responded to Mr. Matos regarding externship hours. He stated that he talked to legislators and staff regarding the hours and what is required before a student qualifies to become an extern in a salon. He mentioned that it was dropped from 60% to 25% of their schooling in direct relationship to apprenticeships. Apprentices were only required to receive 39 instructional hours before they could work in a salon for pay full time, whereas an extern was limited to a specific number of hours in a day and a week that they could work. Mr. Jones stated that 25% of a thousand-

hour program is 250 hours. Therefore, the legislators had no problem dropping it down to 250 hours compared to the 39 hours that an apprentice has.

- Lisa Ruly, an electrologist in the Los Angeles area, stated that the study of the electrology profession should stay within the approved schools that teach electrology only. The procedures are medical and invasive and should be taught in a controlled medical environment. Ms. Ruly also expressed her disapproval of the possibility of having hours crossover to electrology. She further stated that there should be a practical exam in the profession, and questions should be increased substantially for the written exams.
- Lydia commented on the quality of electrologists and their ability to keep the standards of the industry high.

Chair Isbell encouraged any public person in the State of California with comments on the legislation to submit comments to the author's office of the Bill directly.

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

No comments were received from the public.

6. AGENDA ITEM #6, FUTURE AGENDA ITEMS

Chair Isbell stated the next Committee meeting was tentatively set for September 19, 2022. Ms. Underwood stated she asked DCA to give a presentation on budgets, but they could not accommodate that date. Ms. Pham proposed moving the date to October 10 since most other committee meetings are scheduled that day. She then noted that with no upcoming bills, no update on the budget, and no update on the fee study until next year, the Committee should wait until the beginning of next year when the legislative session starts again and closely align the meeting dates around board meetings. Chair Isbell and the rest of the Committee agreed.

The agenda item was opened for public comment.

- Wendy Cochran suggested that the Committee consider finding an author to sponsor a supervised esthetic bill. She stated that estheticians continue to be misclassified and shoved out of scope by med spas. She mentioned that estheticians must choose to work out of scope or lose their jobs when told to do microneedling. Estheticians in other states can do things like microneedling and radio frequency on their own, in their treatment rooms, or under the supervision of medical professionals as employees. Ms. Cochran stated that people are doing it without supervision, which is very risky for consumers.

7. AGENDA ITEM #7, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 10:43 a.m.