

BOARD OF BARBERING AND COSMETOLOGY
Division 9, Title 16, of the California Code of Regulations.

ORDER OF ADOPTION

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

- Amend Section 974, Title 16, California Code of Regulations, as follows:

§ 974. Schedule of Administrative Fines.

(a) An administrative fine may be assessed for violations of the specified sections of the Business and Professions Code (BPC) and of Division 9 of Title 16 of the California Code of Regulations as follows (in dollars):

Section	1 st Violation	2 nd Violation	3 rd Violation	<u>For purposes of BPC section 7407.1, fine applies to the:</u>	Waivable
7313. Access to Establishment for Inspection	250	500	750	<u>Holder of the establishment license</u>	No
7317. Unlicensed Establishment	500	1,000	1,000		No
7317. Unlicensed Individual	1,000	1,000	1,000		No
7317. Expired Establishment License	250	300	500	<u>Holder of the establishment license</u>	No
7317. Expired Individual License	250	300	500	<u>Individual licensee</u>	No

7317. Individual Working in an Expired Establishment	25	50	100	<u>Individual licensee</u>	No
7317. Individual Working in an Unlicensed Establishment	250	300	500	<u>Individual licensee</u>	No
7320. Practice of Medicine	1,000	1,000	1,000	<u>Holder of the establishment license; fine also applies to the individual licensee when the individual licensee can be determined and is present</u>	No
7320.1. Use of Illegal Metal Tools	250	500	500	<u>Holder of the establishment license; fine also applies to the individual licensee when the individual licensee can be determined and is present</u>	No
7320.2. Illegal Treatment Methods	500	500	500	<u>Holder of the establishment license; fine also applies to the individual licensee when the individual licensee can be determined and is present</u>	No
7336. No Supervision of Apprentice	100	150	200	<u>Individual licensee</u>	No
7348. No Licensee in Charge of Establishment	100	150	200	<u>Holder of the establishment license</u>	No
7349. Employing Unlicensed Persons	1,000	1,000	1,000	<u>Holder of the establishment license</u>	No

<u>7349. Employing Unlicensed Persons – Expired License</u>	<u>250</u>	<u>300</u>	<u>500</u>	<u>Holder of the establishment license</u>	<u>No</u>
7349.1. Illegal Use of a Barber Pole	25	50	100	<u>Holder of the establishment license</u>	No
7350. Establishment Residential Use/ Entrance/ Prohibited Use	50	100	150	<u>Holder of the establishment license</u>	No
7351. Restroom Requirement – Clean/Storage/ Floor/Vented	50	100	150	<u>Holder of the establishment license</u>	No
7352. No Soap/Towels or Air Hand Dryers in Hand Washing Facilities	50	100	150	<u>Holder of the establishment license</u>	No
<u>7353.4. Labor Rights Notice Not Posted</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>Holder of the establishment license</u>	<u>No</u>
7358. No Licensee in Charge of Mobile Unit	100	150	200		No
7359. Employing Unlicensed Person in Mobile Unit	1,000	1,000	1,000		No
7360. Mobile Unit – Residential/Prohibited Use	50	100	150		No

7400. No Change of Address Notice Filed	50	100	150	<u>Individual licensee</u>	No
7404(l). Interference with Inspection	200 1,000	300 1,000	500 1,000	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee is solely responsible for interfering with an inspection</u>	No
904(d). No Photographic Identification Available	50	100	150	<u>Individual licensee</u>	No
905. Consumer Info. Not Posted/ Incorrect Size of Print (Health & Safety)	50	100	150	<u>Holder of the establishment license</u>	No
920. Apprentice Training Records Not Available/ Incomplete	100	150	200	<u>Individual licensee</u>	No
965. Display of Licenses	50	100	150	<u>Holder of the establishment license when an establishment license is not conspicuously posted in the reception area; fine applies to the individual licensee and the holder of the establishment license when the individual's license is not conspicuously posted at his or her primary work station</u>	No
978(a)(1), (a)(2),(a)(3), (a)(4). Receptacles, Cabinets and Containers	50	100	150	<u>Holder of the establishment license</u>	No

978(a)(5). Insufficient Disinfectant in Container for Total Immersion	100	150	200	<u>Holder of the establishment license</u>	No
978(a)(6). No Steam/Dry Heat Sterilizer for Electrology Tools	500	1,000	1,500	<u>Holder of the establishment license</u>	No
978(b). No Disinfectant Solution Available for Use	250	300	500	<u>Holder of the establishment license</u>	No
978(c). No Manufacturer- Labeled Container for Disinfectant	250	300	500	<u>Holder of the establishment license</u>	No
979. Disinfecting Non-Electrical Tools and Equipment	100	250	500	<u>Individual licensee when the individual licensee can be determined and is present; fine applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
980(a). Incorrect Disinfection of Electrical Items	100	250	500	<u>Individual licensee when the individual licensee can be determined and is present; fine applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No

980(b). Incorrect Storage of Electrical Disinfected Items	50	100	150	<u>Individual licensee when the individual licensee can be determined and is present; fine applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
980(c). Incorrect Storage of Soiled Electrical Tools	50	100	150	<u>Individual licensee when the individual licensee can be determined and is present; fine applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
980.1. Incorrect Disinfection of Pedicure Spas (Per Chair)	500	500	500	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No
980.1(c)(7). 980.1(d)(8). 980.1(e)(4). Incorrect/ Missing Log	100	150	200	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No
980.1(g). Failure to List Chair as "Not in Service" in Log; No Sign Displayed on Chair	50	100	150	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No

980.2. Incorrect Disinfection of "Pipeless" Footspas (Per Unit)	500	500	500	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No
980.2(b)(7). 980.2(c)(6). 980.2(d)(3). Incorrect/ Missing Log	100	150	200	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No
980.2(f). Failure to List Chair as "Not in Service" in Log; No Sign Displayed on Chair	50	100	150	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No
980.3. Incorrect Disinfection of "Non-Whirlpool Foot Basin" (Per Unit)	100	150	200	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No
980.3(b)(6). Incorrect/ Missing Log	50	100	150	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No
980.3(e). Improper Storage of Basins or Tubs	50	100	150	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No
980.4. Incorrect Disinfection of foot basin or tub after use of disposable liner	500	500	500	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No
980.4(a)(2). Incorrect/ Missing Log	50	100	150	<u>Holder of the establishment license; fine may also apply to the individual licensee when the individual licensee can be determined and is present</u>	No

980.4(a)(4). Failure to Maintain Supply of Five (5) Disposable Liners per Foot Tub Basin	250	300	500	<u>Holder of the establishment license</u>	No
981(a). No Disposal of Non-Disinfected Items	100	150	200	<u>Individual licensee when the individual licensee can be determined and is present; fine also applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
981(b). Improper Storage of New Supplies and Disposable tools	50	100	150	<u>Individual licensee when the individual licensee can be determined and is present; fine also applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
981(c). Carry Tools or Supplies in or on Garments	50	100	150	<u>Individual licensee</u>	No
982. Incorrect Sterilization of Electrology Tools	100	150	200	<u>Individual licensee when the individual licensee can be determined and is present; fine also applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
983. Personal Cleanliness	50	100	150	<u>Individual licensee</u>	No

984(a). <u>Allow Licensee with Infectious/Communicable Disease to Work on Person with Infectious/Communicable Disease</u>	100	250	500	<u>Holder of the establishment license</u>	No
984(b). <u>Allow or Require a Licensee to Work on Person with Infectious/Communicable Disease</u>	<u>100</u>	<u>250</u>	<u>500</u>	<u>Holder of the establishment license</u>	<u>No</u>
984(e). <u>Performing Services on Inflamed, Broken, Infected or Erupted Skin or Scalp Surface/ Working without Gloves when Skin on Hands Is Inflamed, Broken, Infected or Erupted</u>	<u>100</u>	<u>250</u>	<u>500</u>	<u>Individual licensee</u>	<u>No</u>
985. No Use of Neck Strips or Towel	50	100	150	<u>Individual licensee</u>	No

986. Neck Dusters/ Brushes Not Clean or Sanitary	50	100	150	<u>Individual licensee when the individual licensee can be determined and is present; fine also applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
987. Towels	50	100	150	<u>Individual licensee when the individual licensee can be determined and is present; fine also applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
988. Liquids, Creams, Powders and Cosmetics	50	100	150	<u>Individual licensee when the individual licensee can be determined and is present; fine also applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
989. Prohibited Hazardous Substance/Use of Product	500	500	500	<u>Holder of the establishment license</u>	No
990. Headrests and Treatment Tables	50	100	150	<u>Individual licensee when the individual licensee can be determined and is present; fine also applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No

991. Performing Invasive Procedures	500	500	500	<u>Individual licensee when the individual licensee can be determined and is present; fine also applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
992. Performing Invasive Skin Exfoliation/ Dermis	500	500	500	<u>Individual licensee when the individual licensee can be determined and is present; fine also applies to the holder of the establishment license when the individual licensee cannot be determined or is not present, or the violation has been found repeatedly in the establishment</u>	No
993. Prohibited Tools	300	400	500	<u>Holder of the establishment license</u>	No
994. Cleanliness and Repair	50	100	150	<u>Holder of the establishment license</u>	No
995(b), (c), (d), (e). Plumbing Standards-1-00	50	100	150	<u>Holder of the establishment license</u>	No

(b) A violation indicated in subdivision (a) as not waivable means that the Board, in its discretion, has determined that the violation cannot be corrected pursuant to Business and Professions Code Section 7407, and therefore that the fine for the first violation may not be avoided as provided for in Section Business and Professions Code section 7409 of the Business and Professions Code.

NOTE: Authority cited: Sections 7312, 7406 and 7407, Business and Professions Code.
Reference: Sections 7353.4, 7406, 7407, 7407.1, and 7409, Business and Professions Code.

- **Adopt Section 974.3, Title 16, California Code of Regulations, as follows:**

§ 974.3. Installment Payment Plan.

(a) A licensee with any administrative fine exceeding \$500 may request a payment plan consisting of no more than 12 monthly installments. The licensee must request the payment plan in writing. After the licensee requests a payment plan, the board will provide to the licensee a schedule of payments indicating the due date and amount of the payment.

(b) A licensee's payment plan will be cancelled by the board if the licensee fails to follow any of the terms and conditions of the payment plan.

(c) If a licensee's payment plan is cancelled by the board, the licensee will not be allowed to:

(1) Renew any board-issued license he or she holds until all outstanding fines are paid in full;

(2) Request a payment plan for any subsequent administrative fine.

(d) A licensee who is paying an administrative fine in accordance with the provisions of this section shall be permitted to renew any board-issued license he or she holds even if the fines have not been paid in full by the renewal date.

Note: Authority cited: Section 7312, 7408.1 and 7414, Business and Professions Code.
Reference: Sections 7408.1 and 7414, Business and Professions Code.