

BOARD OF BARBERING AND COSMETOLOGY

FINAL STATEMENT OF REASONS

Hearing Date: July 24, 2019

Subject Matter of Proposed Regulations: Fines and Payment Plans

Sections Affected: Sections 974 and 974.3, California Code of Regulations

Updated Information

During the course of this rulemaking, the Board revised the layout of the chart in Section 974 of the Specific Language to make it conform with AB434, which mandates that all materials posted to the Internet be accessible to persons with disabilities. The Board also deleted an extraneous marking (“-1-00”) in Section 995 of the chart. All of these revisions are non-substantive.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

There is no significant impact to small businesses that comply with California law.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

The Board rejected the alternative to make no amendments to the fine schedule, because it would hamper its ability to fully inspect barbering and cosmetology establishments (BPC section 7404(l)), leave an inequitable fine in place (BPC section 7349) and ignore a legislative mandate (BPC sections 7353.4, 7407.1 and 7408.1). The Board also rejected the alternative of making the fines lower, as the Board would expect the anticipated benefits of the higher fine for interfering with an inspection (BPC section 7404(l)) – reducing the number of violations – would also be reduced, thereby risking the health and safety of consumers who benefit from full, unfettered inspections by the Board. Reducing the proposed fine for BPC Section 7349 would still leave inequitable fines in place, specifically the fines upon which the proposed fine for BPC 7349 is modeled (the unlicensed/expired license fines of BPC 7317). Board rejected reducing the proposed fine for BPC section 7353.4 for the same reason: reducing that fine would render inequitable the fine upon which is it modeled, Section 904 of the CCR, which is levied for failure to post the Board’s Notice to Consumers.

Summary of, and Responses to, Comments Received During the 45-day Comment Period on the Original Language

No comments were received.