

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16 PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 9.

BOARD OF BARBERING AND COSMETOLOGY

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Interpreters for Licensing Exams

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than September 8, 2025** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE Pursuant to the authority vested by Section 7312 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 7338 and 7340, the Board is considering amending section 931 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Board licenses, regulates, and investigates complaints against barbers, cosmetologists, manicurists, estheticians, hairstylists, electrologists, barber apprentices, cosmetology apprentices, electrology apprentices, and the establishments where they work in California, totaling over 59,000 establishments and over 595,000 individuals. It is the Board’s duty to enforce and administer the Barbering and Cosmetology Act (Chapter 10 (commencing with section 7300) of Division 3 of the Business and Professions Code (BPC)) (Act). The Board is authorized to establish necessary rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction. (BPC § 7312.)

Existing law gives the Board authority to establish standards and procedures governing examinations of its licensees (BPC § 7340). The Board has a very diverse licensing population and makes available all written materials to licensees and applicants in English, Korean, Spanish and Vietnamese (BPC § 7312(a)(6)). However, there are many more applicants that speak other languages that require interpreter services during the examination. Currently section 931 of Title 16 of the CCR states: “A person shall be allowed to act as an Interpreter only once in two (2) years in any examination.” The Board’s corresponding “Application to Use an Interpreter” form, incorporated by reference in CCR section 931 (“interpreter application”), also advises applicants that persons who have acted as an interpreter within the past two years, regardless of the examination type, are prohibited from acting as an interpreter.

Interpreters have requested that the Board permit interpreters to serve more frequently than once every two years. Many exam candidates relocate to California from other states and countries, speaking languages for which the exam is not available. These candidates often face challenges in finding an interpreter who is familiar with the specific terminology used in barbering and cosmetology.

To address the foregoing concerns, on February 10, 2025, the Board directed staff to take all steps necessary to initiate a rulemaking with approved amendments to CCR section 931 that would: (a) repeal the prohibition that an individual can act as an Interpreter only once in two (2) years, (b) specify that a person shall be allowed to act as an Interpreter only once per year, and (c) provide a definition of the meaning of “once per year,” as within the last twelve (12) months preceding the date of their signature on the interpreter application.

The Board also proposes to revise the interpreter application to align the application with the revised “once per year” standard and the changes in CCR section 931 noted above, which includes updating the interpreter background question and the qualifying criteria listed on the application. No fee is authorized to be collected for this application.

Anticipated Benefits of Proposal

The Board has determined that the regulatory proposal will provide greater notice and transparency in how the Board will administer interpreters’ requirements for licensing exams and corresponding applications. Allowing interpreters to interpret more frequently would reduce barriers to entry and enable individuals who need an interpreter to apply for re-examination sooner, while adopting a new “once per year” standard that would help prevent fraud in the examinations process.

This regulatory proposal does not affect worker safety or the state’s environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

“Application to Use an Interpreter” (Form #03A-126 (~~New~~Rev. 0602/20242025))

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Board will be required to update the interpreter form with one-time (absorbable) workload costs of approximately \$1,100.

The regulations do not result in costs or saving in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None

Mandate Imposed on Local Agencies or School Districts: None

Significant Effect on Housing Costs: None

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts:

Applicants are currently required to complete and submit the existing version of the “Application to Use and Interpreter” form, as specified, and is not anticipated to incur additional workload or costs to complete and submit the updated version, as there are no fees associated with this form. Any other economic impacts, including costs, savings, or decreased revenues are a result of current law.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. See “Business Impact Estimates” section above for further analysis.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS:

Impact on Jobs / Businesses

The Board has determined that this regulatory proposal will not have any impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state, or,
- 3) the expansion of businesses currently doing business within the state.

This proposal would not have any of the above-referenced impacts as explained in the “Business Impact Estimates” section of this notice.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents. This regulation would provide greater notice and government transparency to residents about how the Board will administer interpreters’ requirements for licensing exams and corresponding applications, which also allows for greater understanding and accountability to the public. Allowing interpreters to interpret more frequently would reduce barriers to entry into the professions regulated by the Board and enable individuals who need an interpreter to apply for re-examination sooner, making examination opportunities available to more residents while adopting a new “once per year” standard that would help prevent fraud in the examinations process.

This regulatory proposal does not affect worker safety or the state’s environment as this proposal is not related to any of those issues.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses. This proposal does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses, including Board approved schools.

Applicants are currently required to complete and submit the existing versions of the interpreter form, as specified, and are not anticipated to incur additional workload or costs to complete and submit the updated version. As a result, the regulations do not result in business impacts to the state.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1625 N. Market Blvd., Suite 202, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board, at 1625 N. Market Blvd., Suite 202, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jennifer Huetter
Address: Board of Barbering and Cosmetology
1625 N. Market Blvd, Ste 202
Sacramento, CA 95834
Telephone No.: (279) 278-5098
Fax No.: (916) 928-6810
E-Mail Address: Jennifer.Huetter@dca.ca.gov

The backup contact person is:

Name: Noel Cassens
Address: Board of Barbering and Cosmetology
1625 N. Market Blvd, Ste 202
Sacramento, CA 95834
Telephone No.: (279) 236-2834
Fax No.: (916) 928-6810
E-Mail Address: Noel.Cassens@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Board's website at http://www.barbercosmo.ca.gov/laws_regs/prop_regs.shtml