

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

MODIFIED TEXT

LEGEND

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

- **Adopt Section 900, Title 16, California Code of Regulations, as follows:**

§ 900. “Establishment.”

Except as otherwise expressly provided, for purposes of this division and the Barbering and Cosmetology Act (Chapter 10 (commencing with section 7301) of Division 3 of the Business and Professions Code), “establishment” does not include any offsite premises, building, or part of a building where a personal service permit (“PSP”) holder travels to meet a client, if the only services performed by the PSP holder at that location are authorized pursuant to section 965.2. A PSP holder’s place of residence or employment, or other space that is procured by or on behalf of the PSP holder, is not “offsite” for purposes of this section.

NOTE: Authority cited: Sections 7312 and 7402.5, Business and Professions Code. Reference: Sections 7312, 7346, 7350, and 7402.5, Business and Professions Code.

- **Adopt Section 965.2, Title 16, California Code of Regulations, as follows:**

§ 965.2. Personal Service Permit.

(a) The Board may issue a personal service permit (PSP) authorizing the holder of the permit to perform certain barbering and cosmetology services outside of a licensed establishment if the following conditions are met:

- (1) The applicant is licensed by the Board and has held a valid license for a minimum of two consecutive years, or has been licensed in another state and is eligible for licensure pursuant to section 7331 of the Business and Professions Code, as a barber, cosmetologist, esthetician, or manicurist, and is not subject to denial pursuant to section 480.
- (2) The applicant submits via Live Scan a full and complete set of his or her fingerprints for use in conducting a criminal background check through the California Department of Justice and the Federal Bureau of Investigation. Applicants may be denied a PSP pursuant to Chapter 10 of Division 3 of the Business and Professions Code, pursuant to Division 1.5 (commencing with Section 475) of that same code.
- (3) The applicant pays an application fee to the Board as provided in Section 998 of these regulations.
- (4) The applicant provides proof of current liability insurance in a minimum amount of \$1,000,000.

(b) A PSP holder shall maintain liability insurance in a minimum amount of \$1,000,000, and present proof of liability insurance to the board or its representatives upon demand with reasonable notice. Failure to present proof of liability insurance to the board or its representatives may be grounds for discipline and PSP revocation.

(c) The services that may be performed outside of a licensed establishment by a licensed barber who holds a PSP are as follows:

- (1) Shampooing;
- (2) Cutting, styling, dressing, arranging, curling and waving hair. These authorized services do not include singeing, relaxing, or dyeing the hair.
- (3) Applying hair tonics;
- (4) Applying powders, clays, antiseptics, and oils to the scalp, face or neck;
- (5) Trimming the beard.

(d) The services that may be performed outside of a licensed establishment by a licensed cosmetologist who holds a PSP are as follows:

- (1) Shampooing;

- (2) Cutting, styling, dressing, arranging, curling and waving hair. These authorized services do not include singeing, relaxing, or dyeing the hair.
 - (3) Applying hair tonics;
 - (4) Applying powders, clays and oils to the scalp, face or neck;
 - (5) Cleaning, massaging, or stimulating the face and neck by means of the hands with the use of cleansing agents, antiseptics, tonics, lotions, or creams. This does not include chemical exfoliation or exfoliation with the use of a tool, machine or device;
 - (6) Removing hair from the body of any person with tweezers;
 - (7) Applying make-up or strip lashes;
 - (8) Buffing and filing nails with non-electrical tools;
 - (9) Applying and removing nail polish.
- (e) The services that may be performed outside of a licensed establishment by a licensed esthetician who holds a PSP are as follows:
- (1) Cleaning, massaging, or stimulating the face and neck by means of the hands with the use of cleansing agents, antiseptics, tonics, lotions, or creams. This does not include chemical exfoliation or exfoliation with the use of a tool, machine or device;
 - (2) Applying make-up or strip lashes;
 - (3) Removing hair from the body of any person with tweezers.
- (f) The services that may be performed outside of a licensed establishment by a licensed manicurist who holds a PSP are as follows:
- (1) Filing and buffing of nails by non-electrical tools;
 - (2) Applying and removing nail polish.
- (g) A PSP holder should use disposable tools whenever possible.
- (h) A PSP holder shall follow all laws, rules and regulations applicable to the services rendered, including but not limited to local laws and regulations.
- (i) Upon completion of services outside of a licensed establishment, the holder of a PSP shall:
- (1) Provide the consumer with a Personal Service Permit Consumer Notice (BBC-PSP (~~2018~~ 2020)), which is hereby incorporated by reference.
 - (2) Obtain a signed and dated receipt from the consumer that contains the following information:
 - A. The consumer's acknowledgement of receipt of the Personal Service Permit Consumer Notice;
 - B. The consumer's name;
 - C. The consumer's phone number;
 - D. The consumer's email address, if available
 - E. A list of all services rendered to the consumer.

A copy of the receipt shall be provided to the consumer. The PSP holder's copy of the receipt shall be presented upon demand with reasonable notice to the board or its representatives by the PSP holder, and shall be kept on file by the PSP holder for a period of five (5) years from the date of the service. Failure to present the receipt of Consumer Notice to the board or its representatives may be grounds for discipline. The notice and receipt requirements in this section may be satisfied electronically.

NOTE: Authority cited: Sections 7312 and 7402.5, Business and Professions Code.
Reference: Sections 7312 and 7402.5, Business and Professions Code.

Amend Section 998, Title 16, California Code of Regulations, as follows:

998. Schedule of Fees.

The following fees shall be charged by the board:

(a) Barbers:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	50
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹

(b) Cosmetologists:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	50
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹

(c) Estheticians:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	40

(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹
(d) Manicurists:	
(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	35
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹
(e) Electrologists:	
(1) Preapplication fee.....	9
(2) Application and examination fee.....	75
(3) Initial license fee.....	50
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹
(f) Apprentice application and license fee ²	25
(g) Establishments:	
(1) Application and initial license fee.....	50
(2) License renewal fee.....	40 ¹
(3) License renewal delinquency fee.....	20 ¹
(h) Mobile Units:	
(1) Application fee.....	50
(2) Initial inspection and license fee.....	100
(3) License renewal fee.....	40 ¹
(4) License renewal delinquency fee.....	20 ¹
 (i) <u>Personal Service Permit</u>	
<u>(1) Initial License fee</u>	<u>25</u>

(32) License renewal fee	10
(3) License renewal delinquency fee	5

1 Fees effective for all licenses expiring on or after December 21, 2007.

2 Licenses of apprentices are not renewable.

NOTE: Authority cited: Sections 7312, 7337.5(b) and 7421, Business and Professions Code. Reference: Sections 7402.5, 7415, 7417, 7418, 7419, 7420, 7423, 7424, and 7425, Business and Professions Code.