

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



**JUNE 4, 2021
Board Meeting**

**PUBLIC
TELECONFERENCE**



**CALIFORNIA BOARD OF
BARBERING AND
COSMETOLOGY
BOARD MEETING NOTICE AND
AGENDA**

*Action may be taken on
any item listed on the
agenda.*

BOARD MEMBERS:

Steve Weeks,
President
Calimay Pham,
Vice-President
Jacquelyn Crabtree
Andrew Drabkin
Tonya Fairley
Derick Matos
Christie Tran

**PUBLIC TELECONFERENCE
MEETING**

**June 4, 2021
9:00am – Until Completion of
Business**

NOTE: Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below.

Important Notices to the Public: The Board of Barbering and Cosmetology will hold a public meeting via a Webex Events. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e8a15b4b7fd05cb04d2c96618954c8f18>

Event number: 187 189 1255
Event password: BBC06042021

Instructions to connect to the meeting can be found at:
https://www.barbercosmo.ca.gov/about_us/meetings/how_to_join_webex_event.pdf

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period; members of the public will not be permitted to “yield” their allotted time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at
<https://thedcapage.wordpress.com/webcasts/>.

AGENDA

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum (**Mr. Steve Weeks**)
2. Discussion and Possible Action Regarding Approval of Second Modified Text, Title 16, California Code of Regulations, sections 900, 965.2, 998 (Personal Service Permit)
3. Public Comment on Items Not on the Agenda
Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))
4. Adjournment

Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>.

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is being held via Webex Events. The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

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

SECOND MODIFIED TEXT

LEGEND	
<u>Underlined</u>	Indicates proposed additions to the original text
Strikeout	Indicates proposed deletions to the original text
<u>Double Underline</u>	Indicates proposed additions to the modified text
Double Strikethrough	Indicates proposed deletions to the modified text
<u><i>Italicized Double Underline</i></u>	Indicates second proposed additions to the modified text
<i>Italicized Double Strikeout</i>	Indicates second proposed deletions to the modified text

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

§ 900. “Establishment.”

Except as otherwise ~~expressly~~ provided *in Business and Professions Code section 7346*, 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~~ shall 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 *Business and Professions Code* 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 *on any applicable ground(s) set forth in pursuant to Chapter 10 of Division 3 of the Business and Professions Code* ~~pursuant to Division 1.5 (commencing with Ssection 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 ~~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, *chemically waving*, 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, *chemically waving*, 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.

(3) ~~A Provide a copy of the receipt shall be provided~~ to the consumer.

(4) ~~Present a copy The PSP holder's copy of the receipt shall be presented~~ upon demand with reasonable notice to the ~~b~~Board or its representatives ~~by the PSP holder~~, and ~~shall be kept~~keep the receipt 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 ~~b~~Board or its representatives ~~may be~~ is 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 ~~b~~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
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(g) Establishments:

(1) Application and initial license fee.....	50
(2) License renewal fee.....	40
(3) License renewal delinquency fee.....	20

(h) Mobile Units:

(1) Application fee.....	50
(2) Initial inspection and license fee.....	100
(3) License renewal fee.....	40
(4) License renewal delinquency fee.....	20

(i) Personal Service Permit

<u>(1) Initial License fee</u>	<u>25</u>
<u>(2) License renewal fee</u>	<u>10</u>
<u>(3) License renewal delinquency fee</u>	<u>5</u>

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.

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

ORDER OF ADOPTION

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

§ 900. “Establishment.”

Except as otherwise provided in Business and Professions Code section 7346, 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 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 shall 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 Business and Professions Code 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. Applicants may be denied a PSP on any applicable ground(s) set forth in Business and Professions Code section 475.
- (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.
- (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, chemically waving, 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, chemically waving, 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.

(3) Provide a copy of the receipt to the consumer.

(4) Present a copy of the receipt upon demand with reasonable notice to the Board or its representatives and keep the receipt on file 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 is 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
<u>(i) Personal Service Permit</u>	
<u>(1) Initial License fee</u>	<u>25</u>
<u>(32) License renewal fee</u>	<u>10</u>
<u>(3) License renewal delinquency fee</u>	<u>5</u>

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.



PERSONAL SERVICE PERMIT CONSUMER NOTICE

**TO FILE A COMPLAINT, PLEASE CONTACT THE BOARD AT
www.barbercosmo.ca.gov (800) 952-5210**

The board's laws and regulations can be found on the board's website at
www.barbercosmo.ca.gov
or in B&P Code sections 7301-7426.5 and title 16 CCR sections 901-999.

