

Senate Bill (SB) 803 (Roth, Chapter 648, Statutes of 2021)

Questions and Answers

(Updated October 19, 2021)

What exactly does SB 803 change?

SB 803 does the following:

- Reduces the cosmetology and barbering programs to 1,000 hours (from 1,600 and 1,500 respectively).
- Creates a 600-hour program for a new (non-chemical) hairstylist license.
- Changes the esthetic scope of practice to include lash and brow tinting and perming.
- Removes the practical examination and therefore eliminates the pre-application process.
- Changes the number of board members from 9 to 13 and requires that one licensee from each sector of the industry be represented on the Board.
- Allows for a streamlined endorsement process to license an individual from another state that holds a valid license in that state.
- Requires an apprentice to receive their pre-apprentice training from the Board prior to licensure.
- Updates the requirements for a mobile unit.
- Increases hours allowed in the extern program.

You can read the entire bill's text at:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB803.

When will the provisions in the bill be effective?

SB 803 becomes effective January 1, 2022. However, some of the provisions will require regulations to be adopted before implementation (e.g. the 600-hour hair stylist license).

SCHOOLS AND STUDENTS

Since the law now requires a *minimum* of 1,000 hours of instruction for the barbering or cosmetology program, can I offer and enroll students in the currently approved 1,500-hour barbering or 1,600-hour cosmetology program?

Yes, assuming the curriculum delivered is revised to include any new required subjects or competencies (for example: eyelash and eyebrow perming).

Can I offer both a 1,600-hour cosmetology program and a 1,000-hour cosmetology program?

Yes, however, the 1,600-hour cosmetology program will need to be revised to meet the new curriculum and competency requirements as prescribed by law.

Additionally, Section 94905 of the California Private Postsecondary Education Act of 2009 requires that *“If the minimum program requirements of the institution exceed the minimum requirements for state licensure, the institution shall disclose this information, including a list of those programs that are not required for state licensure.”* As such, schools wishing to continue to offer a 1,600-hour program may do so but will need to clearly disclose to students that the additional 600 hours of the program are not required for licensure.

Schools participating in Title IV student aid programs may need to contact the US Department of Education to ensure the 1,600-hour program will remain eligible for financial aid since the program will exceed 150% of the minimum hours required by law.

Lastly, both programs must be approved by the Board and the Bureau for Private Postsecondary Education (BPPE) (www.bppe.ca.gov) before the school may enroll students.

What action should I take regarding my currently approved 1,500-hour or 1,600-hour barbering and cosmetology programs, respectively?

The best option for schools and students may be to allow students currently enrolled in these programs to complete the programs as contracted in the enrollment agreements signed by the student and the school representative. When the last student has completed the program, the school should notify the Board and the BPPE that they are discontinuing the programs.

How do I obtain approval for the 1,000-hour barbering and cosmetology programs?

Schools must submit an application to the Board for approval and must notify the BPPE of the new programs via a non-substantive change notification. Upon BPPE’s acknowledgment of the change and the Board’s approval, the school can begin offering the new programs.

Since the law requires a *minimum* of 1,000-hours for the barbering and the cosmetology programs, can I add hours/competencies to the program that I submit to the Board and BPPE for approval?

Yes, provided the program meets the minimum requirements for hours and curriculum content as provided by law. However, schools will need to disclose to students the list

of programs or subject areas that are not required by law for state licensure (see above information).

What actions should/can I be taking now to prepare for the change in law effective January 1, 2022?

Schools wishing to offer the 1,000-hour barbering and/or cosmetology programs should review SB 803 and engage faculty or curriculum developers in designing and developing the new programs to ensure all hours and competency areas are covered and that their programs meet the requirements of the new law.

Board applications to *Add Course to Approved School of Barbering, Cosmetology, or Electrology* can be submitted prior to January 1, 2022, but the Board will not approve the applications until after January 1, 2022.

Schools may submit non-substantive change notifications to BPPE prior to January 1, 2022, but BPPE will not approve such programs until after January 1, 2022.

I am enrolled in a 1600-hour program and have completed 1,000-hours. Can I take my examination now?

No. To meet the requirements for licensure the Board will only accept a Proof of Training document indicating that a student has completed an approved 1,600-hour program or completed an approved 1,000-hour program. For students who enrolled in a 1,600-hour program but completed a 1,000-hour program, the Board will review transcripts to ensure required competencies were covered.

Once I have approval for the 1,000-hour programs, what if students in the 1,500-hour and 1,600-hour programs wish to drop and re-enroll in the 1,000-hour programs?

Students should be given the option to transfer any credits/hours earned from the 1,500-hour or 1,600-hour programs to the 1,000-hour program. A careful evaluation of hours and competencies completed versus required must be completed by the school for each student. Schools must ensure and document that students completed all required hours and competencies at the time of completion of the 1,000-hour program in order to be eligible for licensure. Note that the transferring of credits to the new program will require a new enrollment agreement be signed by the student.

Importantly, if institutions discontinue the 1,500 and 1,600-hour programs while students remain enrolled, the institution will be considered in default of the enrollment agreements and would need to provide full refunds to affected students.

How will the change in program hours affect the students already enrolled in school who have completed over 1,000 hours?

A student will need to complete a full program and submit a Proof of Training document to the Board to be eligible for the written examination.

Can a student enroll in a 1,000-hour program before January 1, 2022?

A student must enroll in an approved program. Neither the Board nor BPPE will have the authority to approve any 1,000-hour programs until after January 1, 2022.

What are the minimum number of practical operations that a student must complete to fulfill the course requirements?

SB 803 removes the requirement for the completion of a minimum number of practical operations. All practical and technical instruction must meet the minimum hours outlined in SB 803.

What are the requirements for a school to offer a cross-over program?

Business and Professions Code section 7367 states, in part, that credit can be granted for training obtained in one program to another if the training obtained in one program is identical to the training required in the other program. For example, if a student completed a cosmetology course, they would need an additional 200 hours in shaving to be eligible for the barber exam.

EXAMINATIONS AND APPLICATIONS

Is there still a need to do pre-application?

The pre-application program was intended to assist students in receiving a practical examination date close to their anticipated graduation date or apprenticeship program completion. Because the practical examination has been eliminated, there is no longer a need for the pre-application process, and that is why SB 803 eliminated the pre-application law.

Will students currently enrolled need to take a practical exam if they graduate after January 1, 2022?

The practical exam will no longer exist after January 1, 2022, so after this date, only the written exam will need to be taken.

If a student fails their practical exam close to the date when the changes take place but passes the written exam, do they need to retake the practical?

No, after January 1, 2022, they will be considered eligible for a license if they have already passed the written portion of the exam. The Board is working on an implementation plan for this process. Services cannot be performed until a license is issued.

Can we still submit pre-applications before January 1, 2022?

No. The Board is scheduled out through the end of the year so pre-applications are no longer being accepted and pre-application exam dates are not being issued.

Will there be a change in the application and examination fee?

No. The fees are set in regulation and cover the costs of the application review, license and examination. The Board will be conducting a fee study to determine if the fees should be modified in the future.

What changes will be made to the written examination?

There will be no changes to the written examination.

I passed my written exam 6 months ago and applied to re-take the practical exam, what should I do?

Your written examination score is valid for one year. Effective January 1, 2022 you will have met the requirements for licensure and will be issued a license. Please send an email to barbercosmo@dca.ca.gov with your name, date of birth, and last four numbers of your social security number and request that your re-exam fee for the practical exam be refunded. You cannot provide services until you receive a license.

I am scheduled for both the written and practical in December, do I still need to take both portions of the exam?

If you take and pass both portions it would expedite you receiving a license. If you choose not to take the practical portion and only take the written portion you will only be eligible for licensure AFTER January 1, 2022. You cannot provide services until you receive a license.

NEW HAIRSTYLIST LICENSE

What is the new hairstylist license?

The new hairstylist license will allow an individual to perform hair services that do NOT involve any chemicals. This license would allow a person to perform hairstyling, arranging, blow-drying, cleansing, curling, cutting, dressing, shampooing, waving, non-chemical straightening, massaging, cleaning or stimulating the scalp, face and neck by means of hands, devices, apparatus or appliances with or without the use of cosmetic preparations, antiseptics, lotions or creams.

To become licensed as a hairstylist an individual will need to attend a board-approved school and complete a board-approved 600-hour program. The individual will then need to apply and pass the written examination.

Will we need to fill out an application to offer the 600-hour hairstylist program?

Yes, the Board will need to approve the curriculum and the BPPE will need to approve the educational program for the hairstyling program.

What is required to receive a hairstylist license?

The hairstylist license will require completion of a 600-hour hairstyling program that has been approved by the Board.

When can I apply for the hairstylist license?

The Board does not yet have a date for when the implementation of the new license type will be completed. Regulations to implement the program and licensure are in process and must be approved prior to the implementation of this license type.

When can a school become approved to offer the hair stylist license?

The Board does not yet have a date for when the implementation of the new license type will be completed. Regulations to implement the program and licensure are in process and must be approved prior to the implementation of this license type.

APPRENTICESHIP

What changes does the bill make to the apprenticeship program?

The only change to the apprenticeship program is that the 39-hour pre-apprentice training will be administered by the Board. All other apprentice requirements remain the same, including the number of hours to complete the program (3,200-hours). The Board is in the process of developing the 39-hour pre-apprentice training program that will be required for all new licensees.

If the courses in a school for cosmetology and barbering were reduced to 1,000 hours, why do apprentices still have to complete 3,200-hours?

The hours of an apprentice program are set by the Division of Apprenticeship standards and must be 3,200-hours.

SCOPE OF PRACTICE

Do I still need a license to cut and style hair?

Yes, SB 803 originally proposed removing hair cutting and styling from the Board's laws, deleting the licensure requirement; however, this language was placed back into the bill and licensure continues to be a requirement. Although a license is required for hair cutting, styling, shampooing, blow drying, etc., the law creates a new license with a shorter curriculum for individuals seeking to just cut and style hair without the use of chemicals.

Can estheticians now perform lash and brow tint?

Effective January 1, 2022, the service of lash and brow tinting will be in the scope of an esthetician; however, according to the U.S. Food and Drug Administration (FDA) (www.fda.gov), there is still no product that has been approved to tint or dye lashes or brows.

Can an esthetician now perform lash perms/brow lamination?

Effective January 1, 2022, this service can be performed by estheticians. Licensed estheticians should ensure they are fully trained prior to performing this service to ensure the safety of the consumer.

Can an esthetician now perform dermaplaning?

Effective January 1, 2022 this service can be performed by both estheticians and cosmetologists. Licensees should ensure that they are fully trained prior to performing this service to ensure the safety of the consumer.

OUT OF STATE LICENSURE

What changes does SB 803 make to individuals coming into California who are licensed in another state?

Effective January 1, 2022 anyone who is licensed in another state can receive a license in California in the same practice.

How will the changes in SB 803 impact someone moving from California to another state?

Moving to another state will always depend on the other state's rules. Most states will accept the 1,000-hour course, however, every state varies on whether additional examinations will be required.
