

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
Division 9
Article 4

DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BARBERING AND COSMETOLOGY

Final Statement of Reasons

Hearing Date: No hearing was scheduled or requested.

Subject Matter of Proposed Regulations: Disciplinary Guidelines

Sections Affected: Amend Section 972 of Title 16 of the California Code of Regulations (CCR).

Updated Information

The Initial Statement of Reasons are included in the rulemaking file and incorporated as though set forth herein. The information contained therein accurately reflects the position of the Board of Barbering and Cosmetology (Board) regarding the amendment of the above section. The Initial Statement of Reasons (ISR) is updated as follows:

At the Board's November 4, 2024, meeting, the Board approved proposed language to amend Section 972 of Title 16 of the California Code of Regulations. The Board directed staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for a 45-day public comment period, setting the proposed language for a public hearing if requested, and authorizing the Executive Officer to make any non-substantive changes to the rulemaking package and, if no adverse comments were received, to adopt the proposed text as noticed. The Board notes that the title for item No. 2 in the "Underlying Data" section of its Initial Statement of Reasons inadvertently added a "1" in front of the meeting day when the meeting was actually held on November 4, 2024. The day is hereby corrected to November 4, 2024.

After notice and publication of the proposed regulatory language in the Notice Register on August 8, 2025, the 45-day public comment period began on August 8, 2025, and ended on September 22, 2025. The Board received no public comments during the 45-day public comment period.

However, in response to a comment received from the Director of the Department of Consumer Affairs, the Board made changes to the text in the Disciplinary Guidelines to clarify that the suspension notice shall be posted where the Respondent performs barbering, cosmetology, hairstylist, skin care, nail care, or electrolysis services, as

applicable. The Board revised proposed optional term No. 12 (p. 45 of the Guidelines document incorporated by reference), to correct an error that left out references to all license types regulated by the Board. This ensures consistency in terminology across all optional and standard terms of probation when referring to the establishments where licensees work. Consequently, the Board authorized modified text at its November 17, 2025 meeting, as follows:

Modified Text

On page 45 of the Guidelines, proposed optional term No. 12 (“Posting of Suspension Sign”) was amended as follows:

Posting of Suspension Sign

During the period of suspension, Respondent shall post a notice which describes the nature of the violation for which the license is being disciplined. If only an individual’s license is disciplined, the notice shall be conspicuously posted in the establishment where the Respondent performs barbering, and cosmetology, hairstyling, skin care, nail care, or electrolysis services, as applicable. If an establishment license is disciplined, the notice shall be conspicuously posted, unobstructed and visible to the public from the outside of the main entrance. The 8-inch by 11-inch notice to be posted will be provided by the Board of Barbering and Cosmetology designee in the form of a sign to be posted by Respondent prior to the commencement of the suspension and will include the Respondent’s name and license number(s).

The 15-day comment period on the notice of modified text and modified text began on December 11, 2025, and ended on December 26, 2025.

The Board did not receive a request to hold a hearing on this rulemaking or any public comments.

Local Mandate

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

Small Business Impact

The Board has determined that the proposed regulations may affect small businesses. The proposed regulatory action only affects licensees who, through their own conduct, subject themselves to disciplinary action for violations of the laws and regulations within the Board’s jurisdiction. Any potential “adverse economic impact” may be avoided simply by complying with the existing laws and regulations governing the professions regulated by the Board.

Anticipated Benefits of the Proposal

The Board has determined that the regulatory proposal will make the Disciplinary Guidelines consistent with current law and the current probationary environment. As a result of the proposed amendments, they will clarify how the Board will administer the Disciplinary Guidelines and will be a more useful tool for the Board, applicants and licensees, ALJs, legal counsel, and the public by providing a more accurate overview of the Board's processes in formal disciplinary actions. The updated Disciplinary Guidelines will also serve as an educational and guidance tool for the ALJs who administer hearings for the Board. These judges will benefit from greater understanding of the various nuances of the Board's enforcement provisions and will help improve the consistency of penalties for violations of the Barbering and Cosmetology Act and its regulations.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board as part of comments received or at the Board's meetings would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Other than the Director of the Department of Consumer Affairs' comment, the Board received no public comments related to this rulemaking. Therefore, no reasonable alternatives were presented or considered by the Board.

Incorporation by Reference

Disciplinary Guidelines Revised October 2010 [OAL insert effective date here]

The incorporation by reference method was used for the Disciplinary Guidelines because it would be cumbersome, unduly expensive, and otherwise impractical to publish it in the California Code of Regulations (CCR). The Disciplinary Guidelines were developed to be consistent with current law and the current probationary environment, clarifying the terms and conditions of probation to reduce the likelihood of misinterpretation, and strengthen consumer protection. If the Guidelines were incorporated into the CCR, it would increase the size of Division 9 of Title 16 of the CCR and may cause confusion to the users. The Guidelines were made available to the public and were posted on the Board's website.