

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



MARCH 25, 2024

LEGISLATION AND BUDGET COMMITTEE

**Department of Consumer Affairs
1625 North Market Boulevard
HQ1 Hearing Room 102
Sacramento, CA 95834**

and

Public Teleconference



CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY



MEMBERS OF THE COMMITTEE

Megan Ellis
Reese Isbell
Colette Kavanaugh
Calimay Pham

LEGISLATION AND BUDGET COMMITTEE MEETING NOTICE AND AGENDA

March 25, 2024

Department of Consumer Affairs
HQ1 Hearing Room 102
1625 North Market Boulevard
Sacramento, CA 95834

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

**9:00 a.m.– Until Completion of
Business**

The Committee will meet by teleconference in accordance with Government Code section 11123.5. Committee members will participate remotely from private, non-public sites. The public may participate in-person or remotely. 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/j.php?MTID=mf8d8e2130910bbf3d906b609c52cef56>

Webinar number: 2494 678 7128

Webinar password: BBC325

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.

In order to ensure all public members have an opportunity to speak and in the interest of time, public comments will be limited to two minutes unless, in the discretion of the committee, circumstances require a shorter period or longer 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

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Election of Committee Chair
3. Discussion and Possible Approval of the January 22, 2024, and February 20, 2024, Committee Meeting Minutes
4. Discussion and Possible Recommendations Regarding Proposed Bills:
 - a. AB 1328 (Gipson) Cosmetology Licensure Compact
 - b. AB 2166 (Weber) Barbering and cosmetology: hair types and textures
 - c. AB 2412 (Reyes) Healing arts: California Body Contouring Council: practitioners
 - d. AB 2444 (Lee) Barbering and cosmetology: licensees: manicurists
 - e. AB 2862 (Gipson) Licenses: African American applicants
 - f. SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees.
 - g. SB 1084 (Nguyen) Barbering and cosmetology: Hairstyling License
5. Public Comment on Items Not on the Agenda
Note: The Committee 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, 11125.7(a))
6. Suggestions for Future Agenda Items
7. Adjournment

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

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee 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 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: Allison Lee at (279) 278-5107, email: Allison.Lee@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.

Agenda Item
No. 1
No Attachments

Agenda Item
No. 2
No Attachments

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

LEGISLATION AND BUDGET COMMITTEE MEETING

MINUTES OF JANUARY 22, 2024

BOARD MEMBERS PRESENT

Reese Isbell, Chair
Colette Kavanaugh
Calimay Pham

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Natalie Mitchell, Board Analyst

BOARD MEMBERS ABSENT

Megan Ellis

1. AGENDA ITEM #1: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Reese Isbell, Committee Chair, called the meeting to order at approximately 11:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2: DISCUSSION AND POSSIBLE APPROVAL OF THE SEPTEMBER 11, 2023, COMMITTEE MEETING MINUTES

Motion: Calimay Pham moved to approve the minutes from the September 11, 2023, Committee Meeting. Colette Kavanaugh seconded the motion.

Public Comment: There were no public comments received.

Motion to approve the September 11, 2023, Committee Meeting Minutes carried: 3 yes, 0 no, and 0 abstain, per the following roll call vote:

Committee Members voted "Yes": Reese Isbell, Colette Kavanaugh, and Calimay Pham

3. AGENDA ITEM #3: DISCUSSION, UPDATE AND POSSIBLE RECOMMENDATION REGARDING PROPOSED BILLS

Kristy Underwood provided an overview of the current status of several bills held over from the previous year. AB 1328, introduced by Assembly Member Gibson, relates to the Cosmetology Licensure Compact. An informational public hearing is scheduled for February to discuss compacts more broadly, given that they are a new concept for California's regulatory framework. A formal hearing for this bill is anticipated in early spring.

SB 451 (Nguyen), concerning the worker classification for licensed manicurists, and SB 817 (Roth), dealing with barbering and cosmetology application, examination, and licensing fees, were also mentioned. Ms. Underwood noted that there has been no recent movement on these bills, but assured the committee that updates would be shared as they progress through the legislative process.

Public Comment: No public comments were received.

4. AGENDA ITEM #4: DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING THE FEE STUDY AND CALIFORNIA CODE OF REGULATIONS SECTION 998 SCHEDULE OF FEES

Kristy Underwood presented a summary on the fee study and updates to the California Code of Regulations. She began by referencing a memo in the committee packet, outlining the board's efforts to examine its licensing and examination fees following a 2019 internal audit. This audit highlighted that the board charged the same fee for both initial and re-examination exams, despite operational changes like the elimination of practical exams and related facilities.

The fee study aimed to assess the actual costs of administering examinations, taking into account the processing times for various application pathways, staff salaries, and the costs associated with examination administration and development. This comprehensive analysis revealed that the board's costs for processing initial exams and re-exams were \$97 and \$71, respectively, surpassing the \$75 fee charged for both. However, these figures did not fully account for additional operational costs, such as mailroom staffing and cashiering services for non-online applications, indicating that the real cost to the board might be even higher.

Despite the findings suggesting the need for a fee increase, Ms. Underwood explained that the board, in consultation with the Department of Consumer Affairs' budget office, decided against raising fees at the current time. The board's stable financial status, with 10.2 months of operational reserves, and considerations of California's budget deficit influenced this decision. The board's budget also benefits from other sources of revenue, including licensing renewal fees and licensing application fees. As a result, the board and the budget office concluded that the current fee structure is adequate and does not require adjustment.

Reese Isbell inquired about the frequency of reviewing and updating fee numbers, to which Ms. Underwood confirmed it's essential to regularly monitor these figures. She highlighted that the last significant review occurred in 2006, indicating a need for ongoing assessment to ensure fees align with operational costs and budgetary requirements. This continuous review would help in adjusting to changes and managing budget reserves effectively.

Calimay Pham sought further clarity on how the broader state budgetary constraints might influence the board, particularly given California's current fiscal challenges and the board's efforts to implement cost-saving measures. Kristy Underwood clarified that, despite the board's self-funded nature through licensing fees, it adheres to the same fiscal directives issued to all state agencies, including spending and hiring freezes. These measures aim to ensure fiscal responsibility across the board, affecting both special and general-funded entities. She explained the board's current travel and purchasing restrictions and mentioned a procedure for obtaining exemptions for necessary, mission-critical expenses.

Furthering the discussion, Reese Isbell inquired about the board's response to the 2019 internal audit that precipitated the fee study and whether a future audit was anticipated. Kristy Underwood detailed the procedure for addressing the audit's findings, noting that all of the issues identified had been resolved, with only two pending. She outlined the board's ongoing communication with the internal audit office to update on progress and confirmed that a follow-up audit would verify the implementation of recommended changes.

Public Comment: There were no public comments submitted.

5. AGENDA ITEM #5: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comments were submitted regarding items not listed on the agenda.

6. AGENDA ITEM #6, SUGGESTIONS FOR FUTURE AGENDA ITEMS

No future agenda items were proposed and there were no public comments received.

Kristy Underwood mentioned she has been in discussions with several legislative offices about potential legislation that could affect the board. She noted that the committee typically convenes monthly, particularly when proposed legislation is on the horizon. She committed to promptly informing the committee of any proposed legislation to quickly schedule a meeting for discussion.

7. AGENDA ITEM #7: ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 11:25 a.m.

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

LEGISLATION AND BUDGET COMMITTEE MEETING

MINUTES OF FEBRUARY 20, 2024

BOARD MEMBERS PRESENT

Reese Isbell, Chair
Colette Kavanaugh
Megan Ellis

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Allison Lee, Board Project Manager
Natalie Mitchell, Board Analyst

1. AGENDA ITEM #1: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Reese Isbell, Committee Chair, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2: DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING PROPOSED BILLS

Kristy Underwood provided an update on two bills, SB 992 authored by Senator Bradford and AB 2166 from Senator Weber. Both bills aim to require schools to incorporate textured hair curriculum, impacting cosmetologists, hair stylists, and barbering licenses. The proposed legislation aligns with the Crown Act, a law passed in New York in 2023 that advocates for a respectful and inclusive environment for natural hair, aiming to prevent discrimination. The fiscal impact on the board is minimal, as it mainly involves informing schools, and many already teach and test on such content. A letter of support, if amended, was received from the Professional Beauty Federation and will be provided at the upcoming board meeting.

Reese Isbell inquired about the differences between the current bills and SB 188, which Governor Newsom signed a few years ago to amend the education code and prohibit discrimination based on hair textures for students. Kristy Underwood clarified that SB 188 was California's initial step in implementing the Crown Act, focusing on preventing discrimination in educational institutions against students with diverse hair textures. She highlighted the emphasis on student athletes facing restrictions on certain hairstyles. The new legislation under discussion aims to expand curriculum requirements for barbering and cosmetology schools. Reese Isbell commented that one of these bills was part of the reparations package proposed by the California Reparations Task Force, seeking an update on related developments, to which Ms. Underwood responded that they have not received any further information.

Collette Kavanaugh inquired about the specific hour requirement for schools to teach textured hair. She questioned whether it would be integrated into the existing curriculum or if it would constitute a separate set of hours. Kristy Underwood explained that it would be a new added

component. With the implementation of SB 803, which reduced overall teaching hours, the bills mandate that within the designated hours for various aspects like hair styling and chemical services, schools must also include instruction on textured hair curriculum.

Motion: Collette Kavanaugh motioned to recommend to the full board to take a support position for Senate Bill 992 and Assembly Bill AB 2166. Megan Ellis seconded the motion.

Public Comment: Fred Jones from the Professional Beauty Federation clarified the federation's position on Senate Bill 992 and Assembly Bill AB 2166. He stated that the federation supports the bills if amended, a position different from outright opposition unless amended. Mr. Jones noted concerns about the impact of SB 803, a law passed two years ago, which significantly reduced the required hours for obtaining hair styling licenses in barbering and cosmetology from 1600 and 1500 hours to 1000 hours. He highlighted ongoing efforts to compile data illustrating how this reduction in hours affects students' ability to pass the licensing exams and be adequately prepared for successful careers in the beauty industry. The federation's position is to urge the legislature to reconsider the existing thousand-hour requirement for hair-related licenses before introducing new curricular mandates. They recommend an increase in the number of hours, citing the need to accommodate not only the proposed textured hair curriculum but also to prepare for future mandates that may arise from policymakers.

Motion to approve the recommendation to the full board to take a support position for Senate Bill 992 and Assembly Bill AB 2166 carried: 3 yes, 0 no, and 0 abstain, per the following roll call vote:

Committee Members voted "Yes": Reese Isbell, Megan Ellis, and Colette Kavanaugh

3. AGENDA ITEM #3: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Fred Jones from the Professional Beauty Federation informed the committee about two upcoming bills. The first bill pertains exclusively to the manicuring sector and arises due to the expiration of the Assembly Bill 5 exemption for manicurists last year. The legislation necessitates further education and outreach to the manicuring industry, involving the Board in these efforts. Additionally, Mr. Jones mentioned another bill focusing on hairstyling services. This bill seeks to exempt certain hairstyling services from licensing and regulatory oversight, a matter of concern for the federation.

Reese Isbell noted that several bills were introduced after the agenda had been published. These bills, including some discussed in the current meeting, will be addressed at the upcoming board meeting.

4. AGENDA ITEM #4: ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 9:14 a.m.

BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Gipson

Subject: Barbering and
cosmetology: Interstate
Cosmetology Licensure Compact.

Bill Number: AB 1328

Version: June 06, 2023

Existing Law:

- The Barbering and Cosmetology Act, provides for the licensure and regulation of barbers, cosmetologist, hairstylist, electrologist, estheticians and manicurists by the State Board of Barbering and Cosmetology (BBC). (BPC 7301 et seq)
- Requires the board to grant a license to an individual who already possesses an unrestricted license in good standing from another state upon competition of an application and payment of applicable fees. (BPC 7331)
- Requires the board to expedite licensure process (BPC 115.5) and/or grant temporary license (BPC § 115.6) to an applicant who is married to, or in a domestic partnership or other legal union with an active-duty member of the Armed forces and who holds a current, active, and unrestricted license in another state.

This Bill:

- Enacts the Cosmetology Licensure Compact (Compact) to facilitate California's participation in a multistate licensing program whereby cosmetologists can receive reciprocity to practice in other states that have adopted the Compact and vice versa.
- The Compact shall come into effect on the date on which the Compact is enacted into law by seven member states.
- Establishes the Cosmetology Licensure Compact Commission (Commission), a joint government agency comprised of member states that have enacted the Compact.
- Requires the Commission to provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system.
- Empowers the Commission to promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact.
- Requires a state seeking to join the Compact to do all of the following:
 - a. License and regulate cosmetology.
 - b. Have a mechanism or entity in place to receive and investigate complaints about licensees practicing in that state.
 - c. Require its licensees to pass a cosmetology competency examination prior to being licensed.
 - d. Requires that its licensees satisfy educational or training requirements in cosmetology.

- e. Implement procedure for considering one or more of the following categories of information from applicants for licensure: criminal history; disciplinary history; or background check.
 - f. Participate in the Compact's data system.
 - g. Share information related to adverse actions with the Commission and other member states, both through the data system and otherwise.
 - h. Notify the commission and other member states of the existence of investigative information or current significant investigative information in the state's possession regarding a licensee practicing in that state.
 - i. Comply with any rules enacted by the Commission.
 - j. Accept licensees from other member states.
- Clarifies that nothing in the compact affects the requirements for any single-state license.
 - Requires the BBC and other member state licensing authorities to cooperate with the Commission and with each entity exercising independent regulatory authority over the practice of cosmetology according to the provisions of the Compact.
 - Automatically suspends a multistate license if the licensee is subjected to a disciplinary order by a member state that imposes an adverse action on the license.
 - Authorizes member states to participate in joint investigations of licensees.
 - Requires active-duty military personnel and their spouses to designate a home state where they have a current license to practice cosmetology in good standing.
 - Authorizes a member state to withdraw from the Compact by enacting a statute repealing its enactment of the Compact.

Analysis:

This bill will ensure that all cosmetologists meet the same standards regardless of where they practice, thereby increasing consumer protection and safety. It will also reduce unnecessary burdens related to cosmetology licensure while allowing the Board access to enforcement information through a shared database and grant the Board the authority to participate in joint investigations with other states.

Implementation Issues:

The language in this bill would enact precisely the specific language provided by the Council of State Governments (CSG) and US Department of Defense (DOD) in their model legislation. As such, it has not been tailored to fit the structure of California statutes, nor has it been modified to ensure consistence with the Barbering and Cosmetology Act. However, the CSG and DOD have made it clear that states must enact the model legislation exactly to ensure participation in the Compact. – *As per Assembly Business & Professions analysis 04/21/23*

Board Position: Sponsor

On January 23, 2023, the Board voiced support of joining the inter-state compact and motioned to move forward with a legislative proposal.

On April 17, 2023, the Board voted to Sponsor and Support AB 1328.

Status:

6/6/2023: Re-Referred to Committee on Business and Professions (Senate)

Registered Support:

California State Board of Barbering and Cosmetology (*Sponsor*)

Barbicide

Bellus Academy

Blueco Brands

Floyd's Barbershop

Future of The Beauty Industry Coalition

Great Clips

Hair Cuttery

Intercoiffure

International SalonSpa Business Network

JCPenney Salon

Military Services in California

Professional Beauty Employment Coalition

San Diego Military Advisory Council

Sport Clips

Ulta Beauty

United States Department of Defense

Registered Opposition:

None on file.

AB 1328 text, available online:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1328&firstNav=tracking

AMENDED IN SENATE JUNE 6, 2023
AMENDED IN ASSEMBLY MARCH 23, 2023
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1328

Introduced by Assembly Member Gipson

February 16, 2023

An act to add Article 14 (commencing with Section 7430) to Chapter 10 of Division 3 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1328, as amended, Gipson. Cosmetology Licensure Compact.

Existing law, the Barbering and Cosmetology Act, establishes in the Department of Consumer Affairs the State Board of Barbering and Cosmetology to license and regulate the practice of cosmetology. A violation of the act is a misdemeanor, unless otherwise provided. Existing law requires the board to grant a license to an applicant who holds a current license to practice issued by another state that is not revoked, suspended, or otherwise restricted and is in good standing, upon submission of a completed application form and fees.

This bill would enact the Cosmetology Licensure Compact, the purpose of which is to facilitate the interstate practice and regulation of cosmetology. The compact would require the board to grant a multistate license to practice cosmetology to an applicant who meets specified eligibility requirements, including holding an active and unencumbered license to practice cosmetology issued by the board in this state. The compact would require the state to recognize a multistate license issued by each member state as authorizing the licensee to

practice cosmetology in this state. The compact would require the board to select a delegate to serve on the Cosmetology Licensure Compact Commission, a joint governmental agency consisting of all member states that have enacted the compact, and would enact specified provisions relating to the establishment, operation, powers, and duties of the commission. The compact would specify procedures for the adoption of rules by the commission for purposes of implementing and administering the compact and would state that the rules of the commission shall have the force of law, except as specified. The compact would require the board to take specified actions relating to the administration and enforcement of the compact, including receiving complaints about individuals practicing cosmetology and communicating investigative information about any adverse action to the other member states through a data system, as specified. The compact would authorize the board to charge a fee to grant a multistate license or for the renewal of a multistate license. The bill would authorize the commission to levy and collect an annual assessment from the state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of operations and activities of the commission. Because the bill would expand the scope of a crime under the act to holders of multistate licenses practicing in this state, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 14 (commencing with Section 7430) is
 2 added to Chapter 10 of Division 3 of the Business and Professions
 3 Code, to read:

4
 5 Article 14. Cosmetology Licensure Compact

6
 7 7430. (a) The Legislature hereby enacts the Cosmetology
 8 Licensure Compact as set forth in Section 7431.

1 (b) The State Board of Barbering and Cosmetology is designated
2 as the state licensing authority for purposes of the compact.

3 7431. ARTICLE 1- PURPOSE

4 The purpose of this Compact is to facilitate the interstate practice
5 and regulation of Cosmetology with the goal of improving public
6 access to, and the safety of, Cosmetology Services and reducing
7 unnecessary burdens related to Cosmetology licensure. Through
8 this Compact, the Member States seek to establish a regulatory
9 framework which provides for a new multistate licensing program.
10 Through this new licensing program, the Member States seek to
11 provide increased value and mobility to licensed Cosmetologists
12 in the Member States, while ensuring the provision of safe,
13 effective, and reliable services to the public.

14 This Compact is designed to achieve the following objectives,
15 and the Member States hereby ratify the same intentions by
16 subscribing hereto:

17 ~~Provide~~

18 A. *Provide* opportunities for interstate practice by Cosmetologists
19 who meet uniform requirements for multistate licensure;

20 B. Enhance the abilities of Member States to protect public health
21 and safety, and prevent fraud and unlicensed activity within the
22 profession;

23 C. Ensure and encourage cooperation between Member States
24 in the licensure and regulation of the Practice of Cosmetology;

25 D. Support relocating military members and their spouses;

26 E. Facilitate the exchange of information between Member States
27 related to the licensure, investigation, and discipline of the Practice
28 of Cosmetology;

29 F. Provide for the licensure and mobility of the workforce in the
30 profession, while addressing the shortage of workers and lessening
31 the associated burdens on the Member States.

32 ARTICLE 2- DEFINITIONS

33 As used in this Compact, and except as otherwise provided, the
34 following definitions shall govern the terms herein:

35 ~~“Active Duty Military”~~

36 A. *“Active Military Member”* means any ~~individual in person~~
37 *with full-time duty status in the active uniformed service armed*
38 *forces of the United States States*, including members of the
39 National Guard and Reserve.

1 B. “Adverse Action” means any administrative, civil, equitable,
 2 or criminal action permitted by a Member State’s laws which is
 3 imposed by a State Licensing Authority or other regulatory body
 4 against a—~~or~~ Cosmetologist, including actions against an
 5 individual’s license or Authorization to Practice such as revocation,
 6 suspension, probation, monitoring of the Licensee, limitation of
 7 the Licensee’s practice, or any other Encumbrance on a license
 8 affecting an individual’s ability to participate in the Cosmetology
 9 industry, including the issuance of a cease and desist order.

10 C. “Authorization to Practice” means a legal authorization
 11 associated with a Multistate License permitting the Practice of
 12 Cosmetology in that Remote State, which shall be subject to the
 13 enforcement jurisdiction of the State Licensing Authority in that
 14 Remote State.

15 D. “Alternative Program” means a—~~non-disciplinary~~
 16 *nondisciplinary* monitoring or prosecutorial diversion program
 17 approved by a Member State’s State Licensing Authority.

18 E. “Background Check” means the submission of information
 19 for an applicant for the purpose of obtaining that applicant’s
 20 criminal history record information, as further defined in C.F.R.
 21 § 20.3(d), from the Federal Bureau of Investigation and the agency
 22 responsible for retaining State criminal or disciplinary history in
 23 the applicant’s Home State.

24 F. “Charter Member State” means Member States who have
 25 enacted legislation to adopt this Compact where such legislation
 26 predates the effective date of this Compact as defined in Article
 27 13.

28 G. “Commission” the government agency whose membership
 29 consists of all States that have enacted this Compact, which is
 30 known as the Cosmetology Licensure Compact Commission, as
 31 defined in Article 9, and which shall operate as an instrumentality
 32 of the Member States.

33 H. “Cosmetologist” means an individual licensed in their Home
 34 State to practice Cosmetology.

35 ~~“Cosmetology”;~~

36 I. “*Cosmetology*,” “~~Cosmetology Services~~,” *Services*,” and the
 37 “Practice of Cosmetology” mean the care and services provided
 38 by a Cosmetologist as set forth in the Member State’s statutes and
 39 regulations in the State where the services are being provided.

40 J. “Current Significant Investigative Information” means:

1 ~~Investigative~~

2 1. *Investigative* Information that a State Licensing Authority,
3 after an inquiry or investigation that complies with a Member
4 State’s due process requirements, has reason to believe is not
5 groundless and, if proved true, would indicate a violation of that
6 State’s laws regarding fraud or the Practice of Cosmetology; or

7 2. Investigative Information that indicates that a Licensee has
8 engaged in fraud or represents an immediate threat to public health
9 and safety, regardless of whether the Licensee has been notified
10 and had an opportunity to respond.

11 K. “Data System” means a repository of information about
12 Licensees, including but not limited to license status, Investigative
13 Information, and Adverse Actions.

14 L. “Disqualifying Event” means any event which shall disqualify
15 an individual from holding a Multistate License under this
16 Compact, which the Commission may by Rule or order specify.

17 M. “Encumbered License” means a license in which an Adverse
18 Action restricts the Practice of Cosmetology by a Licensee, or
19 where said Adverse Action has been reported to the Commission.

20 N. “Encumbrance” means a revocation or suspension of, or any
21 limitation on, the full and unrestricted Practice of Cosmetology
22 by a State Licensing Authority.

23 O. “Executive Committee” means a group of delegates elected
24 or appointed to act on behalf of, and within the powers granted to
25 them by, the Commission.

26 P. “Home State” means the Member State which is a Licensee’s
27 primary State of residence, and where that Licensee holds an active
28 and unencumbered license to practice Cosmetology.

29 Q. “Investigative Information” means information, records, or
30 documents received or generated by a State Licensing Authority
31 pursuant to an investigation or other inquiry.

32 R. “Jurisprudence Requirement” means the assessment of an
33 individual’s knowledge of the laws and rules governing the Practice
34 of Cosmetology in a State.

35 S. “Licensee” means an individual who currently holds a license
36 from a Member State to practice as a Cosmetologist.

37 T. “Member State” means any State that has adopted this
38 Compact.

39 U. “Multistate License” means a license issued by and subject
40 to the enforcement jurisdiction of the State Licensing Authority

1 in a Licensee’s Home State, which authorizes the Practice of
2 Cosmetology in Member States and includes Authorizations to
3 Practice Cosmetology in all Remote States pursuant to this
4 Compact.

5 V. “Remote State” means any Member State, other than the
6 Licensee’s Home State.

7 W. “Rule” means any rule or regulation promulgated by the
8 Commission under this Compact which has the force of law.

9 X. “Single-State License” means a Cosmetology license issued
10 by a Member State that authorizes practice of Cosmetology only
11 within the issuing State and does not include any authorization
12 outside of the issuing State.

13 Y. “State” means a State, territory, or possession of the United
14 States and the District of Columbia.

15 Z. “State Licensing Authority” means a Member State’s
16 regulatory body responsible for issuing Cosmetology licenses or
17 otherwise overseeing the Practice of Cosmetology in that State.

18 ARTICLE 3- MEMBER STATE REQUIREMENTS

19 ~~To~~

20 A. To be eligible to join this Compact, and to maintain eligibility
21 as a Member State, a State must:

- 22 1. License and regulate Cosmetology;
- 23 2. Have a mechanism or entity in place to receive and investigate
24 complaints about Licensees practicing in that State;
- 25 3. Require that Licensees within the State pass a Cosmetology
26 competency examination prior to being licensed to provide
27 Cosmetology Services to the public in that State;
- 28 4. Require that Licensees satisfy educational or training
29 requirements in Cosmetology prior to being licensed to provide
30 Cosmetology Services to the public in that State;
- 31 5. Implement procedures for considering one or more of the
32 following categories of information from applicants for licensure:
33 criminal history; disciplinary history; or Background Check. Such
34 procedures may include the submission of information by
35 applicants for the purpose of obtaining an applicant’s Background
36 Check as defined herein;
- 37 6. Participate in the Data System, including through the use of
38 unique identifying numbers;

1 7. Share information related to Adverse Actions with the
2 Commission and other Member States, both through the Data
3 System and otherwise;

4 8. Notify the Commission and other Member States, in
5 compliance with the terms of the Compact and Rules of the
6 Commission, of the existence of Investigative Information or
7 Current Significant Investigative Information in the State's
8 possession regarding a Licensee practicing in that State;

9 9. Comply with such Rules as may be enacted by the
10 Commission to administer the Compact; and

11 10. Accept Licensees from other Member States as established
12 herein.

13 B. Member States may charge a fee for granting a license to
14 practice Cosmetology.

15 C. Individuals not residing in a Member State shall continue to
16 be able to apply for a Member State's Single-State License as
17 provided under the laws of each Member State. However, the
18 Single-State License granted to these individuals shall not be
19 recognized as granting a Multistate License to provide services in
20 any other Member State.

21 D. Nothing in this Compact shall affect the requirements
22 established by a Member State for the issuance of a Single-State
23 License.

24 E. A Multistate License issued to a Licensee by a Home State
25 to a resident of that State shall be recognized by each Member
26 State as authorizing a Licensee to practice Cosmetology in each
27 Member State.

28 F. At no point shall the Commission have the power to define
29 the educational or professional requirements for a license to
30 practice Cosmetology. The Member States shall retain sole
31 jurisdiction over the provision of these requirements.

32 ARTICLE 4- MULTISTATE LICENSE

33 ~~To~~

34 A. To be eligible to apply to their Home State's State Licensing
35 Authority for an initial Multistate License under this Compact, a
36 Licensee must hold an active and unencumbered Single-State
37 License to practice Cosmetology in their Home State.

38 B. Upon the receipt of an application for a Multistate License,
39 according to the Rules of the Commission, a Member State's State

1 Licensing Authority shall ascertain whether the applicant meets
2 the requirements for a Multistate License under this Compact.

3 C. If an applicant meets the requirements for a Multistate License
4 under this Compact and any applicable Rules of the Commission,
5 the State Licensing Authority in receipt of the application shall,
6 within a reasonable time, grant a Multistate License to that
7 applicant, and inform all Member States of the grant of said
8 Multistate License.

9 D. A Multistate License to practice Cosmetology issued by a
10 Member State’s State Licensing Authority shall be recognized by
11 each Member State as authorizing the practice thereof as though
12 that Licensee held a Single-State License to do so in each Member
13 State, subject to the restrictions herein.

14 E. A Multistate License granted pursuant to this Compact may
15 be effective for a definite period of time, concurrent with the
16 licensure renewal period in the Home State.

17 F. To maintain a Multistate License under this Compact, a
18 Licensee must:

19 ~~Agree~~

20 *1. Agree* to abide by the rules of the State Licensing Authority,
21 and the State scope of practice laws governing the Practice of
22 Cosmetology, of any Member State in which the Licensee provides
23 services;

24 *2.* Pay all required fees related to the application and process,
25 and any other fees which the Commission may by Rule require;
26 and

27 *3.* Comply with any and all other requirements regarding
28 Multistate Licenses which the Commission may by Rule provide.

29 G. A Licensee practicing in a Member State is subject to all
30 scope of practice laws governing Cosmetology Services in that
31 State.

32 H. The Practice of Cosmetology under a Multistate License
33 granted pursuant to this Compact will subject the Licensee to the
34 jurisdiction of the State Licensing Authority, the courts, and the
35 laws of the Member State in which the Cosmetology Services are
36 provided.

37 ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE
38 BY A NEW HOME STATE

39 ~~A~~

1 A. A Licensee may hold a Multistate License, issued by their
2 Home State, in only one Member State at any given time.

3 B. If a Licensee changes their Home State by moving between
4 two Member States:

5 ~~The~~

6 1. *The* Licensee shall immediately apply for the reissuance of
7 their Multistate License in their new Home State. The Licensee
8 shall pay all applicable fees and notify the prior Home State in
9 accordance with the Rules of the Commission.

10 2. Upon receipt of an application to reissue a Multistate License,
11 the new Home State shall verify that the Multistate License is
12 active, unencumbered and eligible for reissuance under the terms
13 of the Compact and the Rules of the Commission. The Multistate
14 License issued by the prior Home State will be deactivated and all
15 Member States notified in accordance with the applicable Rules
16 adopted by the Commission.

17 3. If required for initial licensure, the new Home State may
18 require a Background Check as specified in the laws of that State,
19 or the compliance with any Jurisprudence Requirements of the
20 new Home State.

21 4. Notwithstanding any other provision of this Compact, if a
22 Licensee does not meet the requirements set forth in this Compact
23 for the reissuance of a Multistate License by the new Home State,
24 then the Licensee shall be subject to the new Home State
25 requirements for the issuance of a Single-State License in that
26 State.

27 C. If a Licensee changes their primary state of residence by
28 moving from a Member State to a non-Member State, or from a
29 non-Member State to a Member State, then the Licensee shall be
30 subject to the State requirements for the issuance of a Single-State
31 License in the new Home State.

32 D. Nothing in this Compact shall interfere with a Licensee's
33 ability to hold a Single-State License in multiple States; however,
34 for the purposes of this Compact, a Licensee shall have only one
35 Home State, and only one Multistate License.

36 E. Nothing in this Compact shall interfere with the requirements
37 established by a Member State for the issuance of a Single-State
38 License.

1 ARTICLE 6- AUTHORITY OF THE COMPACT
 2 COMMISSION AND MEMBER STATE LICENSING
 3 AUTHORITIES

4 ~~Nothing~~

5 A. *Nothing* in this Compact, nor any Rule or regulation of the
 6 Commission, shall be construed to limit, restrict, or in any way
 7 reduce the ability of a Member State to enact and enforce laws,
 8 regulations, or other rules related to the Practice of Cosmetology
 9 in that State, where those laws, regulations, or other rules are not
 10 inconsistent with the provisions of this Compact.

11 B. Insofar as practical, a Member State’s State Licensing
 12 Authority shall cooperate with the Commission and with each
 13 entity exercising independent regulatory authority over the Practice
 14 of Cosmetology according to the provisions of this Compact.

15 C. Discipline shall be the sole responsibility of the State in which
 16 Cosmetology Services are provided. Accordingly, each Member
 17 State’s State Licensing Authority shall be responsible for receiving
 18 complaints about individuals practicing Cosmetology in that State,
 19 and for communicating all relevant Investigative Information about
 20 any such Adverse Action to the other Member States through the
 21 Data System in addition to any other methods the Commission
 22 may by Rule require.

23 ARTICLE 7- ADVERSE ACTIONS

24 ~~A~~

25 A. A Licensee’s Home State shall have exclusive power to impose
 26 an Adverse Action against a Licensee’s Multistate License issued
 27 by the Home State.

28 B. A Home State may take Adverse Action on a Multistate
 29 License based on the Investigative Information, Current Significant
 30 Investigative Information, or Adverse Action of a Remote State.

31 C. In addition to the powers conferred by State law, each Remote
 32 State’s State Licensing Authority shall have the power to:

33 ~~Take~~

34 1. *Take* Adverse Action against a Licensee’s Authorization to
 35 Practice Cosmetology through the Multistate License in that
 36 Member State, provided that:

37 ~~Only~~

38 a. *Only* the Licensee’s Home State shall have the power to take
 39 Adverse Action against the Multistate License issued by the Home
 40 State; and

1 ~~For~~

2 *b. For* the purposes of taking Adverse Action, the Home State's
3 State Licensing Authority shall give the same priority and effect
4 to reported conduct received from a Remote State as it would if
5 such conduct had occurred within the Home State. In so doing,
6 the Home State shall apply its own State laws to determine the
7 appropriate action.

8 ~~Issue~~

9 *2. Issue* cease and desist orders or impose an Encumbrance on
10 a Licensee's Authorization to Practice within that Member State.

11 ~~Complete~~

12 *3. Complete* any pending investigations of a Licensee who
13 changes their primary state of residence during the course of such
14 an investigation. The State Licensing Authority shall also be
15 empowered to report the results of such an investigation to the
16 Commission through the Data System as described herein.

17 ~~Issue~~

18 *4. Issue* subpoenas for both hearings and investigations that
19 require the attendance and testimony of witnesses, as well as the
20 production of evidence. Subpoenas issued by a State Licensing
21 Authority in a Member State for the attendance and testimony of
22 witnesses or the production of evidence from another Member
23 State shall be enforced in the latter State by any court of competent
24 jurisdiction, according to the practice and procedure of that court
25 applicable to subpoenas issued in proceedings before it. The issuing
26 State Licensing Authority shall pay any witness fees, travel
27 expenses, mileage, and other fees required by the service statutes
28 of the State in which the witnesses or evidence are located.

29 ~~If~~

30 *5. If* otherwise permitted by State law, recover from the affected
31 Licensee the costs of investigations and disposition of cases
32 resulting from any Adverse Action taken against that Licensee.

33 ~~Take~~

34 *6. Take* Adverse Action against the Licensee's Authorization to
35 Practice in that State based on the factual findings of another
36 Remote State.

37 D. A Licensee's Home State shall complete any pending
38 investigation(s) of a Cosmetologist who changes their primary
39 state of residence during the course of the investigation(s). The
40 Home State shall also have the authority to take appropriate

1 action(s) and shall promptly report the conclusions of the
2 investigations to the Data System.

3 E. If an Adverse Action is taken by the Home State against *the*
4 Licensee’s Multistate License, the Licensee’s Authorization to
5 Practice in all other Member States shall be deactivated until all
6 Encumbrances have been removed from the Home State license.
7 All Home State disciplinary orders that impose an Adverse Action
8 against a Licensee’s Multistate License shall include a statement
9 that the Cosmetologist’s Authorization to Practice is deactivated
10 in all Member States during the pendency of the order.

11 F. Nothing in this Compact shall override a Member State’s
12 authority to accept a Licensee’s participation in an Alternative
13 Program in lieu of Adverse Action. A Licensee’s Multistate License
14 shall be suspended for the duration of the Licensee’s participation
15 in any Alternative Program.

16 G. Joint Investigations

17 ~~In~~

18 1. *In* addition to the authority granted to a Member State by its
19 respective scope of practice laws or other applicable State law, a
20 Member State may participate with other Member States in joint
21 investigations of Licensees.

22 2. Member States shall share any investigative, litigation, or
23 compliance materials in furtherance of any joint or individual
24 investigation initiated under the Compact.

25 ARTICLE 8- ~~ACTIVE-DUTY~~ MILITARY MEMBERS AND
26 THEIR SPOUSES

27 ~~Active-Duty Military personnel~~, *Military Members*, or their
28 spouses, shall designate a Home State where the individual has a
29 current license to practice Cosmetology in good standing. The
30 individual may retain their Home State designation during any
31 period of service when that individual or their spouse is on active
32 duty assignment.

33 ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE
34 COSMETOLOGY LICENSURE COMPACT COMMISSION

35 ~~The~~

36 A. *The* Compact Member States hereby create and establish a
37 joint government agency whose membership consists of all
38 Member States that have enacted the Compact known as the
39 Cosmetology Licensure Compact Commission. The Commission
40 is an instrumentality of the Compact Member States acting jointly

1 and not an instrumentality of any one State. The Commission shall
2 come into existence on or after the effective date of the Compact
3 as set forth in Article 13.

4 B. Membership, Voting, and Meetings

5 ~~Each~~

6 1. *Each* Member State shall have and be limited to one (1)
7 delegate selected by that Member State's State Licensing Authority.

8 2. The delegate shall be an administrator of the State Licensing
9 Authority of the Member State or their designee.

10 3. The Commission shall by Rule or bylaw establish a term of
11 office for delegates and may by Rule or bylaw establish term limits.

12 4. The Commission may recommend removal or suspension of
13 any delegate from office.

14 5. A Member State's State Licensing Authority shall fill any
15 vacancy of its delegate occurring on the Commission within 60
16 days of the vacancy.

17 6. Each delegate shall be entitled to one vote on all matters that
18 are voted on by the Commission.

19 7. The Commission shall meet at least once during each calendar
20 year. Additional meetings may be held as set forth in the bylaws.
21 The Commission may meet by telecommunication, video
22 conference or other similar electronic means.

23 C. The Commission shall have the following powers:

24 ~~Establish~~

25 1. *Establish* the fiscal year of the Commission;

26 ~~Establish~~

27 2. *Establish* code of conduct and conflict of interest policies;

28 ~~Adopt~~

29 3. *Adopt* Rules and bylaws;

30 ~~Maintain~~

31 4. *Maintain* its financial records in accordance with the bylaws;

32 ~~Meet~~

33 5. *Meet* and take such actions as are consistent with the
34 provisions of this Compact, the Commission's Rules, and the
35 bylaws;

36 6. Initiate and conclude legal proceedings or actions in the name
37 of the Commission, provided that the standing of any State
38 Licensing Authority to sue or be sued under applicable law shall
39 not be affected;

- 1 7. Maintain and certify records and information provided to a
2 Member State as the authenticated business records of the
3 Commission, and designate an agent to do so on the Commission's
4 behalf;
- 5 8. Purchase and maintain insurance and bonds;
- 6 9. Borrow, accept, or contract for services of personnel,
7 including, but not limited to, employees of a Member State;
- 8 10. Conduct an annual financial review;
- 9 11. Hire employees, elect or appoint officers, fix compensation,
10 define duties, grant such individuals appropriate authority to carry
11 out the purposes of the Compact, and establish the Commission's
12 personnel policies and programs relating to conflicts of interest,
13 qualifications of personnel, and other related personnel matters;
- 14 12. As set forth in the Commission Rules, charge a fee to a
15 Licensee for the grant of a Multistate License and thereafter, as
16 may be established by Commission Rule, charge the Licensee a
17 Multistate License renewal fee for each renewal period. Nothing
18 herein shall be construed to prevent a Home State from charging
19 a Licensee a fee for a Multistate License or renewals of a Multistate
20 License, or a fee for the jurisprudence requirement if the Member
21 State imposes such a requirement for the grant of Multistate
22 License;
- 23 13. Assess and collect fees;
- 24 14. Accept any and all appropriate gifts, donations, grants of
25 money, other sources of revenue, equipment, supplies, materials,
26 and services, and receive, utilize, and dispose of the same; provided
27 that at all times the Commission shall avoid any appearance of
28 impropriety or conflict of interest;
- 29 15. Lease, purchase, retain, own, hold, improve, or use any
30 property, real, personal, or mixed, or any undivided interest therein;
- 31 16. Sell, convey, mortgage, pledge, lease, exchange, abandon,
32 or otherwise dispose of any property real, personal, or mixed;
- 33 17. Establish a budget and make expenditures;
- 34 18. Borrow money;
- 35 19. Appoint committees, including standing committees,
36 composed of members, State regulators, State legislators or their
37 representatives, and consumer representatives, and such other
38 interested persons as may be designated in this Compact and the
39 bylaws;

1 20. Provide and receive information from, and cooperate with,
2 law enforcement agencies

3 21. Elect a Chair, Vice Chair, Secretary and Treasurer and such
4 other officers of the Commission as provided in the Commission's
5 bylaws;

6 22. Establish and elect an Executive Committee, including a
7 chair and a vice chair;

8 23. Adopt and provide to the ~~Participating~~ *Member* States an
9 annual report.

10 24. Determine whether a State's adopted language is materially
11 different from the model Compact language such that the State
12 would not qualify for participation in the Compact; and

13 25. Perform such other functions as may be necessary or
14 appropriate to achieve the purposes of this Compact.

15 D. The Executive Committee

16 ~~The~~

17 1. *The* Executive Committee shall have the power to act on behalf
18 of the Commission according to the terms of this Compact. The
19 powers, duties, and responsibilities of the Executive Committee
20 shall include:

21 ~~Overseeing~~

22 a. *Overseeing* the day-to-day activities of the administration of
23 the Compact including compliance with the provisions of the
24 Compact, the Commission's Rules and bylaws, and other such
25 duties as deemed necessary;

26 b. Recommending to the Commission changes to the Rules or
27 bylaws, changes to this Compact legislation, fees charged to
28 Compact Member States, fees charged to Licensees, and other
29 fees;

30 c. Ensuring Compact administration services are appropriately
31 provided, including by contract;

32 d. Preparing and recommending the budget;

33 e. Maintaining financial records on behalf of the Commission;

34 f. Monitoring Compact compliance of Member States and
35 providing compliance reports to the Commission;

36 g. Establishing additional committees as necessary;

37 h. Exercise the powers and duties of the Commission during the
38 interim ~~between~~

39 ~~Commission~~ *between Commission* meetings, except for adopting
40 or amending Rules, adopting or amending bylaws, and exercising

1 any other powers and duties expressly reserved to the Commission
2 by Rule or bylaw; and

3 ~~Other~~

4 *i. Other* duties as provided in the Rules or bylaws of the
5 Commission.

6 2. The Executive Committee shall be composed of up to seven
7 voting members:

8 ~~The~~

9 *a. The* chair and vice chair of the Commission and any other
10 members of the Commission who serve on the Executive
11 Committee shall be voting members of the Executive Committee;
12 and

13 *b. Other* than the chair and ~~vice chair, secretary~~ *vice chair,*
14 *secretary,* and treasurer, the Commission shall elect three voting
15 members from the current membership of the Commission.

16 *c. The* Commission may elect ~~ex-officio, ex officio,~~ nonvoting
17 members from a recognized national Cosmetology professional
18 association as approved by the Commission. The Commission's
19 bylaws shall identify qualifying organizations and the manner of
20 appointment if the number of organizations seeking to appoint an
21 ex officio member exceeds the number of members specified in
22 this Article.

23 3. The Commission may remove any member of the Executive
24 Committee as provided in the Commission's bylaws.

25 4. The Executive Committee shall meet at least annually.

26 ~~Annual~~

27 *a. Annual* Executive Committee meetings, as well as any
28 Executive Committee meeting at which it does not take or intend
29 to take formal action on a matter for which a Commission vote
30 would otherwise be required, shall be open to the public, except
31 that the Executive Committee may meet in a closed, ~~non-public~~
32 *nonpublic* session of a public meeting when dealing with any of
33 the matters covered under Article 9.F.4.

34 *b. The* Executive Committee shall give five business days
35 advance notice of its public meetings, posted on its website and
36 as determined to provide notice to persons with an interest in the
37 public matters the Executive Committee intends to address at those
38 meetings.

39 5. The Executive Committee may hold an emergency meeting
40 when acting for the Commission to:

1 ~~Meet~~
2 *a. Meet* an imminent threat to public health, safety, or welfare;
3 ~~Prevent~~
4 *b. Prevent* a loss of Commission or ~~Participating~~ *Member State*
5 funds; or
6 ~~Protect~~
7 *c. Protect* public health and safety.
8 E. The Commission shall adopt and provide to the Member States
9 an annual report.
10 F. Meetings of the ~~Commission~~ *Commission*.
11 ~~All~~
12 *1. All* meetings of the Commission that are not closed pursuant
13 to Article 9.F.4 shall be open to the public. Notice of public
14 meetings shall be posted on the Commission’s website at least
15 thirty (30) days prior to the public meeting.
16 *2.* Notwithstanding Article 9.F.1, the Commission may convene
17 an emergency public meeting by providing at least twenty-four
18 (24) hours prior notice on the Commission’s website, and any other
19 means as provided in the Commission’s Rules, for any of the
20 reasons it may dispense with notice of proposed rulemaking under
21 Article 11.L. The Commission’s legal counsel shall certify that
22 one of the reasons justifying an emergency public meeting has
23 been met.
24 *3.* Notice of all Commission meetings shall provide the time,
25 date, and location of the meeting, and if the meeting is to be held
26 or accessible via telecommunication, video conference, or other
27 electronic means, the notice shall include the mechanism for access
28 to the meeting.
29 *4.* The Commission may convene in a closed, ~~non-public~~
30 *nonpublic* meeting for the Commission to discuss:
31 ~~Non-compliance~~
32 *a. Noncompliance* of a Member State with its obligations under
33 the Compact;
34 ~~The~~
35 *b. The* employment, compensation, discipline or other matters,
36 practices or procedures related to specific employees or other
37 matters related to the Commission’s internal personnel practices
38 and procedures;
39 ~~Current~~

- 1 *c. Current* or threatened discipline of a Licensee by the
- 2 Commission or by a Member State’s Licensing Authority;
- 3 ~~Current,~~
- 4 *d. Current*, threatened, or reasonably anticipated litigation;
- 5 ~~Negotiation~~
- 6 *e. Negotiation* of contracts for the purchase, lease, or sale of
- 7 goods, services, or real estate;
- 8 ~~Accusing~~
- 9 *f. Accusing* any person of a crime or formally censuring any
- 10 person;
- 11 ~~Trade~~
- 12 *g. Trade* secrets or commercial or financial information that is
- 13 privileged or confidential;
- 14 ~~Information~~
- 15 *h. Information* of a personal nature where disclosure would
- 16 constitute a clearly unwarranted invasion of personal privacy;
- 17 ~~Investigative~~
- 18 *i. Investigative* records compiled for law enforcement purposes;
- 19 ~~Information~~
- 20 *j. Information* related to any investigative reports prepared by
- 21 or on behalf of or for use of the Commission or other committee
- 22 charged with responsibility of investigation or determination of
- 23 compliance issues pursuant to the Compact;
- 24 ~~Legal Advice~~
- 25 *k. Legal advice*;
- 26 ~~Matters~~
- 27 *l. Matters* specifically exempted from disclosure to the public
- 28 by federal or Member State law; or
- 29 ~~Other~~
- 30 *m. Other* matters as promulgated by the Commission by Rule.
- 31 ~~If~~
- 32 5. If a meeting, or portion of a meeting, is closed, the presiding
- 33 officer shall state that the meeting will be closed and reference
- 34 each relevant exempting provision, and such reference shall be
- 35 recorded in the minutes.
- 36 6. The Commission shall keep minutes that fully and clearly
- 37 describe all matters discussed in a meeting and shall provide a full
- 38 and accurate summary of actions taken, and the reasons therefore,
- 39 including a description of the views expressed. All documents
- 40 considered in connection with an action shall be identified in such

1 minutes. All minutes and documents of a closed meeting shall
2 remain under seal, subject to release only by a majority vote of
3 the Commission or order of a court of competent jurisdiction.

4 G. Financing of the Commission

5 ~~The~~

6 1. *The* Commission shall pay, or provide for the payment of, the
7 reasonable expenses of its establishment, organization, and ongoing
8 activities.

9 2. The Commission may accept any and all appropriate sources
10 of revenue, donations, and grants of money, equipment, supplies,
11 materials, and services.

12 3. The Commission may levy on and collect an annual
13 assessment from each Member State and impose fees on Licensees
14 of Member States to whom it grants a Multistate License to cover
15 the cost of the operations and activities of the Commission and its
16 staff, which must be in a total amount sufficient to cover its annual
17 budget as approved each year for which revenue is not provided
18 by other sources. The aggregate annual assessment amount for
19 Member States shall be allocated based upon a formula that the
20 Commission shall promulgate by Rule.

21 4. The Commission shall not incur obligations of any kind prior
22 to securing the funds adequate to meet the same; nor shall the
23 Commission pledge the credit of any Member States, except by
24 and with the authority of the Member State.

25 5. The Commission shall keep accurate accounts of all receipts
26 and disbursements. The receipts and disbursements of the
27 Commission shall be subject to the financial review and accounting
28 procedures established under its bylaws. All receipts and
29 disbursements of funds handled by the Commission shall be subject
30 to an annual financial review by a certified or licensed public
31 accountant, and the report of the financial review shall be included
32 in and become part of the annual report of the Commission.

33 H. Qualified Immunity, Defense, and Indemnification

34 ~~The~~

35 1. *The* members, officers, executive director, employees and
36 representatives of the Commission shall be immune from suit and
37 liability, both personally and in their official capacity, for any
38 claim for damage to or loss of property or personal injury or other
39 civil liability caused by or arising out of any actual or alleged act,
40 error, or omission that occurred, or that the person against whom

1 the claim is made had a reasonable basis for believing occurred
2 within the scope of Commission employment, duties or
3 responsibilities; provided that nothing in this paragraph shall be
4 construed to protect any such person from suit or liability for any
5 damage, loss, injury, or liability caused by the intentional or willful
6 or wanton misconduct of that person. The procurement of insurance
7 of any type by the Commission shall not in any way compromise
8 or limit the immunity granted hereunder.

9 2. The Commission shall defend any member, officer, executive
10 director, employee, and representative of the Commission in any
11 civil action seeking to impose liability arising out of any actual or
12 alleged act, error, or omission that occurred within the scope of
13 Commission employment, duties, or responsibilities, or as
14 determined by the Commission that the person against whom the
15 claim is made had a reasonable basis for believing occurred within
16 the scope of Commission employment, duties, or responsibilities;
17 provided that nothing herein shall be construed to prohibit that
18 person from retaining their own counsel at their own expense; and
19 provided further, that the actual or alleged act, error, or omission
20 did not result from that person's intentional or willful or wanton
21 misconduct.

22 3. The Commission shall indemnify and hold harmless any
23 member, officer, executive director, employee, and representative
24 of the Commission for the amount of any settlement or judgment
25 obtained against that person arising out of any actual or alleged
26 act, error, or omission that occurred within the scope of
27 Commission employment, duties, or responsibilities, or that such
28 person had a reasonable basis for believing occurred within the
29 scope of Commission employment, duties, or responsibilities,
30 provided that the actual or alleged act, error, or omission did not
31 result from the intentional or willful or wanton misconduct of that
32 person.

33 4. Nothing herein shall be construed as a limitation on the
34 liability of any Licensee for professional malpractice or
35 misconduct, which shall be governed solely by any other applicable
36 State laws.

37 5. Nothing in this Compact shall be interpreted to waive or
38 otherwise abrogate a Member State's State action immunity or
39 State action affirmative defense with respect to antitrust claims

1 under the Sherman Act, Clayton Act, or any other State or federal
2 antitrust or anticompetitive law or regulation.

3 6. Nothing in this Compact shall be construed to be a waiver of
4 sovereign immunity by the Member States or by the Commission.

5 ARTICLE 10- DATA SYSTEM

6 ~~The~~

7 A. *The* Commission shall provide for the development,
8 maintenance, operation, and utilization of a coordinated database
9 and reporting system.

10 B. The Commission shall assign each applicant for a Multistate
11 License a unique identifier, as determined by the Rules of the
12 Commission.

13 C. Notwithstanding any other provision of State law to the
14 contrary, a Member State shall submit a uniform data set to the
15 Data System on all individuals to whom this Compact is applicable
16 as required by the Rules of the Commission, including:

17 ~~Identifying~~

18 1. *Identifying* information;

19 ~~Licensure~~

20 2. *Licensure* data;

21 ~~Adverse~~

22 3. *Adverse* Actions against a license and information related
23 thereto;

24 ~~Non-confidential~~

25 4. *Nonconfidential* information related to Alternative Program
26 participation, the beginning and ending dates of such participation,
27 and other information related to such participation;

28 5. Any denial of application for licensure, and the reason(s) for
29 such denial (excluding the reporting of any criminal history record
30 information where prohibited by law);

31 6. The existence of Investigative Information;

32 7. The existence of Current Significant Investigative Information;
33 and

34 8. Other information that may facilitate the administration of
35 this Compact or the protection of the public, as determined by the
36 Rules of the Commission.

37 D. The records and information provided to a Member State
38 pursuant to this Compact or through the Data System, when
39 certified by the Commission or an agent thereof, shall constitute
40 the authenticated business records of the Commission, and shall

1 be entitled to any associated hearsay exception in any relevant
2 judicial, quasi-judicial or administrative proceedings in a Member
3 State.

4 E. The existence of Current Significant Investigative Information
5 and the existence of Investigative Information pertaining to a
6 Licensee in any Member State will only be available to other
7 Member States.

8 F. It is the responsibility of the Member States to monitor the
9 database to determine whether Adverse Action has been taken
10 against such a Licensee or License applicant. Adverse Action
11 information pertaining to a Licensee or License applicant in any
12 Member State will be available to any other Member State.

13 G. Member States contributing information to the Data System
14 may designate information that may not be shared with the public
15 without the express permission of the contributing State.

16 H. Any information submitted to the Data System that is
17 subsequently expunged pursuant to federal law or the laws of the
18 Member State contributing the information shall be removed from
19 the Data System.

20 ARTICLE 11- RULEMAKING

21 ~~The~~

22 A. *The* Commission shall promulgate reasonable Rules in order
23 to effectively and efficiently implement and administer the
24 purposes and provisions of the Compact. A Rule shall be invalid
25 and have no force or effect only if a court of competent jurisdiction
26 holds that the Rule is invalid because the Commission exercised
27 its rulemaking authority in a manner that is beyond the scope and
28 purposes of the Compact, or the powers granted hereunder, or
29 based upon another applicable standard of review.

30 B. The Rules of the Commission shall have the force of law in
31 each Member State, provided however that where the Rules of the
32 Commission conflict with the laws of the Member State that
33 establish the Member State’s scope of practice laws governing the
34 Practice of Cosmetology as held by a court of competent
35 jurisdiction, the Rules of the Commission shall be ineffective in
36 that State to the extent of the conflict.

37 C. The Commission shall exercise its rulemaking powers
38 pursuant to the criteria set forth in this Article and the Rules
39 adopted thereunder. Rules shall become binding as of the date
40 specified by the Commission for each Rule.

1 D. If a majority of the legislatures of the Member States rejects
2 a Rule or portion of a Rule, by enactment of a statute or resolution
3 in the same manner used to adopt the Compact within four (4)
4 years of the date of adoption of the Rule, then such Rule shall have
5 no further force and effect in any Member State or to any State
6 applying to participate in the Compact.

7 E. Rules shall be adopted at a regular or special meeting of the
8 Commission.

9 F. Prior to adoption of a proposed Rule, the Commission shall
10 hold a public hearing and allow persons to provide oral and written
11 comments, data, facts, opinions, and arguments.

12 G. Prior to adoption of a proposed Rule by the Commission, and
13 at least thirty (30) days in advance of the meeting at which the
14 Commission will hold a public hearing on the proposed Rule, the
15 Commission shall provide a notice of proposed rulemaking:

16 ~~On~~

17 1. *On* the website of the Commission or other publicly accessible
18 platform;

19 ~~To~~

20 2. *To* persons who have requested notice of the Commission's
21 notices of proposed rulemaking, and

22 3. In such other way(s) as the Commission may by Rule specify.

23 H. The notice of proposed rulemaking shall include:

24 ~~The~~

25 1. *The* time, date, and location of the public hearing at which
26 the Commission will hear public comments on the proposed Rule
27 and, if different, the time, date, and location of the meeting where
28 the Commission will consider and vote on the proposed Rule;

29 2. If the hearing is held via telecommunication, video conference,
30 or other electronic means, the Commission shall include the
31 mechanism for access to the hearing in the notice of proposed
32 rulemaking;

33 3. The text of the proposed Rule and the reason therefor;

34 4. A request for comments on the proposed Rule from any
35 interested person; and

36 5. The manner in which interested persons may submit written
37 comments.

38 ~~All~~

1 *I.* All hearings will be recorded. A copy of the recording and all
2 written comments and documents received by the Commission in
3 response to the proposed Rule shall be available to the public.

4 *J.* Nothing in this Article shall be construed as requiring a
5 separate hearing on each Rule. Rules may be grouped for the
6 convenience of the Commission at hearings required by this Article.

7 *K.* The Commission shall, by majority vote of all members, take
8 final action on the proposed Rule based on the rulemaking record
9 and the full text of the Rule.

10 ~~The~~

11 1. *The* Commission may adopt changes to the proposed Rule
12 provided the changes do not enlarge the original purpose of the
13 proposed Rule.

14 2. The Commission shall provide an explanation of the reasons
15 for substantive changes made to the proposed Rule as well as
16 reasons for substantive changes not made that were recommended
17 by commenters.

18 3. The Commission shall determine a reasonable effective date
19 for the Rule. Except for an emergency as provided in Article 11.L,
20 the effective date of the Rule shall be no sooner than forty-five
21 (45) days after the Commission issuing the notice that it adopted
22 or amended the Rule.

23 *L.* Upon determination that an emergency exists, the Commission
24 may consider and adopt an emergency Rule with five (5) days'
25 notice, with opportunity to comment, provided that the usual
26 rulemaking procedures provided in the Compact and in this Article
27 shall be retroactively applied to the Rule as soon as reasonably
28 possible, in no event later than ninety (90) days after the effective
29 date of the Rule. For the purposes of this provision, an emergency
30 Rule is one that must be adopted immediately to:

31 ~~Meet~~

32 1. *Meet* an imminent threat to public health, safety, or welfare;

33 ~~Prevent~~

34 2. *Prevent* a loss of Commission or Member State funds;

35 ~~Meet~~

36 3. *Meet* a deadline for the promulgation of a Rule that is
37 established by federal law or rule; or

38 4. Protect public health and safety.

39 *M.* The Commission or an authorized committee of the
40 Commission may direct revisions to a previously adopted Rule for

1 purposes of correcting typographical errors, errors in format, errors
2 in consistency, or grammatical errors. Public notice of any revisions
3 shall be posted on the website of the Commission. The revision
4 shall be subject to challenge by any person for a period of thirty
5 (30) days after posting. The revision may be challenged only on
6 grounds that the revision results in a material change to a Rule. A
7 challenge shall be made in writing and delivered to the Commission
8 prior to the end of the notice period. If no challenge is made, the
9 revision will take effect without further action. If the revision is
10 challenged, the revision may not take effect without the approval
11 of the Commission.

12 N. No Member State’s rulemaking requirements shall apply
13 under this Compact.

14 ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND
15 ENFORCEMENT

16 ~~Oversight~~

17 A. *Oversight*

18 ~~The~~

19 1. *The* executive and judicial branches of State government in
20 each Member State shall enforce this Compact and take all actions
21 necessary and appropriate to implement the Compact.

22 2. Venue is proper and judicial proceedings by or against the
23 Commission shall be brought solely and exclusively in a court of
24 competent jurisdiction where the principal office of the
25 Commission is located. The Commission may waive venue and
26 jurisdictional defenses to the extent it adopts or consents to
27 participate in alternative dispute resolution proceedings. Nothing
28 herein shall affect or limit the selection or propriety of venue in
29 any action against a Licensee for professional malpractice,
30 misconduct or any such similar matter.

31 3. The Commission shall be entitled to receive service of process
32 in any proceeding regarding the enforcement or interpretation of
33 the Compact and shall have standing to intervene in such a
34 proceeding for all purposes. Failure to provide the Commission
35 service of process shall render a judgment or order void as to the
36 Commission, this Compact, or promulgated Rules.

37 B. Default, Technical Assistance, and Termination

38 ~~If~~

39 1. *If* the Commission determines that a Member State has
40 defaulted in the performance of its obligations or responsibilities

1 under this Compact or the promulgated Rules, the Commission
2 shall provide written notice to the defaulting State. The notice of
3 default shall describe the default, the proposed means of curing
4 the default, and any other action that the Commission may take,
5 and shall offer training and specific technical assistance regarding
6 the default.

7 2. The Commission shall provide a copy of the notice of default
8 to the other Member States.

9 3. If a State in default fails to cure the default, the defaulting
10 State may be terminated from the Compact upon an affirmative
11 vote of a majority of the delegates of the Member States, and all
12 rights, privileges and benefits conferred on that State by this
13 Compact may be terminated on the effective date of termination.
14 A cure of the default does not relieve the offending State of
15 obligations or liabilities incurred during the period of default.

16 4. Termination of membership in the Compact shall be imposed
17 only after all other means of securing compliance have been
18 exhausted. Notice of intent to suspend or terminate shall be given
19 by the Commission to the governor, the majority and minority
20 leaders of the defaulting State's legislature, the defaulting State's
21 State Licensing Authority and each of the Member States' State
22 Licensing Authority.

23 5. A State that has been terminated is responsible for all
24 assessments, obligations, and liabilities incurred through the
25 effective date of termination, including obligations that extend
26 beyond the effective date of termination.

27 6. Upon the termination of a State's membership from this
28 Compact, that State shall immediately provide notice to all
29 Licensees who hold a Multistate License within that State of such
30 termination. The terminated State shall continue to recognize all
31 licenses granted pursuant to this Compact for a minimum of one
32 hundred eighty (180) days after the date of said notice of
33 termination.

34 7. The Commission shall not bear any costs related to a State
35 that is found to be in default or that has been terminated from the
36 Compact, unless agreed upon in writing between the Commission
37 and the defaulting State.

38 8. The defaulting State may appeal the action of the Commission
39 by petitioning the U.S. District Court for the District of Columbia
40 or the federal district where the Commission has its principal

1 offices. The prevailing party shall be awarded all costs of such
2 litigation, including reasonable attorney’s fees.

3 C. Dispute Resolution

4 ~~Upon~~

5 1. *Upon* request by a Member State, the Commission shall
6 attempt to resolve disputes related to the Compact that arise among
7 Member States and between Member and non-Member States.

8 2. The Commission shall promulgate a Rule providing for both
9 mediation and binding dispute resolution for disputes as
10 appropriate.

11 D. Enforcement

12 ~~The~~

13 1. *The* Commission, in the reasonable exercise of its discretion,
14 shall enforce the provisions of this Compact and the Commission’s
15 Rules.

16 2. By majority vote as provided by Commission Rule, the
17 Commission may initiate legal action against a Member State in
18 default in the United States District Court for the District of
19 Columbia or the federal district where the Commission has its
20 principal offices to enforce compliance with the provisions of the
21 Compact and its promulgated Rules. The relief sought may include
22 both injunctive relief and damages. In the event judicial
23 enforcement is necessary, the prevailing party shall be awarded
24 all costs of such litigation, including reasonable attorney’s fees.
25 The remedies herein shall not be the exclusive remedies of the
26 Commission. The Commission may pursue any other remedies
27 available under federal or the defaulting Member State’s law.

28 3. A Member State may initiate legal action against the
29 Commission in the U.S. District Court for the District of Columbia
30 or the federal district where the Commission has its principal
31 offices to enforce compliance with the provisions of the Compact
32 and its promulgated Rules. The relief sought may include both
33 injunctive relief and damages. In the event judicial enforcement
34 is necessary, the prevailing party shall be awarded all costs of such
35 litigation, including reasonable attorney’s fees.

36 4. No individual or entity other than a Member State may enforce
37 this Compact against the Commission.

38 ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND
39 AMENDMENT

40 ~~The~~

1 A. *The* Compact shall come into effect on the date on which the
2 Compact statute is enacted into law in the seventh Member State.

3 1. On or after the effective date of the Compact, the Commission
4 shall convene and review the enactment of each of the Charter
5 Member States to determine if the statute enacted by each such
6 Charter Member State is materially different than the model
7 Compact statute.

8 ~~A~~

9 a. A Charter Member State whose enactment is found to be
10 materially different from the model Compact statute shall be
11 entitled to the default process set forth in Article 12.

12 ~~H~~

13 b. *If* any Member State is later found to be in default, or is
14 terminated or withdraws from the Compact, the Commission shall
15 remain in existence and the Compact shall remain in effect even
16 if the number of Member States should be less than seven (7).

17 2. Member States enacting the Compact subsequent to the
18 Charter Member States shall be subject to the process set forth in
19 Article 9.C.24 to determine if their enactments are materially
20 different from the model Compact statute and whether they qualify
21 for participation in the Compact.

22 3. All actions taken for the benefit of the Commission or in
23 furtherance of the purposes of the administration of the Compact
24 prior to the effective date of the Compact or the Commission
25 coming into existence shall be considered to be actions of the
26 Commission unless specifically repudiated by the Commission.

27 4. Any State that joins the Compact shall be subject to the
28 Commission’s Rules and bylaws as they exist on the date on which
29 the Compact becomes law in that State. Any Rule that has been
30 previously adopted by the Commission shall have the full force
31 and effect of law on the day the Compact becomes law in that
32 State.

33 B. Any Member State may withdraw from this Compact by
34 enacting a statute repealing that State’s enactment of the Compact.

35 ~~A~~

36 1. A Member State’s withdrawal shall not take effect until one
37 hundred eighty (180) days after enactment of the repealing statute.

38 2. Withdrawal shall not affect the continuing requirement of the
39 withdrawing State’s State Licensing Authority to comply with the

1 investigative and Adverse Action reporting requirements of this
2 Compact prior to the effective date of withdrawal.

3 3. Upon the enactment of a statute withdrawing from this
4 Compact, a State shall immediately provide notice of such
5 withdrawal to all Licensees within that State. Notwithstanding any
6 subsequent statutory enactment to the contrary, such withdrawing
7 State shall continue to recognize all licenses granted pursuant to
8 this Compact for a minimum of 180 days after the date of such
9 notice of withdrawal.

10 C. Nothing contained in this Compact shall be construed to
11 invalidate or prevent any licensure agreement or other cooperative
12 arrangement between a Member State and a non-Member State
13 that does not conflict with the provisions of this Compact.

14 D. This Compact may be amended by the Member States. No
15 amendment to this Compact shall become effective and binding
16 upon any Member State until it is enacted into the laws of all
17 Member States.

18 ARTICLE 14- CONSTRUCTION AND SEVERABILITY

19 ~~This~~

20 A. *This* Compact and the Commission's rulemaking authority
21 shall be liberally construed so as to effectuate the purposes, and
22 the implementation and administration of the Compact. Provisions
23 of the Compact expressly authorizing or requiring the promulgation
24 of Rules shall not be construed to limit the Commission's
25 rulemaking authority solely for those purposes.

26 B. The provisions of this Compact shall be severable and if any
27 phrase, clause, sentence or provision of this Compact is held by a
28 court of competent jurisdiction to be contrary to the constitution
29 of any Member State, a State seeking participation in the Compact,
30 or of the United States, or the applicability thereof to any
31 government, agency, person or circumstance is held to be
32 unconstitutional by a court of competent jurisdiction, the validity
33 of the remainder of this Compact and the applicability thereof to
34 any other government, agency, person or circumstance shall not
35 be affected thereby.

36 C. Notwithstanding Article 14.B, the Commission may deny a
37 State's participation in the Compact or, in accordance with the
38 requirements of Article 12, terminate a Member State's
39 participation in the Compact, if it determines that a constitutional
40 requirement of a Member State is a material departure from the

1 Compact. Otherwise, if this Compact shall be held to be contrary
2 to the constitution of any Member State, the Compact shall remain
3 in full force and effect as to the remaining Member States and in
4 full force and effect as to the Member State affected as to all
5 severable matters.

6 ARTICLE 15- CONSISTENT EFFECT AND CONFLICT
7 WITH OTHER STATE LAWS

8 ~~Nothing~~

9 A. *Nothing* herein shall prevent or inhibit the enforcement of
10 any other law of a Member State that is not inconsistent with the
11 Compact.

12 B. Any laws, statutes, regulations, or other legal requirements
13 in a Member State in conflict with the Compact are superseded to
14 the extent of the conflict.

15 C. All permissible agreements between the Commission and the
16 Member States are binding in accordance with their terms.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assemblymember Weber

Subject: Barbering and cosmetology:
Hair Types and Textures

Bill Number: AB 2166

Version: Introduced, February 6, 2024

Existing Law:

Existing law specifies the content and hours that schools must teach for each of the Board's licensing types. The following is the current requirements for services regarding hair under each license type:

Barbering

Two hundred hours in chemical hair services, which includes coloring, straightening, waving, bleaching, hair analysis, predisposition and strand tests, safety precautions, formula mixing, and the use of dye removers.

Two hundred hours in hairstyling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting, including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

Cosmetology

Two hundred hours in chemical hair services, which includes coloring, straightening, waving, bleaching, hair analysis, predisposition and strand tests, safety precautions, formula mixing, and the use of dye removers.

Two hundred hours in hairstyling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting, including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

Hairstyling

Two hundred hours in hair styling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

This Bill:

This bill specifies that for barbering and cosmetology:

Instruction in chemical hair services shall include instruction regarding the provision of services to individuals with all hair types and textures, including but not limited to, various curl or wave patterns, hair strand thickness, and volumes of hair.

Instruction in hairstyling services shall include instruction regarding the provisions of services to individuals with all hair types and textures, including but not limited to, various curl or wave patterns, hair strand thickness, and volumes of hair.

The bill specifies for hairstyling:

Instruction in hairstyling services shall include instruction regarding the provisions of services to individuals with all hair types and textures, including but not limited to, various curl or wave patterns, hair strand thickness, and volumes of hair.

This bill also states that the written test shall determine the applicant's skill in, knowledge of, providing services to individuals with varying hair types and textures, as applicable to the practice for which the applicant has applied for licensure.

Analysis:

The coalition for Creating a Respectful and Open World of Natural Hair known as The Crown Act is the coalition that created the law to prohibit race-based hair discrimination. The CROWN Act has been implemented in 23 states, including California. In July 2019, Governor Newsom signed into law Senate Bill 188 which amended the Education Code of California to prohibit discrimination in schools and in the workplace pertaining traditional hairstyles and amended the definition of race to include traits historically associated with race, including but not limited to, hair texture and defined protective styles to include braids, locks, and twists.

In 2023, the state of New York implemented legislation, Senate Bill 2023-S6528, requiring all cosmetology schools to provide education on textured hair as part of their cosmetology course curriculum as well as include questions on license examinations as a condition of licensure.

The two textbooks that are used in California both have sections that include textured hair; however, it is not clear that this is taught in all schools. This bill would require schools to modify their curriculum to ensure students are taught skills in textured hair. It is assumed that many schools already include textured hair services, but some do not.

Fiscal Impact:

The fiscal impact of this bill would be minimal. Should this bill be signed into law, the Board would notify schools of the requirement.

Board Position: Support

On February 26, 2024, the Board voted to Support AB 2166.

Status:

2/20/24: Referred to Committee on Business and Professions.

AB 2166 text, available online:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2166

ASSEMBLY BILL

No. 2166

Introduced by Assembly Member Weber

February 6, 2024

An act to amend Sections 7338, 7362.5, and 7363 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2166, as introduced, Weber. Barbering and cosmetology: hair types and textures.

(1) Existing law, the Barbering and Cosmetology Act, the violation of which is a crime, provides for the licensure and regulation of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Existing law requires the examination of applicants for a license issued by the board to consist of written tests to determine the applicant's skill in, and knowledge of, the practice of the occupation for which a license is sought.

This bill would additionally require those written tests to determine the applicant's skill in, and knowledge of, providing services to individuals with varying hair types and textures.

(2) Existing law requires a course in barbering or cosmetology to include, at a minimum, technical and practical instruction in specified areas, including instruction in chemical hair services and hairstyling services, as described. Existing law also requires a course in hairstyling, as provided, to include instruction in hairstyling services, as described.

This bill would additionally require that instruction in chemical hair services and hairstyling services to include instruction in the provision of services to individuals with all hair types and textures, including, but not limited to, various curl or wave patterns, hair strand thicknesses,

and volumes of hair. By expanding the crimes relating to violation of the Barbering and Cosmetology Act, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7338 of the Business and Professions
2 Code is amended to read:

3 7338. (a) The examination of applicants for a license shall
4 consist of a written examination that evaluates competency in
5 protecting the health and safety of consumers of the services
6 provided by licensees.

7 (b) The examination shall include written tests to determine the
8 applicant’s skill in, and knowledge of, the practice of the
9 occupation for which a license is sought and shall include written
10 tests in antisepsis, disinfection, and the use of mechanical apparatus
11 and electricity as applicable to the practice for which the applicant
12 has applied for licensure.

13 (c) *The written tests, as specified in subdivision (b), shall*
14 *determine the applicant’s skill in, and knowledge of, providing*
15 *services to individuals with varying hair types and textures, as*
16 *applicable to the practice for which the applicant has applied for*
17 *licensure.*

18 SEC. 2. Section 7362.5 of the Business and Professions Code
19 is amended to read:

20 7362.5. (a) A course in barbering or cosmetology established
21 by a school shall consist of not less than 1,000 hours of practical
22 and technical instruction in the practice of barbering or
23 cosmetology, as defined in Section 7316.

24 (b) The curriculum for a barbering course shall, at a minimum,
25 include technical and practical instruction in the following areas:

26 (1) One hundred hours in health and safety, which includes
27 hazardous substances, chemical safety, safety data sheets,

1 protection from hazardous chemicals, preventing chemical injuries,
2 health and safety laws and regulations, and preventing
3 communicable diseases.

4 (2) One hundred hours in disinfection and sanitation, which
5 includes disinfection procedures to protect the health and safety
6 of consumers as well as the technician and proper disinfection
7 procedures for equipment used in establishments.

8 (3) (A) Two hundred hours in chemical hair services, which
9 includes coloring, straightening, waving, bleaching, hair analysis,
10 predisposition and strand tests, safety precautions, formula mixing,
11 and the use of dye removers.

12 (B) *Instruction in chemical hair services shall include instruction*
13 *regarding the provision of services to individuals with all hair*
14 *types and textures, including, but not limited to, various curl or*
15 *wave patterns, hair strand thicknesses, and volumes of hair.*

16 (4) (A) Two hundred hours in hairstyling services, which
17 includes arranging, blow drying, cleansing, curling, dressing, hair
18 analysis, shampooing, waving, and nonchemical straightening,
19 and hair cutting, including the use of shears, razors, electrical
20 clippers and trimmers, and thinning shears, for wet and dry cutting.

21 (B) *Instruction in hairstyling services shall include instruction*
22 *regarding the provision of services to individuals with all hair*
23 *types and textures, including, but not limited to, various curl or*
24 *wave patterns, hair strand thicknesses, and volumes of hair.*

25 (5) Two hundred hours in shaving and trimming of the beard,
26 which includes preparing the client's hair for shaving, assessing
27 the condition of the client's skin, performing shaving techniques,
28 applying aftershave antiseptic following facial services, and
29 massaging the face and rolling cream massages.

30 (c) The curriculum for a cosmetology course shall, at a
31 minimum, include technical and practical instruction in the
32 following areas:

33 (1) One hundred hours in health and safety, which includes
34 hazardous substances, chemical safety, safety data sheets,
35 protection from hazardous chemicals, preventing chemical injuries,
36 health and safety laws and regulations, and preventing
37 communicable diseases.

38 (2) One hundred hours in disinfection and sanitation, which
39 includes disinfection procedures to protect the health and safety

1 of consumers as well as the technician and proper disinfection
2 procedures for equipment used in establishments.

3 (3) (A) Two hundred hours in chemical hair services, which
4 includes coloring, straightening, waving, bleaching, hair analysis,
5 predisposition and strand tests, safety precautions, formula mixing,
6 and the use of dye removers.

7 (B) *Instruction in chemical hair services shall include instruction*
8 *regarding the provision of services to individuals with all hair*
9 *types and textures, including, but not limited to, various curl or*
10 *wave patterns, hair strand thicknesses, and volumes of hair.*

11 (4) (A) Two hundred hours in hairstyling services, which
12 includes arranging, blow drying, cleansing, curling, dressing, hair
13 analysis, shampooing, waving, and nonchemical straightening,
14 and hair cutting, including the use of shears, razors, electrical
15 clippers and trimmers, and thinning shears, for wet and dry cutting.

16 (B) *Instruction in hairstyling services shall include instruction*
17 *regarding the provision of services to individuals with all hair*
18 *types and textures, including, but not limited to, various curl or*
19 *wave patterns, hair strand thicknesses, and volumes of hair.*

20 (5) One hundred fifty hours in skin care services, which includes
21 chemical and manual facials and massaging, stimulating,
22 exfoliating, cleansing, or beautifying the face, scalp, neck, or body
23 by the use of hands, esthetic devices, cosmetic products, antiseptics,
24 lotions, tonics, or creams that do not result in the ablation or
25 destruction of the live tissue.

26 (6) Fifty hours in hair removal and lash and brow beautification,
27 which includes tinting and perming eyelashes and brows and
28 applying eyelashes to any person, and includes removing
29 superfluous hair from the body of any person by use of depilatories,
30 tweezers, sugaring, nonprescription chemicals, or waxing, or by
31 the use of devices and appliances of any kind or description, except
32 by the use of lasers or light waves, which are commonly known
33 as rays.

34 (7) One hundred hours in manicure and pedicure, which includes
35 water and oil manicures, hand and arm massage, foot and ankle
36 massage, nail analysis, and artificial nail services, including, but
37 not limited to, acrylic, liquid and powder brush-ons, dip, tips,
38 wraps, and repairs.

39 SEC. 3. Section 7363 of the Business and Professions Code is
40 amended to read:

1 7363. (a) A course in hairstyling established by a school shall
2 consist of not less than 600 hours of practical and technical
3 instruction.

4 (b) The curriculum for a hairstyling course shall include, at a
5 minimum, technical and practical instruction in the following areas:

6 (1) One hundred hours in health and safety, which includes
7 hazardous substances, chemical safety, safety data sheets,
8 protection from hazardous chemicals, preventing chemical injuries,
9 health and safety laws and regulations, and preventing
10 communicable diseases.

11 (2) One hundred hours in disinfection and sanitation, which
12 includes disinfection procedures to protect the health and safety
13 of consumers as well as the technician and proper disinfection
14 procedures for equipment used in establishments.

15 (3) (A) Two hundred hours in hair styling services, which
16 includes arranging, blow drying, cleansing, curling, dressing, hair
17 analysis, shampooing, waving, and nonchemical straightening,
18 and hair cutting including the use of shears, razors, electrical
19 clippers and trimmers, and thinning shears, for wet and dry cutting.

20 (B) *Instruction in hairstyling services shall include instruction*
21 *regarding the provision of services to individuals with all hair*
22 *types and textures, including, but not limited to, various curl or*
23 *wave patterns, hair strand thicknesses, and volumes of hair.*

24 SEC. 4. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assemblymember Reyes

Subject: California Body Contouring Council

Bill Number: AB 2412

Version: Introduced, February 12, 2024

Existing Law:

The Massage Therapy Act, regulates massage practitioners and therapists who administer massage, defined as the scientific manipulation of the soft tissues, for compensation. Existing law creates the California Massage Therapy Council. Existing law specifies that it is an unfair business practice for a person to hold oneself out or to use the title of “certified massage therapist” or “certified massage practitioner” unless that person currently holds an active and valid certificate issued by the council pursuant to these provisions.

This Bill:

This bill, establishes the California Body Contouring Practitioner Act, would define body contouring as noninvasive, nonmedical treatment intended to shape or contour the fatty areas of the body, as specified. The bill would create the California Body Contouring Council (council) for the purpose of regulating the practice of body contouring.

The bill would require the council to be governed by a board of directors comprised of 4 individuals:

1. A president,
2. A vice president,
3. A California licensed physician, appointed by the Medical Board of California, who shall also perform the following functions by serving as all the following:
 - a. The council’s Medical Director.
 - b. A professional liaison to the Medical Board of California.
 - c. The council’s curriculum adviser.
4. A California licensed cosmetologist

The bill would establish an advisory board comprised of 14 members who shall serve a term of three years and would be responsible for advising the board of directors. The members shall represent California’s diverse communities and cultures and shall be selected for their expertise in the fields of medicine, cosmetology, personal services, personal services equipment, curriculum creation, training and education, California state law, and the practice of body contouring. Members of the board of directors shall be selected, as follows:

1. Each of the following entities shall select one member:
 - a. The Department of Consumer Affairs.
 - b. The Assembly Business and Professions Committee.
 - c. The Senate Business, Professions and Economic Development Committee.
2. Eleven advisory board members shall be selected by the council.

This bill would require the council to develop and make available to students five online, 40-hour educational modules composing a 5-week, 200-hour, physician-approved course in the practice of body contouring, with a fee that shall not exceed \$125.00. The bill would require a student who successfully completes the course of instruction to receive a certificate of completion issued by the

council for the purpose of qualifying that person for a permit to practice body contouring. Practitioner permits would require a specified physical location, and mobile permits, as required.

To become a practitioner of body contouring, the bill would require an applicant to submit an application to the council and provide the council with satisfactory evidence that they have met prescribed requirements, including payment of fees that cover the council's reasonable regulatory cost of administering the program, initial fee shall not exceed \$495.00. Permits to practice body contouring, premises permits, and mobile permits are to be renewed annually, fees shall not exceed \$295.00, with a \$25.00 penalty for every month it is not renewed.

The bill would require practitioners to comply with specified requirements, including, submitting to inspection and investigation by the council, adhering to the ethical standards prescribed by the council, and not exceeding the legal scope of their permit, among other things. The bill would make it unlawful for any person to falsely advertise that they or any other individual is a California Certified and Permitted Body Contouring Practitioner and deem engaging in that or other prohibited behavior unfair competition pursuant to other specified provisions of law.

Author's submission to Legislative Council for AB 2412:

Assemblymember Reyes office declares more than 1,000,000 people from all segments of society perform body contouring treatments to willing consumers in California and throughout the world. Currently, there is no official training, vetting, scope of practice, agency, establishment, registry, or system, and no accountability, for a person who performs body contouring treatment. Therefore, persons engaging in this type of service are using techniques that they have learned via demonstrations on the internet, YouTube, Instagram, or Facebook, or from other practitioners.

Aspiring body contourists seek training from persons who claim to be experts in the field. This training can range in price from \$1,500 to \$2,500, or more for online or in-person instruction. Many Californians are paying for this type of training because no official training exists. Because there is no official training or defined scope of practice, persons who wish to perform these procedures are confused, and often misinformed, about what equipment or applications they can safely and effectively use. In many instances, according to the Medical Board of California, contourists use medical-grade equipment and practice medicine without a license. Without clear, lawfully approved training, a place to make official inquiries, ongoing education, and a process for receipt and investigation of consumer complaints, these individuals are operating without a scope of practice or accountability through no fault of their own.

By offering a standard, physician-approved curriculum, the intent is that the California Body Contouring Council will eliminate price gouging affecting persons seeking to learn how to perform body contouring and ensure that those persons are sufficiently trained. The intent is that training curriculum be developed, approved, and overseen by an advisory board.

It is the intent that the California Body Contouring Council embrace this new, growing industry by providing consumer safety and specialized, all-inclusive training to ensure both clients and body contourists are working in harmony for an in-demand and marketable vocation. Job creation faces many barriers, the council recognizes this dilemma and provides an innovative model of education, implementation, training, a clear scope of practice, and accountability.

Analysis:

The Barbering and Cosmetology Act (Act) defines the scope of practice of cosmetology and its specialty branch of skin care, California Business and Profession Code, section 7316 (b) and (c). A person licensed as a cosmetologist or esthetician is required to limit their practice and services rendered to the public to only those areas for which they are licensed, California Business and Professions Code, section 7317. The Act confers no authority to practice medicine or surgery, California Business and Professions code, section 7320. The Board's regulations specifically prohibit invasive procedures which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis or the application of electricity which visibly contracts the muscle, Title 16, California Code of Regulations, section 991. Licensed cosmetologists and estheticians are cautioned not to engage in any invasive procedures.

The Board has seen an ongoing trend of invasive procedure manufacturers promoting their products as approved products for cosmetologists and estheticians. The Board has issued citations to licensees for providing invasive procedures and/or the practice of medicine. To combat the growing trends in the beauty industry the Board has issued no less than 4 social media posts regarding invasive procedures over the past 12 months. In almost every town hall the Board has hosted, the topic of invasive procedures equipment is brought up. The Board continues to direct licensees to what is in regulations, in addition staff has created Scope of Practice fliers to hand out to cosmetologist and estheticians at trade shows and other events around the state to combat the misinformation of what is within scope of practice and what is prohibited.

This bill, AB 2412, proposes to create the California Body Contouring Council and requiring a California Licensed cosmetologist to be on the Board of Directors and a cosmetologist on the advisory board. The requirement of a cosmetologist on the California Body Contouring Council may lead to a misunderstanding that this practice is included in the cosmetologist scope of practice, which currently it is not. Should cosmetologists seek additional licensure through California Body Contouring Council, their use of that scope would not be overseen by the Board of Barbering and cosmetology. Additional education may be needed to clearly communicate which license allows contouring and which do not.

The Board has held discussions with the Department of Consumer Affairs as well as various allied health boards including the Medical Board of California, the Osteopathic Medical Board, the Board of Registered Nursing etc. During these meetings, it was agreed that body contouring is the practice of medicine. Body contouring is often treating conditions such as obesity and cellulite. Treating of any medical conditions is considered the practice of medicine.

The Board reached out to the author's office, though unfortunately have not received a response in time for this analysis.

Fiscal Impact:

No fiscal impact to the Board

Board Position: Watch

On February 26, 2024, the Board voted to watch AB 2412.

Status: 2/26/2024: Referred to Committee on Business and Professions.

AB 2412 text, available online:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2412#99INT

ASSEMBLY BILL

No. 2412

Introduced by Assembly Member Reyes

February 12, 2024

An act to add Chapter 10.8 (commencing with Section 4660) to Division 2 of the Business and Professions Code, relating to body contouring.

LEGISLATIVE COUNSEL'S DIGEST

AB 2412, as introduced, Reyes. Healing arts: California Body Contouring Council: practitioners.

Existing law, the Massage Therapy Act, regulates massage practitioners and therapists who administer massage, defined as the scientific manipulation of the soft tissues, for compensation. Existing law creates the California Massage Therapy Council. Existing law specifies that it is an unfair business practice for a person to hold oneself out or to use the title of “certified massage therapist” or “certified massage practitioner” unless that person currently holds an active and valid certificate issued by the council pursuant to these provisions.

This bill, the California Body Contouring Practitioner Act, would define body contouring as noninvasive, nonmedical treatment intended to shape or contour the fatty areas of the body, as specified. The bill would create the California Body Contouring Council (council) for the purpose of regulating the practice of body contouring. The bill would require the council to issue certificates of completion to individuals who complete a certain educational course, permits to be a California Certified and Permitted Body Contouring Practitioner, permits to maintain a specified physical location, and mobile permits, as prescribed. The bill would require the council to be governed by a board of directors

comprised of 4 individuals. The bill would establish an advisory board comprised of 14 members, as specified, and would make the advisory board responsible for advising the board of directors.

This bill would require the council to develop and make available to students on an internet website 5 online, 40-hour educational modules composing a 5-week, 200-hour, physician-approved course in the practice of body contouring. The bill would require a student who successfully completes the course of instruction to receive a certificate of completion issued by the council for the purpose of qualifying that person for a permit to practice body contouring. To become a practitioner of body contouring, the bill would require an applicant to submit an application of the council and provide the council with satisfactory evidence that they have met prescribed requirements, including payment of certain fees that cover the council's reasonable regulatory costs of administering the program.

This bill would require permits to practice body contouring, premises permits, and mobile permits to be renewed annually. The bill would establish fees for specified permits, including an initial fee for a permit to practice body contouring that does not exceed \$495, and would require those fees to cover the council's reasonable regulatory costs of administering the program. The bill would require practitioners to comply with specified requirements, including, submitting to inspection and investigation by the council, adhering to the ethical standards prescribed by the council, and not exceeding the legal scope of their permit, among other things. The bill would make it unlawful for any person to falsely advertise that they or any other individual is a California Certified and Permitted Body Contouring Practitioner and deem engaging in that or other prohibited behavior unfair competition pursuant to other specified provisions of law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 10.8 (commencing with Section 4660)
- 2 is added to Division 2 of the Business and Professions Code, to
- 3 read:

1 CHAPTER 10.8. CALIFORNIA BODY CONTOURING PRACTITIONER
2 ACT

3
4 4660. This chapter shall be known, and may be cited, as the
5 California Body Contouring Practitioner Act.

6 4660.1. (a) The Legislature finds and declares all of the
7 following:

8 (1) More than 1,000,000 people from all segments of society
9 perform body contouring treatments to willing consumers in
10 California and throughout the world.

11 (2) Currently, there is no official training, vetting, scope of
12 practice, agency, establishment, registry, or system, and no
13 accountability, for a person who performs body contouring
14 treatment. Therefore, persons engaging in this type of service are
15 using techniques that they have learned via demonstrations on the
16 internet, YouTube, Instagram, or Facebook, or from other
17 practitioners.

18 (3) Aspiring body contourists seek training from persons who
19 claim to be experts in the field. This training can range in price
20 from \$1,500 to \$2,500, or more for online or in-person instruction.
21 Many Californians are paying for this type of training because no
22 official training exists. Because there is no official training or
23 defined scope of practice, persons who wish to perform these
24 procedures are confused, and often misinformed, about what
25 equipment or applications they can safely and effectively use. In
26 many instances, according the Medical Board of California,
27 contourists use medical-grade equipment and practice medicine
28 without a license. Without clear, lawfully approved training, a
29 place to make official inquiries, ongoing education, and a process
30 for receipt and investigation of consumer complaints, these
31 individuals are operating without a scope of practice or
32 accountability through no fault of their own.

33 (b) By offering a standard, physician-approved curriculum, it
34 is the intent of the Legislature that the California Body Contouring
35 Council will eliminate price gouging affecting persons seeking to
36 learn how to perform body contouring and ensure that those persons
37 are sufficiently trained. It is the intent of the Legislature that
38 training curriculum be developed, approved, and overseen by an
39 advisory board.

1 (c) It is the intent of the Legislature that the California Body
2 Contouring Council embrace this new, growing industry by
3 providing consumer safety and specialized, all-inclusive training
4 to ensure both clients and body contourists are working in harmony
5 for an in-demand and marketable vocation.

6 (d) Job creation faces many barriers. It is the intent of the
7 Legislature that the California Body Contouring Council recognize
8 this dilemma and provide an innovative model of education,
9 implementation, training, a clear scope of practice, and
10 accountability.

11 4660.3. As used in this chapter, the following definitions apply:

12 (a) “Body contouring” means noninvasive, nonmedical treatment
13 intended to shape or contour the fatty areas of the body using
14 wooden or metal tools, enzyme-based scrubs or wraps, sauna
15 blankets, or light-emitting diodes.

16 (b) “California Certified and Permitted Body Contouring
17 Practitioner,” “Certified and Permitted Body Contouring
18 Practitioner,” or “practitioner” means a person who is permitted
19 to operate as a Certified and Permitted Body Contouring
20 Practitioner pursuant to this chapter and who has undergone
21 education, training, certification, and permitting as specified in
22 this chapter.

23 (c) “Council” means the California Body Contouring Council.

24 4660.5. (a) The use of needles, injections, lasers, radio
25 frequency, cavitation, electrical muscle stimulation, or any medical
26 machine or medical instrument by a practitioner is explicitly
27 prohibited by this chapter unless otherwise permitted pursuant to
28 another provision of law.

29 (b) This chapter does not authorize a practitioner to diagnose
30 illness or to assist or guarantee weight loss through the practice of
31 body contouring.

32 4660.7. (a) The California Body Contouring Council is hereby
33 established and shall carry out the responsibilities and duties set
34 forth in this chapter.

35 (b) Protection of the public shall be the highest priority of the
36 council in exercising its certification and disciplinary authority,
37 and any of its other functions. If the protection of the public is
38 inconsistent with other interests sought to be promoted, the
39 protection of the public shall be paramount.

1 (c) The council may take any reasonable action necessary to
2 carry out the responsibilities and duties set forth in this chapter,
3 including, but not limited to, hiring staff, contracting, and
4 developing policies, procedures, rules, and bylaws to implement
5 this chapter.

6 (d) The council may require background checks for all
7 employees, contractors, volunteers, and board members as a
8 condition of their employment, formation of a contractual
9 relationship, or participation in council activities.

10 (e) The council shall issue all of the following:

11 (1) Certificates of completion to individuals who have
12 successfully completed the educational course in the practice of
13 body contouring described in Section 4660.11.

14 (2) Numbered permits to be a California Certified and Permitted
15 Body Contouring Practitioner and to perform services within the
16 designated legal scope of practice to individuals who have satisfied
17 the requirements described in Section 4660.13.

18 (3) Numbered premises permits to maintain a specified physical
19 location that complies with all health and safety regulations
20 established by the council where body contouring may be practiced
21 by California Certified and Permitted Body Contouring
22 Practitioners who perform services within the designated scope of
23 legal practice. The owner and operator of the premises shall be a
24 California Certified and Permitted Body Contouring Practitioner
25 that has satisfied the requirements described in Section 4660.17.

26 (4) Numbered mobile permits to maintain a self-contained,
27 self-supporting, enclosed mobile unit that complies with all health
28 and safety regulations established by the council where body
29 contouring may be practiced by California Certified and Permitted
30 Body Contouring Practitioners who perform services within the
31 designated scope of legal practice. The owner and operator of the
32 mobile unit shall be a California Certified and Permitted Body
33 Contouring Practitioner that has satisfied the requirements
34 described in Section 4660.19.

35 (f) The council may determine whether the information provided
36 to it in connection with certification and permitting is true and
37 correct and meets the requirements of this chapter. If the council
38 has any reason to question whether the information provided by
39 an applicant is true and correct, or meets the requirements of this
40 chapter, the council may make any investigation it deems necessary

1 in order to establish that the information received is accurate and
 2 satisfies the criteria established pursuant to this chapter. An
 3 applicant shall have the burden to prove that they are entitled to
 4 the desired certification or permit.

5 (g) The meetings of the council shall be subject to the
 6 Bagley-Keene Open Meeting Act (Article 9 (commencing with
 7 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
 8 the Government Code). The board may adopt additional policies
 9 and procedures that provide greater transparency to persons who
 10 hold certifications or permits, and members of the public, that is
 11 required by the act.

12 4660.9. (a) The council shall be governed by a board of
 13 directors, who shall be compensated, as determined by the council,
 14 and shall be reimbursed for necessary and reasonable expenses
 15 incurred in connection with performing board duties. The board
 16 of directors shall be comprised of all of the following:

- 17 (1) A president.
- 18 (2) A vice president.
- 19 (3) A California licensed physician, appointed by the Medical
 20 Board of California, who shall also perform the following functions
 21 by serving as all of the following:
 - 22 (A) The council’s Medical Director.
 - 23 (B) A professional liaison to the Medical Board of California.
 - 24 (C) The council’s curriculum adviser.
 - 25 (4) A California licensed cosmetologist.

26 (b) The council shall be advised by an advisory board comprised
 27 of 14 members who shall represent California’s diverse
 28 communities and cultures and shall be selected for their expertise
 29 in the fields of medicine, cosmetology, personal services, personal
 30 services equipment, curriculum creation, training and education,
 31 California state law, and the practice of body contouring. Members
 32 of the board of directors shall be selected, as follows:

- 33 (1) Each of the following entities shall select one member:
 - 34 (A) The Department of Consumer Affairs.
 - 35 (B) The Assembly Business and Professions Committee.
 - 36 (C) The Senate Business, Professions and Economic
 37 Development Committee.
- 38 (2) Eleven advisory board members shall be selected by the
 39 council.

1 (c) Members of the advisory board shall serve a term of three
2 years.

3 4660.11. (a) The council shall develop and make available to
4 students on its internet website five online, 40-hour educational
5 modules composing a five-week, 200-hour, physician-approved
6 course in the practice of body contouring. The course shall use
7 narratives, videos, and multiple-choice quizzes, and be offered in
8 multiple languages as determined by the council.

9 (b) A student shall have five weeks to complete all five
10 educational modules, successfully complete five corresponding
11 module tests, and successfully complete a final, 25-question
12 comprehensive test covering the curriculum in all five modules in
13 order to be eligible to receive certification. A student shall be
14 permitted to review each module, to retake the test for each module,
15 and to retake the final comprehensive examination an unlimited
16 number of times during the five-week period. If a student does not
17 complete the course, does not pass a module test, or does not pass
18 the final comprehensive examination within the five-week period,
19 they shall be required to reregister for, and retake, the course.

20 (c) The registration fee for the five-week course shall be an
21 amount sufficient to support the functions of the council and to
22 cover the reasonable regulatory cost of administering this chapter,
23 but shall not exceed one hundred twenty five dollars (\$125). This
24 fee shall apply each time a student registers or reregisters for the
25 course. The council may increase the fee no more frequently than
26 every four years based upon the rate of inflation.

27 (d) The course in body contouring shall include each of the
28 following 40-hour modules:

29 (1) "Introduction to California body contouring," which shall
30 include instruction on all of the following topics:

31 (A) What is California body contouring.

32 (B) The council's scope of practice.

33 (C) The legalities of California body contouring.

34 (D) The council's code of ethics and contract for success.

35 (E) Permitted tools, equipment, and machines.

36 (2) "Understanding the human body and client safety," which
37 shall include instruction on all of the following topics:

38 (A) Anatomy and adipose tissue.

39 (B) The council's contraindications, medical history, consent,
40 and precare and postcare.

- 1 (C) Body contouring table setup.
- 2 (D) Clear, understandable treatment pricing, and length of
- 3 service.
- 4 (E) Demonstration of tools, modalities, and equipment.
- 5 (3) “Disinfection and sanitation.”
- 6 (4) “Client treatment and safety,” which shall include instruction
- 7 on all of the following topics:
- 8 (A) Emergency protocols in the treatment room.
- 9 (B) Mandatory client recordkeeping and incident reporting.
- 10 (C) Use of hands-only cardiopulmonary resuscitation, the
- 11 Heimlich maneuver, epinephrine auto-injectors, and automated
- 12 external defibrillators.
- 13 (D) Division of Occupational Safety and Health (OSHA)
- 14 Bloodborne Pathogen Training.
- 15 (5) “California business setup and laws,” which shall include
- 16 instruction on all of the following:
- 17 (A) Sole proprietor, limited liability company, or corporation.
- 18 (B) Paying taxes and the Franchise Tax Board.
- 19 (C) Doing business in different cities.
- 20 (D) Social media legalities.
- 21 (E) Using artificial intelligence in your business and integrating
- 22 artificial intelligence for client communication.
- 23 (F) Your business reputation and how to protect it.
- 24 (e) The assistance of a translator may be used in order for an
- 25 applicant who primarily speaks a language other than English to
- 26 successfully complete the curricula
- 27 (f) Successful passage of the final, 25-question comprehensive
- 28 test covering the curriculum in all five modules shall demonstrate
- 29 that a student has the requisite knowledge and skill in order to
- 30 engage in the practice of body contouring. The examination shall
- 31 be offered in multiple languages in order to accommodate students
- 32 who primarily speak a language other than English as determined
- 33 by the council.
- 34 (g) A student who successfully completes the course of
- 35 instruction described in this section shall receive a certificate of
- 36 completion issued by the council solely for the purpose of
- 37 qualifying the individual for a permit to practice body contouring
- 38 pursuant to Section 4660.13. The certificate shall not be transferred,
- 39 sold, or assigned in any way to any other person or entity for any
- 40 reason at any time.

1 (h) The council shall also make available to practitioners via its
2 internet website, in the same manner described in subdivision (a),
3 continuing education short courses in the practice of body
4 contouring covering the topics described in subdivision (d).

5 4660.13. (a) To become a California Certified and Permitted
6 Body Contouring Practitioner, an applicant shall submit a digital
7 application to the council and provide the council with satisfactory
8 evidence that they have met all of the following requirements:

9 (1) Successful completion of the course in the practice of body
10 contouring described in Section 4660.11, evidenced by a certificate
11 of completion issued by the council.

12 (2) Evidence of Live Scan fingerprint clearance that does not
13 report charges of felony rape or domestic abuse.

14 (3) The applicant is 18 years of age or older.

15 (b) The initial fee for a permit to practice body contouring shall
16 be an amount sufficient to cover the reasonable regulatory cost of
17 administering this chapter and supporting the functions of the
18 council, but shall not exceed four hundred ninety-five dollars
19 (\$495). The council may increase the fee no more frequently than
20 every four years based upon the rate of inflation.

21 (c) A permit to practice body contouring shall be subject to
22 renewal each year. The fee to renew a permit to practice body
23 contouring shall be an amount sufficient to cover the reasonable
24 cost of administering this chapter and supporting the functions of
25 the council, but shall not exceed two hundred ninety-five dollars
26 (\$295). The council may increase the fee no more frequently than
27 every four years based upon the rate of inflation. The council may
28 provide for late renewal. If a permit is not renewed annually within
29 one year of the date of its initial issuance, a twenty-five-dollar
30 (\$25) penalty shall be charged for every month that it is not
31 renewed.

32 (d) In order to renew a permit to practice body contouring, a
33 practitioner shall provide the council evidence of successful
34 completion of a continuing education short course, offered by the
35 council pursuant to Section 4660.11, covering one topic of their
36 choice.

37 (e) A permit shall not be transferred, sold, or assigned in any
38 way to any other person or entity for any reason at any time.

39 4660.15. (a) A California Certified and Permitted Body
40 Contouring Practitioner shall do all of the following:

- 1 (1) Complete the annual continuing education requirement
2 described in Section 4660.13.
- 3 (2) Submit to inspection and investigation by the council at both
4 random and predetermined times.
- 5 (3) Possess a working, cellular smartphone with them when
6 they are performing body contouring.
- 7 (4) Clearly display any consumer protection notices mandated
8 by the council at the location where body contouring is performed
9 for compensation.
- 10 (5) Clearly display an active establishment permit or mobile
11 permit, if applicable, and their individual practitioner permit at the
12 location where body contouring is performed for compensation.
- 13 (6) Adhere to the ethical standards prescribed by the council
14 and not exceed the legal scope of their permit.
- 15 (b) The council shall have the authority to determine disciplinary
16 actions that may include nonrenewal of a permit and revocation
17 of an existing permit due to noncompliance with the provisions of
18 this chapter or the rules and regulations established by the council.
- 19 4660.17. (a) An individual who is a Certified and Permitted
20 Body Contouring Practitioner may apply to the council for a
21 premises permit authorizing the practice of body contouring at a
22 specified physical location that complies with all health and safety
23 regulations established by the council.
- 24 (b) A premises permit shall be subject to renewal each year.
- 25 (c) The holder of a premises permit shall do all of the following:
- 26 (1) Submit to inspection and investigation by the council at both
27 random and predetermined times.
- 28 (2) Maintain a working, cellular smartphone on the premises
29 during business hours.
- 30 (3) Clearly display any consumer protection notices mandated
31 by the council at the premises.
- 32 (4) Clearly display the permit at the premises.
- 33 (5) Adhere to the ethical standards prescribed by the council
34 and not exceed the legal scope of the permit.
- 35 (d) A permit shall not be transferred, sold, or assigned in any
36 way to any other person or entity for any reason at any time.
- 37 (e) The council shall have the authority to determine disciplinary
38 actions that can include nonrenewal of a permit and revocation of
39 an existing permit due to noncompliance with this chapter or the
40 rules and regulations established by the council.

1 4660.19. (a) An individual who is a Certified and Permitted
2 Body Contouring Practitioner may apply to the council for a mobile
3 permit authorizing the practice of body contouring within a
4 self-contained, self-supporting, enclosed mobile unit that complies
5 with all health and safety regulations established by the council.

6 (b) A premises permit shall be subject to renewal each year.

7 (c) The holder of a premises permit shall do all of the following:

8 (1) Submit to inspection and investigation by the council at both
9 random and predetermined times.

10 (2) Maintain a working, cellular smartphone within the mobile
11 unit during business hours.

12 (3) Clearly display any consumer protection notices mandated
13 by the council within the mobile unit.

14 (4) Clearly display the permit within the mobile unit.

15 (5) Adhere to the ethical standards prescribed by the council
16 and not exceed the legal scope of the permit.

17 (d) A permit shall not be transferred, sold, or assigned in any
18 way to any other person or entity for any reason at any time.

19 (e) The council shall have the authority to determine disciplinary
20 actions that may include nonrenewal of a permit and revocation
21 of an existing permit due to noncompliance with this chapter or
22 the rules and regulations established by the council.

23 4660.21. (a) It is unlawful for any person to state or advertise
24 or put out any sign or card or other device, or to falsely represent
25 to the public through any print or electronic media that they or any
26 other individual is a California Certified and Permitted Body
27 Contouring Practitioner, or is certified, permitted, licensed, or
28 registered by a governmental agency as a body contouring
29 practitioner, sculptor, or specialist.

30 (b) In addition to any other available remedies, engaging in any
31 of the prohibited behaviors described in subdivision (a) constitutes
32 unfair competition pursuant to Section 17200.

33 4660.23. The council shall maintain an internet website for
34 purposes of providing information to the public about the council
35 and California Certified and Permitted Body Contouring
36 Practitioners that does all of the following:

37 (a) Provides consumers access to a council email address for
38 filing complaints related to a practitioner and that facilitates
39 submission of digital images in connection with a complaint.

- 1 (b) Provides a clear and direct message to the consumer about
- 2 the legal scope of practice for California Certified and Permitted
- 3 Body Contouring Practitioners.
- 4 (c) Displays the council’s code of ethics and scope of legal
- 5 practice for California Certified and Permitted Body Contouring
- 6 Practitioners.
- 7 (d) Maintains a free registry for consumers and employers to
- 8 search for California Certified and Permitted Body Contouring
- 9 Practitioners and businesses that have a premises permit for the
- 10 practice of body contouring.
- 11 (e) Makes available to students and practitioners the educational
- 12 courses described in Section 4660.11.
- 13 (f) Makes available free, voluntary continuing education classes
- 14 for body contouring practitioners.
- 15 (g) Maintains a free listing service for employers that hold a
- 16 premises permit to post available jobs for California Certified Body
- 17 Contouring Practitioners and for spaces, shops, and rooms to rent
- 18 or to share where body contouring may be practiced.

BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assemblymember Lee

Subject: Labor Laws for Manicurists

Bill Number: AB 2444

Version: Introduced, February 13, 2024

Existing Law:

Existing law, the Barbering and Cosmetology Act provide for the licensure and regulation of barbers and cosmetologists by the State Board of Barbering and Cosmetology (the board) in the Department of Consumer Affairs. Existing law requires the board to establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board that impact licensees, including how to ensure licensees are aware of basic labor laws and how to ensure licensees have awareness about physical and sexual abuse their clients may be experiencing. Existing law defines “basic labor laws” for this purpose, and the definition includes the wage and hour rights of an hourly employee.

Existing law requires a 3-part test, commonly known as the “ABC” test, to determine if workers are employees or independent contractors for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission. Under the ABC test, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. Existing law exempts specified occupations and business relationships from the application of the ABC test. Existing law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. These exemptions include services provided by a licensed manicurist, subject to the manicurist meeting specified conditions. Existing law makes this exemption for licensed manicurists inoperative on January 1, 2025.

This Bill:

This bill would add to the definition of “basic labor Laws’ the right to sick pay.

This bill commencing January 1, 2026, would require the board to require all board-licensed establishment owners to view a video on basic labor laws as condition of receiving a license or license renewal.

This bill would require the board, in consultation with the Department of Industrial Relations, to develop and, by July 1, 2025, disseminate, a notification to all board-licensed establishments and licensed manicurists that include specified statements to inform those licensees of a change in law relating to the employment classification of manicurists and of the legal consequences of employment classification as an employee or misclassification of a worker.

This bill would also require the board, in consultation with the Department of Industrial Relations and community-based organizations, to develop a language-appropriate and culturally appropriate

educational video or videos on basic labor laws, as prescribed, and post the video or videos on the board's internet website or other accessible platform.

Analysis:

The Board currently oversees the licensing and enforcement of seven license types, including manicurists and establishments. In addition, the board provides the curriculum for Health and Safety topics required within the training for all license types which includes the topic of employee rights, sick leave and determining employee status vs that of an independent contractor.

The board is currently providing the health and safety training curriculum and all its documents in English, Korean, Spanish, and Vietnamese. The board is currently working to expand its translated documents to include Simplified Chinese. The Board is also in the process of updated the Health and Safety curriculum.

The Department of Industrial Relations (DIR) and Employment Development Department (EDD) currently hosts regular employer seminars, on basic labor laws that include sick leave and a discussion on the determination on employee vs an independent contractor. These seminars are offered free of charge. However, these seminars are live events and are often at full capacity making it hard to ensure accessibility to the establishments as required per this bill. There is currently no video on these topics currently available through DIR.

While the content of the video may be pulled from the board's health and safety curriculum and the information covered in the DIR seminars, funds will need to be provided to combine the information and develop a comprehensive training course, create the storyboard, produce the video and ensure its availability in the required languages. The board recently produced a pre-apprenticeship training course with an initial contract cost of \$36,000.

The Board's primary goal, as stated in Business and Professions Code section 7303.1 and 7312 is consumer protection and while the Board does develop a health and safety curriculum, discussions should be had on if it is within the Board's expertise or purview to be the developer and provider of a video that pertains to the Department of Industrial Relations (labor laws).

Currently establishment renewals are an automated process that requires minimal staffing time. Should this bill pass, the board would need to suspend the automated renewals to ensure compliance with the requirement that all establishments complete a video course on basic labor laws prior to renewal. Currently the board licenses approximately 58,178 establishments, with approximately 8,000 new establishments processed annually. The board does not differentiate the types of establishments seeking licensure and would have to apply this requirement to all establishments. In order to meet the requirement of this bill the board would once the video production has been completed, notify all relevant establishments of its availability and their obligation to watch the video. This communication will have costs associated with it pertaining to the printing and mailing of the notices. In addition, the licensing system BreEze, will need to be amended to flag all establishments renewals for review and add the ability to upload a certificate of completion for the training. Staff time will be required to review renewal applications to ensure the validity of the certificates.

Fiscal Impact:

The fiscal impacts are substantial, as written AB 2444 would result in an estimated fiscal impact of \$3.7million. Fiscal impacts include:

- BreEze modifications.
- New applications
- Renewal applications
- Regulations
- Video Development
- Maintenance of the platform to view video
- Increase workload/staffing

Board Position: Oppose

On February 26, 2024, the Board voted to Oppose AB 2444.

Status:

3/4/2024: Referred to Committee on Business and Professions and Professions and the Committee on Labor and Employment.

AB 2444 text, available online:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2444

ASSEMBLY BILL

No. 2444

Introduced by Assembly Member Lee

February 13, 2024

An act to amend Sections 7314.3, 7337, 7347, and 7389 of, and to add Section 7389.1 to, the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 2444, as introduced, Lee. Barbering and cosmetology: licensees: manicurists.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs.

Existing law requires the board to establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board that impact licensees, including how to ensure licensees are aware of basic labor laws and how to ensure licensees have awareness about physical and sexual abuse their clients may be experiencing. Existing law defines “basic labor laws” for this purpose, and the definition includes the wage and hour rights of an hourly employee.

This bill would add to the definition of “basic labor laws” the right to sick pay.

Existing law, relating to licenses for activities licensed under existing law, establishes requirements for application for licensure or renewal of licensure.

This bill, commencing January 1, 2026, would require the board to require all applicants or licensees to view a video on basic labor laws as a condition of receiving a license or license renewal.

Existing law, relating to licenses for establishments where activities licensed under existing law are practiced, establishes requirements for application for licensure or license renewal for any person, firm, or corporation desiring to operate an establishment.

This bill, commencing January 1, 2026, would require the board to require all board-licensed establishment owners to view a video on basic labor laws as a condition of receiving a license or license renewal.

Existing law requires the board to develop or adopt a health and safety course to be taught in schools approved by the board on, among other topics, basic labor laws.

This bill would require the board, in consultation with the Department of Industrial Relations, to develop and, by July 1, 2025, disseminate, a notification to all board-licensed establishments and licensed manicurists that includes specified statements to inform those licensees of a change in the law relating to the employment classification of manicurists and of the legal consequences of employment classification as an employee or misclassification of a worker.

This bill would also require the board, in consultation with the Department of Industrial Relations and community-based organizations, to develop a language-appropriate and culturally-appropriate educational video or videos on basic labor laws, as prescribed, and post the video or videos on the board’s internet website or other accessible platform.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Business and Professions Code requires that beauty
- 4 school curriculums, including nail care, and barber school
- 5 curriculums include information on basic labor laws.
- 6 (b) Section 98.10 of the Labor Code requires that all board
- 7 establishment owners post, in their shops, language-accessible
- 8 information on workplace rights and wage and hour laws.
- 9 (c) Clause (vi) of subparagraph (L) of paragraph (2) of
- 10 subdivision (b) of Section 2778 of the Labor Code requires that,

1 as of January 1, 2025, the “ABC” test for employee status be
2 applied to licensed manicurists. This law may result in a person
3 providing nail services at a nail salon being considered an
4 employee.

5 (d) According to a 2018 report coauthored by the Labor Center
6 at the University of California, Los Angeles, and the California
7 Healthy Nail Salon Collaborative, 78 percent of nail salon workers
8 earn less than the minimum wage. This is in contrast to the 33
9 percent national rate for all industries in the country.

10 (e) According to the 2017–21 United States Census Bureau’s
11 American Community Survey 5-year Estimates, the median wage
12 of full-time nail salon workers in California is \$10.16, whereas
13 the median wage of all other full-time workers in California is
14 \$25.69.

15 (f) A 2016–17 California survey of 93 Vietnamese nail salon
16 workers found a high prevalence of misclassification and confusion
17 among nail salon workers and owners regarding employment
18 classification and pay practices.

19 (g) Most nail salon workers and owners are Vietnamese and
20 many are limited English speakers.

21 (h) Many nail salon owners are former nail salon workers and
22 tend to carry on the employment practices experienced in their
23 former workplaces.

24 (i) Regular education on basic labor law such as minimum wage
25 and proper employment classification is necessary to ensure that
26 board-licensed workers, in particular licensed manicurists, are
27 properly classified, are paid a minimum wage, and afforded sick
28 pay and all other benefits of “employee” status in California.

29 SEC. 2. Section 7314.3 of the Business and Professions Code
30 is amended to read:

31 7314.3. (a) The board shall establish a Health and Safety
32 Advisory Committee to provide the board with advice and
33 recommendations on health and safety issues before the board that
34 impact licensees, including how to ensure licensees are aware of
35 basic labor laws and how to ensure licensees have awareness about
36 physical and sexual abuse their clients may be experiencing.

37 (b) For purposes of this section, ~~basic~~ “*basic labor laws laws*”
38 include, but are not limited to, all of the following:

39 (1) Key differences between the legal rights, benefits, and
40 obligations of an employee and an independent contractor.

1 (2) Wage and hour rights of an hourly ~~employee~~: *employee*,
2 *including, but not limited to, the right to sick pay.*

3 (3) Antidiscrimination laws relating to the use of a particular
4 language in the workplace.

5 (4) Antiretaliation laws relating to a worker’s right to file
6 complaints with the Department of Industrial Relations.

7 (5) How to obtain more information about state and federal
8 labor laws.

9 (c) For purposes of this section, physical and sexual abuse
10 includes, but is not limited to, the following:

11 (1) Domestic violence.

12 (2) Sexual assault.

13 (3) Human trafficking.

14 (4) Elder abuse.

15 (d) Members of the committee shall receive a per diem pursuant
16 to Section 103.

17 SEC. 3. Section 7337 of the Business and Professions Code is
18 amended to read:

19 7337. (a) Every application for admission to examination and
20 licensure shall be in writing, on forms prepared and furnished by
21 the board.

22 (b) Each application shall be accompanied by the required fee,
23 and shall contain proof of the qualifications of the applicant for
24 examination and licensure. It shall be verified by the oath of the
25 applicant and shall include a signed acknowledgment that the
26 applicant understands ~~his or her~~ *their* rights as a licensee as outlined
27 in informational materials on basic labor laws, as specified in
28 Section 7314.3, that the applicant is provided by the board with
29 the application. Every ~~applicant shall~~, *applicant*, as a condition of
30 admittance to the examination facility, *shall* present satisfactory
31 proof of identification. Satisfactory proof of identification shall
32 be in the form of a valid, unexpired driver’s license or identification
33 card, containing the photograph of the person to whom it was
34 issued, issued by any state, federal, or other government entity.

35 (c) Every electronic application to renew a license shall include
36 a signed acknowledgment that the renewal applicant understands
37 ~~his or her~~ *their* rights as a licensee as outlined in informational
38 materials on basic labor laws, as specified in Section 7314.3, that
39 the renewal applicant is provided by the board with the renewal
40 application.

1 *(d) Commencing January 1, 2026, the board shall require all*
2 *applicants or licensees to view a video on basic labor laws as a*
3 *condition of receiving a license or license renewal.*

4 ~~(d)~~

5 *(e) The amendments made to this section by the act adding this*
6 *subdivision shall become operative on July 1, 2017.*

7 SEC. 4. Section 7347 of the Business and Professions Code is
8 amended to read:

9 7347. (a) Any person, firm, or corporation desiring to operate
10 an establishment shall make an application to the board for a
11 license accompanied by the fee prescribed by this chapter. The
12 application shall be required whether the person, firm, or
13 corporation is operating a new establishment or obtaining
14 ownership of an existing establishment. The application shall
15 include a signed acknowledgment that the applicant understands
16 that establishments are responsible for compliance with any
17 applicable labor laws of the state and that the applicant understands
18 the informational materials on basic labor laws, as specified in
19 Section 7314.3, the applicant is provided by the board with the
20 application. Every electronic application to renew a license shall
21 include a signed acknowledgment that the renewal applicant
22 understands that establishments are responsible for compliance
23 with any applicable labor laws of the state and that the applicant
24 understands the informational materials on basic labor laws, as
25 specified in Section 7314.3, that the renewal applicant is provided
26 by the board with the renewal application. If the applicant is
27 obtaining ownership of an existing establishment, the board may
28 establish the fee in an amount less than the fee prescribed by this
29 chapter. The applicant, if an individual, or each officer, director,
30 and partner, if the applicant is other than an individual, shall not
31 have committed acts or crimes which are grounds for denial of
32 licensure in effect at the time the new application is submitted
33 pursuant to Section 480. A license issued pursuant to this section
34 shall authorize the operation of the establishment only at the
35 location for which the license is issued. Operation of the
36 establishment at any other location shall be unlawful unless a
37 license for the new location has been obtained upon compliance
38 with this section, applicable to the issuance of a license in the first
39 instance.

1 (b) Commencing January 1, 2026, the board shall require all
2 board-licensed establishment owners to view a video on basic
3 labor laws as a condition of receiving a license or license renewal.

4 ~~(b)~~

5 (c) The amendments made to this section by the act adding this
6 subdivision shall become operative on July 1, 2017.

7 SEC. 5. Section 7389 of the Business and Professions Code is
8 amended to read:

9 7389. (a) The board shall develop or adopt a health and safety
10 course on hazardous substances, basic labor laws, as specified in
11 Section 7314.3, and physical and sexual assault awareness, as
12 specified in Section 7314.3, which shall be taught in schools
13 approved by the board. Course development shall include pilot
14 testing of the course and training classes to prepare instructors to
15 effectively use the course.

16 ~~(b) This section shall become operative on July 1, 2019.~~

17 (b) The board, in consultation with the Department of Industrial
18 Relations, shall develop a notification to all board-licensed
19 establishments and licensed manicurists, including statements to
20 inform those licensees, as follows:

21 (1) In this state, as of January 1, 2025, there was a change in
22 the law regarding employment classification of manicurists, such
23 that the test under subparagraphs (A) to (C), inclusive, of
24 paragraph (1) of subdivision (b) of Section 2775 of the Labor
25 Code, referred to as the ABC test, applies to manicurists.

26 (2) Under the ABC test, a person who provides labor or services
27 for compensation is considered an employee unless the hiring
28 entity can demonstrate that the person satisfies all three conditions
29 of the ABC test that describe an independent contractor. If a person
30 is providing nail services in a nail salon, they may be an
31 “employee” under the ABC test and, if so, they will be treated
32 accordingly with regard to state protections for employees,
33 including, but not limited to, minimum wage, sick pay, and workers’
34 compensation.

35 (3) The failure to properly classify a worker could result in
36 penalties imposed on the establishment owner.

37 (c) The board, by July 1, 2025, shall disseminate to individual
38 licensees, through language-appropriate and
39 culturally-appropriate methods, including text messaging and
40 ethnic media, the information in subdivision (b) to all

1 *board-licensed establishments where manicurist work and to*
2 *licensed manicurists. In addition to English, information shall be*
3 *in Vietnamese, Spanish, and Korean.*

4 SEC. 6. Section 7389.1 is added to the Business and Professions
5 Code, to read:

6 7389.1. (a) In consultation with the Department of Industrial
7 Relations and community-based organizations, the board shall
8 develop a language-appropriate and culturally-appropriate
9 educational video or videos on basic labor laws, as described in
10 Section 7314.3.

11 (b) The board shall issue a competitive request to
12 community-based organizations to develop and produce the
13 educational video or videos focused on board-licensed
14 establishment owners and workers, with particular focus on nail
15 salons. Community-based organizations shall have demonstrated
16 experience in carrying out outreach and education directed at these
17 populations, including knowledge of, and demonstrated familiarity
18 with, issues facing the salon industry. In addition to English, the
19 video or videos shall be in Vietnamese, Spanish, and Korean.

20 (c) The board shall post the video or videos on the board's
21 internet website or other accessible platform. A video shall include
22 mechanisms, including, but not limited to, test questions, to ensure
23 that an applicant or licensee completes the viewing of the video
24 before they receive a license or a renewal.

25 (d) The board shall notify its licensees of the requirements of
26 this section via ethnic media, industry publications, social media,
27 and any other method the board determines to be effective.

BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Gipson

Subject: Licenses, African American applicants

Bill Number: AB 2862

Version: Introduced, February 15, 2024

Existing Law:

Prescribes requirements for licensure and regulation of various businesses and professions, including healing arts and real estate businesses and professions, by various boards, bureaus, commissions, committees, and departments.

This Bill:

This bill would require boards to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would define various terms for these purposes.

Analysis:

This bill would require the Board to develop a new process for processing licensing applications that would allow a prioritization of African American individuals, as specified. Based on the volume of work that the Board receives, having to prioritize application will be detrimental to the Board's processing times. The bill does not specify how the Board would collect the information to determine if an individual application would meet the requirements of the expedited process. The Board does not currently collect information regarding ethnicity.

To implement this bill, the Board would have to add additional staff to be able to handle the expedited volume of applications. In addition, it will delay all applications that are not expedited therefore creating more workload of e-mails and phone calls.

Fiscal Impact:

Board staff project a minimum of \$427,500. This would include staffing and regulations but does not include any technical costs.

Board Position:

This bill has not yet been presented to the Board.

Staff Position Recommendation:

Staff recommends the Committee recommend an OPPOSE position to the full Board due to the increase in workload that would be created.

Action Needed: Committee may make a motion to recommend a position to the full Board.

Suggested motion verbiage: "I move to make a recommendation to the full Board to take an oppose position for Assembly Bill 2862."

Status:

2/16/2024: From printer. May be heard in committee March 17.

AB 2862 text, available online:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2862&firstNav=tracking

ASSEMBLY BILL

No. 2862

Introduced by Assembly Member Gipson

February 15, 2024

An act to add Division 1.1 (commencing with Section 473) to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2862, as introduced, Gipson. Licenses: African American applicants.

Existing law prescribes requirements for licensure and regulation of various businesses and professions, including healing arts and real estate businesses and professions, by various boards, bureaus, commissions, committees, and departments.

This bill would require boards to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would define various terms for these purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 1.1 (commencing with Section 473) is
2 added to the Business and Professions Code, to read:

3
4 DIVISION 1.1. PRIORITIZATION OF LICENSES

5
6 473. (a) For purposes of this division:

1 (1) “Board” includes “bureau,” “commission,” “committee,”
2 “department,” “division,” “examining committee,” “program,”
3 and “agency.”

4 (2) “License” includes certificate, registration, or other means
5 to engage in a business or profession regulated by this code.

6 (b) Notwithstanding any other law, a board shall prioritize
7 African American applicants seeking licenses, especially applicants
8 who are descended from a person enslaved in the United States.

BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Roth

Subject: Barbering and
Cosmetology: Application,
examination and licensing fees

Bill Number: SB 817

Version: Introduced, February 17,
2023

Existing Law:

The Barbering and Cosmetology Act, provides for the licensure and regulation of barbers, cosmetologist, hairstylist, electrologist, estheticians and manicurists by the State Board of Barbering and Cosmetology (BBC). (BPC § 7301 et seq)

This Bill:

This bill clarifies that the Board can only charge a hairstylist application and examination fee in an amount equal to Board's actual costs for developing, purchasing, grading, and administering the examination. This bill limits a hairstylist's initial license to not more than \$50.

Analysis:

Clarifying language for hairstylist's initial license to not be more than \$50. This language is in line with all other licensing language under the Board, so they will all be uniform once this passes.

Board Position: Support

On April 17, 2023, the Board voted to Support SB 817.

Status:

7/11/2023: Re-Referred to Committee on Appropriations (Assembly).

SB 817 text, available online:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB817

Introduced by Senator RothFebruary 17, 2023

An act to amend Section 7423 of the Business and Professions Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 817, as introduced, Roth. Barbering and cosmetology: application, examination, and licensing fees.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law establishes the Barbering and Cosmetology Act, under the administration of the State Board of Barbering and Cosmetology, for the licensure and regulation of barbers and cosmetologists. Existing law specifies a hairstylist's application and examination fee shall be \$50, or an amount as determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination, and not to exceed \$50.

This bill would instead require that the hairstylist application and examination fee be the actual cost to the board for developing, purchasing, grading, and administering the examination, and limit a hairstylist's initial license fee to \$50.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7423 of the Business and Professions
2 Code is amended to read:

3 7423. The amounts of the fees required by this chapter relating
4 to licenses for individual practitioners are as follows:

5 (a) (1) Cosmetologist application and examination fee shall be
6 the actual cost to the board for developing, purchasing, grading,
7 and administering the examination.

8 (2) A cosmetologist initial license fee shall not be more than
9 fifty dollars (\$50).

10 (b) (1) An esthetician application and examination fee shall be
11 the actual cost to the board for developing, purchasing, grading,
12 and administering the examination.

13 (2) An esthetician initial license fee shall not be more than forty
14 dollars (\$40).

15 (c) (1) A manicurist application and examination fee shall be
16 the actual cost to the board for developing, purchasing, grading,
17 and administering the examination.

18 (2) A manicurist initial license fee shall not be more than
19 thirty-five dollars (\$35).

20 (d) (1) A barber application and examination fee shall be the
21 actual cost to the board for developing, purchasing, grading, and
22 administering the examination.

23 (2) A barber initial license fee shall be not more than fifty dollars
24 (\$50).

25 (e) (1) An electrologist application and examination fee shall
26 be the actual cost to the board for developing, purchasing, grading,
27 and administering the examination.

28 (2) An electrologist initial license fee shall be not more than
29 fifty dollars (\$50).

30 (f) An apprentice application and license fee shall be not more
31 than twenty-five dollars (\$25).

32 (g) The license renewal fee for individual practitioner licenses
33 that are subject to renewal shall be not more than fifty dollars
34 (\$50).

35 (h) (1) A hairstylist application and examination fee shall be
36 ~~fifty dollars (\$50) or a fee in an amount as determined by the board;~~
37 ~~not to exceed the reasonable cost of~~ *the actual cost to the board*

1 *for* developing, purchasing, grading, and administering the
2 ~~examination, not to exceed fifty dollars (\$50):~~ *examination.*

3 (2) *A hairstylist's initial license fee shall be not more than fifty*
4 *dollars (\$50).*

5 (i) Notwithstanding Section 163.5 the license renewal
6 delinquency fee shall be 50 percent of the renewal fee in effect on
7 the date of renewal.

O

BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senator Nguyen

Subject: Hairstyling License

Bill Number: SB 1084

Version: Introduced, February 12, 2024

Existing Law:

The Barbering and Cosmetology Act provides for the licensure and regulation of the practice of barbering, cosmetology, and hairstyling by the State Board of Barbering and Cosmetology (Board) and makes liable for a misdemeanor a person, firm, association, or corporation that violates the act unless a specific penalty is otherwise provided.

Requires the Board to admit to examination for a license as a hairstylist to practice hairstyling a person who has made application to the Board in proper form, paid the fee required by the act, and meets certain qualifications, including that the person completed a course in hairstyling from a school approved by the board.

The act includes in the practice of barbering to include certain practices including shampooing, arranging, dressing, curling, and waving and the practice of hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling. The act includes in the practice of cosmetology certain practices, including arranging, dressing, curling, waving, cleansing, shampooing, beautifying, or otherwise treating the hair of a person.

This Bill:

This bill would repeal those provisions relating to the license as a hairstylist and would make conforming changes.

This bill would remove the practices of shampooing, arranging, dressing, curling, waving, cleansing, shampooing, beautifying from inclusion in the practices of barbering and cosmetology, respectively. These listed practices would be free from licensure or oversight by the state.

The bill would require a person who engages in the practices of arranging, beautifying, cleansing, curling, dressing, shampooing, or waving the hair of a person at an establishment to provide notice to consumers of the person's licensure status.

By expanding the scope of the crime of violating the act, the bill would impose a state-mandated local program.

Analysis:

SB 803 (Roth), 2021 established the Hairstyling license, which requires the completion of a 600-hour program. AB 2196 (Maienschein) 2022, further clarified the scope of work and practice of the Hairstyling license. This bill SB 1084 (Nguyen) 2024 will repeal all language associated with a Hairstyling license.

This bill is potentially the first step in de-regulation of the cosmetology and barbering industry by breaking up the scope of practices. Removing the services of shampooing and styling places

consumers at risk of receiving services. This bill would likely increase unlicensed practice as individuals would offer services that do not require a license, but provide those services such as chemical straightening, coloring and perming to increase profit.

The Board issued its first hairstylist license on 08/22/2023. The Board currently, as of 02/16/2024, has issued 16 Hairstylist licenses, and has 45 in processing. Many schools have just began offering this program. The elimination of the hairstylist license would mean that these students paid for a course, completed 600 hours of education, took the examination and received a license that is no longer valid.

The Board currently offers the national examination for cosmetology and barbering. The reduction of scope would mean that the Board would no longer be able to offer the national examination and would have to develop its own California-specific examinations for barbering and cosmetology. This would also cause California to lose reciprocity with other states.

Fiscal Impact:

The fiscal impacts are substantial, as written SB 1084 would result in an estimated fiscal impact of \$1.3million. Fiscal impacts include:

- Development of new cosmetology and barbering examinations
- Updating the BreEze system
- Updating and translating all publications
- Updating regulations
- Updating the website and forms
- Increase workload/staffing

Board Position: Oppose

On February 26, 2024, the Board voted to Oppose SB 1084.

Status:

2/21/24: Referred to Committee on Business and Professions.

AB 1084 text, available online:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1084

Introduced by Senator NguyenFebruary 12, 2024

An act to amend Sections 7316, 7389.5, and 7423 of, and to repeal Sections 7322 and 7363 of, the Business and Professions Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1084, as introduced, Nguyen. Barbering and cosmetology.

The Barbering and Cosmetology Act provides for the licensure and regulation of the practice of barbering, cosmetology, and hairstyling by the State Board of Barbering and Cosmetology and makes liable for a misdemeanor a person, firm, association, or corporation that violates the act unless a specific penalty is otherwise provided. The act requires the board to admit to examination for a license as a hairstylist to practice hairstyling a person who has made application to the board in proper form, paid the fee required by the act, and meets certain qualifications, including that the person completed a course in hairstyling from a school approved by the board.

This bill would repeal those provisions relating to the license as a hairstylist and would make conforming changes.

The act also includes in the practice of barbering certain practices, including shampooing, arranging, dressing, curling, and waving and also the practice of hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling. The act includes in the practice of cosmetology certain practices, including arranging, dressing, curling, waving, cleansing, shampooing, beautifying, or otherwise treating the hair of a person.

This bill would remove the practices described above from inclusion in the practices of barbering and cosmetology, respectively. The bill

would require a person who engages in the practices of arranging, beautifying, cleansing, curling, dressing, shampooing, or waving the hair of a person at an establishment to provide notice to consumers of the person’s licensure status. By expanding the scope of the crime of violating the act, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7316 of the Business and Professions
- 2 Code is amended to read:
- 3 7316. (a) The practice of barbering is all or any combination
- 4 of the following practices:
- 5 (1) Shaving or trimming the beard or cutting the hair.
- 6 (2) Giving facial and scalp massages or treatments with oils,
- 7 creams, lotions, or other preparations either by hand or mechanical
- 8 appliances.
- 9 (3) ~~Singeing, shampooing, arranging, dressing, curling, waving,~~
- 10 ~~chemical waving, hair relaxing, or dyeing the hair or applying hair~~
- 11 ~~tonics.~~
- 12 (4) Applying cosmetic preparations, antiseptics, powders, oils,
- 13 clays, or lotions to scalp, face, or neck.
- 14 (5) ~~Hairstyling of all textures of hair by standard methods that~~
- 15 ~~are current at the time of the hairstyling.~~
- 16 (b) The practice of cosmetology is all or any combination of
- 17 the following practices:
- 18 (1) ~~Arranging, dressing, curling, waving, machineless~~
- 19 ~~Machineless~~ permanent waving, permanent waving, ~~cleansing,~~
- 20 ~~cutting, shampooing,~~ relaxing, singeing, bleaching, tinting,
- 21 coloring, straightening, dyeing, applying hair tonics to, ~~beautifying,~~
- 22 or otherwise treating by any means the hair of any person.
- 23 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
- 24 arms, or upper part of the human body, by means of the hands,

1 devices, apparatus or appliances, with or without the use of
2 cosmetic preparations, antiseptics, tonics, lotions, or creams.

3 (3) Beautifying the face, neck, arms, or upper part of the human
4 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
5 or creams.

6 (4) Removing superfluous hair from the body of any person by
7 the use of depilatories or by the use of tweezers, chemicals, or
8 preparations or by the use of devices or appliances of any kind or
9 description, except by the use of light waves, commonly known
10 as rays.

11 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
12 or manicuring the nails of any person.

13 (6) Massaging, cleansing, treating, or beautifying the hands or
14 feet of any person.

15 (7) Tinting and perming of the eyelashes and brows, or applying
16 eyelashes to any person.

17 (c) The practice of skin care is all or any combination of the
18 following practices:

19 (1) Giving facials, massaging, stimulating, exfoliating, cleansing,
20 or beautifying the face, scalp, neck, hands, arms, feet, legs, or
21 upper part of the human body by the use of hands, esthetic devices,
22 cosmetic products, antiseptics, lotions, tonics, or creams for the
23 purpose of improving the appearance or well-being of the skin that
24 do not result in the ablation or destruction of the live tissue.

25 (2) Tinting and perming of the eyelashes and brows, or applying
26 eyelashes to any person.

27 (3) Removing superfluous hair from the body of any person by
28 use of depilatories, tweezers, sugaring, nonprescription chemical,
29 or waxing, or by the use of devices and appliances of any kind or
30 description, except by the use of lasers or light waves, which are
31 commonly known as rays.

32 (d) The practice of nail care is all or a combination of trimming,
33 polishing, coloring, tinting, cleansing, manicuring, or pedicuring
34 the nails of any person or massaging, cleansing, or beautifying
35 from the elbow to the fingertips or the knee to the toes of any
36 person.

37 (e) The practice of ~~barbering~~, *barbering* and the practice of
38 ~~cosmetology~~, and the practice of ~~hairstyling~~ *cosmetology* do not
39 include any of the following:

40 (1) The mere sale, fitting, or styling of wigs or hairpieces.

1 (2) Natural hair braiding. ~~Natural hair braiding is a service that~~
2 ~~results in tension on hair strands or roots by twisting, wrapping,~~
3 ~~weaving, extending, locking, or braiding by hand or mechanical~~
4 ~~device, provided that the service does not include haircutting or~~
5 ~~the application of dyes, reactive chemicals, or other preparations~~
6 ~~to alter the color of the hair or to straighten, curl, or alter the~~
7 ~~structure of the hair.~~

8 (3) Threading. ~~Threading is a technique that results in removing~~
9 ~~hair by twisting thread around unwanted hair and pulling it from~~
10 ~~the skin and the incidental trimming of eyebrow hair.~~

11 (4) (A) *The practices of arranging, beautifying, cleansing,*
12 *curling, dressing, shampooing, or waving the hair of a person.*

13 (B) *A person who engages in the practices specified in*
14 *subparagraph (A) at an establishment shall provide notice to*
15 *consumers of the person's licensure status.*

16 (f) Notwithstanding paragraph (2) of subdivision (e), a person
17 who engages in natural ~~hairstyling, which is defined as the~~
18 ~~provision of natural hair braiding services together with any of the~~
19 ~~services or procedures defined within the regulated practices of~~
20 ~~barbering or cosmetology; *hairstyling* is subject to regulation~~
21 ~~pursuant to this chapter and shall obtain and maintain a barbering~~
22 ~~or cosmetology license as applicable to the services respectively~~
23 ~~offered or performed.~~

24 (g) (1) Electrolysis is the practice of removing hair from, or
25 destroying hair on, the human body by the use of an electric needle
26 only.

27 (2) "Electrolysis" as used in this chapter includes electrolysis
28 or thermolysis.

29 (h) ~~The practice of hairstyling is one or both of the following:~~

30 (1) ~~Styling of all textures of hair by standard methods that are~~
31 ~~current at the time of the hairstyling.~~

32 (2) ~~Arranging, blow drying, cleansing, curling, cutting, dressing,~~
33 ~~extending, shampooing, waving, or nonchemically straightening~~
34 ~~the hair of any person using both electrical and nonelectrical~~
35 ~~devices.~~

36 (h) *As used in this section:*

37 (1) *"Natural hair braiding" means a service that results in*
38 *tension on hair strands or roots by twisting, wrapping, weaving,*
39 *extending, locking, or braiding by hand or mechanical device,*
40 *provided that the service does not include haircutting or the*

1 application of dyes, reactive chemicals, or other preparations to
2 alter the color of the hair or to straighten, curl, or alter the
3 structure of the hair.

4 (2) “Natural hairstyling” means the provision of natural hair
5 braiding services together with any of the services or procedures
6 defined within the regulated practices of barbering or cosmetology.

7 (3) “Threading” means a technique that results in removing
8 hair by twisting thread around unwanted hair and pulling it from
9 the skin and the incidental trimming of eyebrow hair.

10 SEC. 2. Section 7322 of the Business and Professions Code is
11 repealed.

12 ~~7322. The board shall admit to examination for a license as a~~
13 ~~hairstylist to practice hairstyling any person who has made~~
14 ~~application to the board in proper form, paid the fee required by~~
15 ~~this chapter, and is qualified as follows:~~

16 (a) ~~Is not less than 17 years of age.~~

17 (b) ~~Has completed the 10th grade in the public schools of this~~
18 ~~state or its equivalent.~~

19 (c) ~~Is not subject to denial pursuant to Section 480.~~

20 (d) ~~Has done any of the following:~~

21 (1) ~~Completed a course in hairstyling from a school approved~~
22 ~~by the board.~~

23 (2) ~~Practiced hairstyling as defined in this chapter outside of~~
24 ~~this state for a period of time equivalent to the study and training~~
25 ~~of a qualified person who has completed a course in hairstyling~~
26 ~~from a school the curriculum of which complied with requirements~~
27 ~~adopted by the board. Each three months of practice shall be~~
28 ~~deemed the equivalent of 100 hours of training for qualification~~
29 ~~under paragraph (1).~~

30 SEC. 3. Section 7363 of the Business and Professions Code is
31 repealed.

32 ~~7363. (a) A course in hairstyling established by a school shall~~
33 ~~consist of not less than 600 hours of practical and technical~~
34 ~~instruction.~~

35 (b) ~~The curriculum for a hairstyling course shall include, at a~~
36 ~~minimum, technical and practical instruction in the following areas:~~

37 (1) ~~One hundred hours in health and safety, which includes~~
38 ~~hazardous substances, chemical safety, safety data sheets,~~
39 ~~protection from hazardous chemicals, preventing chemical injuries,~~

1 health and safety laws and regulations, and preventing
2 communicable diseases.

3 ~~(2) One hundred hours in disinfection and sanitation, which~~
4 ~~includes disinfection procedures to protect the health and safety~~
5 ~~of consumers as well as the technician and proper disinfection~~
6 ~~procedures for equipment used in establishments.~~

7 ~~(3) Two hundred hours in hair styling services, which includes~~
8 ~~arranging, blow drying, cleansing, curling, dressing, hair analysis,~~
9 ~~shampooing, waving, and nonchemical straightening, and hair~~
10 ~~cutting including the use of shears, razors, electrical clippers and~~
11 ~~trimmers, and thinning shears, for wet and dry cutting.~~

12 SEC. 4. Section 7389.5 of the Business and Professions Code
13 is amended to read:

14 7389.5. A course of training in ~~barbering, cosmetology, or~~
15 ~~hairstyling~~ *barbering or cosmetology* established by federal or
16 state correctional institutions in California may qualify a person
17 thereby trained to take the examination for licensure as a ~~barber,~~
18 ~~cosmetologist, or hairstylist,~~ *provided barber or cosmetologist if*
19 the course complies with all applicable provisions of this ~~act~~
20 *chapter* and the regulations adopted pursuant thereto.

21 SEC. 5. Section 7423 of the Business and Professions Code is
22 amended to read:

23 7423. The amounts of the fees required by this chapter relating
24 to licenses for individual practitioners are as follows:

25 (a) (1) Cosmetologist application and examination fee shall be
26 the actual cost to the board for developing, purchasing, grading,
27 and administering the examination.

28 (2) A cosmetologist initial license fee shall not be more than
29 fifty dollars (\$50).

30 (b) (1) An esthetician application and examination fee shall be
31 the actual cost to the board for developing, purchasing, grading,
32 and administering the examination.

33 (2) An esthetician initial license fee shall not be more than forty
34 dollars (\$40).

35 (c) (1) A manicurist application and examination fee shall be
36 the actual cost to the board for developing, purchasing, grading,
37 and administering the examination.

38 (2) A manicurist initial license fee shall not be more than
39 thirty-five dollars (\$35).

1 (d) (1) A barber application and examination fee shall be the
2 actual cost to the board for developing, purchasing, grading, and
3 administering the examination.

4 (2) A barber initial license fee shall be not more than fifty dollars
5 (\$50).

6 (e) (1) An electrologist application and examination fee shall
7 be the actual cost to the board for developing, purchasing, grading,
8 and administering the examination.

9 (2) An electrologist initial license fee shall be not more than
10 fifty dollars (\$50).

11 (f) An apprentice application and license fee shall be not more
12 than twenty-five dollars (\$25).

13 (g) The license renewal fee for individual practitioner licenses
14 that are subject to renewal shall be not more than fifty dollars
15 (\$50).

16 ~~(h) A hairstylist application and examination fee shall be fifty
17 dollars (\$50) or a fee in an amount as determined by the board,
18 not to exceed the reasonable cost of developing, purchasing,
19 grading, and administering the examination, not to exceed fifty
20 dollars (\$50).~~

21 (i)

22 (h) Notwithstanding Section 163.5 the license renewal
23 delinquency fee shall be 50 percent of the renewal fee in effect on
24 the date of renewal.

25 SEC. 6. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.

Agenda Item
No. 5
No Attachments

Agenda Item
No. 6
No Attachments

Adjournment