

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**APRIL 22, 2024**

**LEGISLATION AND BUDGET COMMITTEE**

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

**and**

**Public Teleconference**



# CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY



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## MEMBERS OF THE COMMITTEE

Reese Isbell, Chair  
Megan Ellis  
Colette Kavanaugh  
Calimay Pham

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## LEGISLATION AND BUDGET COMMITTEE MEETING NOTICE AND AGENDA

April 22, 2024

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

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

**10:00 a.m. or upon Adjournment of  
the Licensing and Examination  
Committee Meeting – 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=m51665280aee45f2231687e478ff79c14>

Webinar number: 2481 360 1486

Webinar password: BBC422

**Instructions to connect to the meeting can be found at:**

[https://www.barbercosmo.ca.gov/about\\_us/meetings/how\\_to\\_join\\_webex\\_event.pdf](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. Discussion and Possible Approval of the March 25, 2024, Committee Meeting Minutes
3. 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
  - g. SB 1084 (Nguyen) Barbering and cosmetology: Hairstyling License
  - h. SB 1451 (Ashby) Professions and vocations
4. 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))*
5. Suggestions for Future Agenda Items
6. 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](mailto: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*

**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**LEGISLATION AND BUDGET COMMITTEE MEETING**

**MINUTES OF MARCH 25, 2024**

**BOARD MEMBERS PRESENT**

Reese Isbell, Committee Chair  
Megan Ellis  
Colette Kavanaugh  
Calimay Pham

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Allison Lee, Board Project Manager  
Sabina Knight, Legal Counsel

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

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

**2. AGENDA ITEM #2: ELECTION OF COMMITTEE CHAIR**

Kristy Underwood explained that the committee elects a Chair during the first committee meeting each year. She noted that members can only chair one committee at any given time. Reese Isbell then welcomed motions for the chair role, affirming a readiness to retain the position in the absence of other candidates.

**Motion:** Calimay Pham motioned to nominate Reese Isbell as the Committee Chair. Megan Ellis seconded the motion.

**Public Comment:** There were no public comments submitted.

**Roll Call Vote:** Motion to elect Reese Isbell as Committee Chair carried: 4 yes, 0 no, and 0 abstain, per the following roll call vote:  
Committee Members voted "Yes": Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham.

**3. AGENDA ITEM #3: DISCUSSION AND POSSIBLE APPROVAL OF THE JANUARY 22, 2024, AND FEBRUARY 20, 2024, COMMITTEE MEETING MINUTES**

**Motion:** Calimay Pham moved to approve the January 22, 2024 Committee Meeting Minutes. Megan Ellis seconded the motion.

**Motion:** Megan Ellis moved to approve the February 20, 2024 Committee Meeting Minutes. Calimay Pham seconded the motion.

**Public Comment:** There were no public comments received.

**Roll Call Vote:** Motions to approve the January 22, 2024 and February 20, 2024 Committee Meeting Minutes carried: 4 yes, 0 no, and 0 abstain, per roll call vote as follows: Committee Members voted "Yes": Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham.

#### **4. AGENDA ITEM #4: DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING PROPOSED BILLS**

##### **AB 1328 (Gipson) Cosmetology Licensure Compact:**

Kristy Underwood informed the group that no changes had occurred to AB 1328 since the last Board meeting, reiterating the Board's support for the bill. Concerns were raised by Megan Ellis regarding potential delays in the bill's progress due to its two-year nature, to which Ms. Underwood acknowledged due to the novelty of compacts in California.

##### **AB 2166 (Weber) Barbering and cosmetology: hair types and textures:**

Ms. Underwood continued by discussing AB 2166, which focuses on incorporating textured hair and related techniques into barbering and cosmetology education. The Board supports the bill, with a hearing scheduled during the second week of April. Reese Isbell inquired if comments were necessary for the hearing and if there had been any significant changes since the previous Board meeting. Ms. Underwood noted that she would be present at the hearing and stated that there have been no changes since the last meeting.

##### **AB 2412 (Reyes) Healing Arts: California Body Contouring Council: practitioners:**

AB 2412 is a bill concerning the California Body Contouring Council, which does not directly affect the Board but does impact its licensees. The Board has adopted a position of Watch regarding this bill, and there have been no recent changes. A hearing for the bill is scheduled for April 9th, and Kristy Underwood plans to attend as an observer. However, the outcome of the bill's progress remains uncertain at this time, with no changes reported since the previous Board meeting.

##### **AB 2444 (Lee) Barbering and Cosmetology: licensees: manicurists:**

Kristy Underwood provided an update on AB 2444, a bill concerning manicuring licensing. She stated that the Board had previously opposed the bill, which requires the development of a video for licensees to view at renewal time and the provision of information on basic labor laws. As of the meeting date, there had been no changes to the bill and a hearing has been scheduled in April. Reese Isbell then mentioned receiving a letter of comment regarding the bill and inquired about public comments. Sabina Knight, Legal Counsel, confirmed that public comments could be taken at any point during the discussion. Mr. Isbell suggested proceeding with public comments, and the moderator opened the floor.

##### **Public Comments on AB 2444:**

Fred Jones, representing the Professional Beauty Federation, conveyed that his organization also held an opposing stance on AB 2444, with the caveat "unless amended." Mr. Jones stated that the bill raised concerns regarding equity within the beauty industry. He referenced Assembly Bill 5, authored by Lorena Gonzalez, highlighting the differential treatment of the manicuring industry compared to the hair and skin sectors, specifically mentioning a sunset date attached to manicurists' exemptions. Mr. Jones asserted that this discrepancy was fundamentally unjust and advocated for equal treatment across all sectors. He emphasized that the Federation's position on AB 2444 prioritizes equal treatment across all industry

segments, instead of concentrating solely on educating one segment regarding labor laws. The proposed amendment advocates for removing the sunset date and granting manicurists equivalent protections and exemptions as other sectors within the industry.

Catherine Porter, Senior Policy Consultant for the California Healthy Nail Salon Collaborative, addressed the committee as a Co-Sponsor of AB 2444. She clarified that the bill does not directly influence the sunset provision but aims to raise awareness about it. The bill's objective is to ensure that salon and barber communities comprehend their obligations under labor laws, particularly regarding employee classification and minimum wage. AB 2444 seeks to alleviate confusion among nail salon workers about employment practices, citing rampant misclassification issues across low-wage industries. Despite labor law information being part of the Board of Barbering and Cosmetology curriculum, its effective dissemination remains uncertain and oftentimes does not reach the establishment owners who are responsible for compliance. Ms. Porter expressed optimism about collaborating with the Board to address community needs while maintaining fiscal responsibility.

Jaime Schrabec from Precision Nails reaffirmed her longstanding position on the topic. She emphasized her support for granting manicurists equal rights as other licensees regulated by the Board. Ms. Schrabec appreciated Mr. Jones' earlier articulation of this viewpoint and expressed alignment with his position opposing the bill unless amended to remove the sunset provision.

Reese Isbell sought clarification from Catherine Porter regarding the necessity for the Board to oversee the issue related to labor law. Ms. Porter elaborated on several reasons supporting their involvement. Firstly, she mentioned that the Board already maintains a well-established relationship with the community affected by the legislation. She noted that the Board possesses contact information for individuals registered with them, although recent discoveries revealed gaps in this data. Ms. Porter emphasized the importance of ensuring that licensees are aware of their rights and obligations under labor law, as it directly impacts workplace safety and fairness, ultimately affecting consumer well-being. Furthermore, she acknowledged that some existing measures, such as labor law curriculum additions, may not effectively reach establishment owners, who bear the responsibility of compliance. Ms. Porter mentioned ongoing discussions with the Board, aiming to foster collaboration on the matter.

Mr. Isbell proceeded by requesting clarification from Kristy Underwood regarding the current regulations concerning legal requirements for salons. Ms. Underwood affirmed that certain postings are mandated, alongside provisions in their health and safety course, which includes information on basic labor laws. Additionally, relevant information is available on the Board's website, which could be expanded. However, she expressed concerns about the potential workload associated with developing a video for education purposes, emphasizing staffing limitations. Mr. Isbell reiterated his concerns about the language of the legislation, particularly the requirement for the BBC to ensure that licensees watched the video. He highlighted the departure from their usual compliance measures. He concluded by acknowledging the importance of the legislation and invited further questions from the committee. Catherine Porter thanked the committee for their attention and expressed appreciation for their collaboration with Kristy Underwood.

**AB 2862 (Gipson) Licenses: African American applicants:**

Kristy Underwood presented AB 2862, which seeks to prioritize African American applicants for licenses, especially those with ancestors who were enslaved in the United States. She emphasized the bill's significance, but recommended opposing it due to concerns about its potential impact on the licensing process. Ms. Underwood explained that the bill would require prioritizing certain applications, which would overwhelm the licensing staff and lead to significant backlogs for non-prioritized applicants. The lack of ethnicity data further complicates its implementation.

Reese Isbell raised concerns about the feasibility of collecting ethnicity data and the potential legal implications. Colette Kavanaugh expressed apprehensions about singling out specific groups and questioned the fairness and legality of such prioritization. Calimay Pham echoed the need for caution, given the bill's vague language and potential implications.

Reese Isbell raised questions about the bill's wide-ranging impact on various industries. He asked if other regulatory Boards had discussed or taken positions on the legislation. Kristy Underwood did not have information on other Boards' actions. Mr. Isbell then inquired about the collection of ethnicity information by other entities. Legal Counsel Sabina Knight clarified that such data collection is prohibited, highlighting potential legal constraints. She recognized the need for changes to existing laws to facilitate data collection and emphasized the bill's vague nature and implementation challenges. Reese Isbell acknowledged the challenging situation arising from the bill's requirements. He highlighted that the bill may demand actions beyond the Board's authority unless legislative changes are made.

Calimay Pham suggested taking a cautious approach towards the bill, expressing reluctance to outright oppose it due to its lack of clarity. Instead, she proposed a motion to monitor its progress. Megan Ellis supported this stance, citing the bill's early stage and the possibility of further development.

**Motion:** Calimay Pham moved to recommend for the Board to "Watch" Assembly Bill 2862. Megan Ellis seconded the motion.

**Public Comment:** Jaime Schrabec from Precision Nails expressed appreciation for the "watch" position on AB 2862, but leaned towards opposing it. She highlighted concerns about the bill's language, particularly the challenge of determining applicants' descent from enslaved individuals. Ms. Schrabec emphasized the impracticality of implementing such criteria in licensing processes, which typically prioritize applications based on their submission order. She noted that priority treatment is usually reserved for military affiliates.

**Roll Call Vote:** Motion to approve the recommendation to Watch Assembly Bill 2862 carried: 4 yes, 0 no, and 0 abstain, per roll call vote as follows:  
Committee Members voted "Yes": Reese Isbell, Megan Ellis, Colette Kavanaugh, and Calimay Pham



**SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees:**

Kristy Underwood discussed SB 817, a bill that the Board chose to support in April 2023. Despite being an active bill, it has not progressed. SB 817 aims to provide clarifying language regarding hairstylist license fees. Ms. Underwood indicated that the bill is still active, and they will continue to monitor its progress, awaiting any developments or hearings. She noted that there have been no changes to the bill's language since its introduction.

**SB 1084 (Nguyen) Barbering and cosmetology: Hairstyling License:**

Kristy Underwood discussed AB 1084, a bill that proposed significant changes to hairstylist licensing. She confirmed that the author's office decided not to pursue the bill further. Despite the Board's opposition, Ms. Underwood stated that they anticipate no future action on AB 1084.

**Public Comment:** There were no public comments submitted.

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

There were no public comments made for items not on the agenda.

**6. AGENDA ITEM #6: SUGGESTIONS FOR FUTURE AGENDA ITEMS**

No suggestions were submitted for future agenda items.

**7. AGENDA ITEM #7: ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at approximately 9:47 a.m.



## MEMORANDUM

<b>DATE</b>	April 22, 2024
<b>TO</b>	Members, Legislative and Budget Committee
<b>FROM</b>	Kristy Underwood, Executive Officer
<b>SUBJECT</b>	<p><b>Agenda Item 3 – Discussion and Possible Recommendations Regarding Proposed Bills:</b></p> <ul style="list-style-type: none"> <li>a. <b>AB 1328 (Gipson) AB 1328 (Gipson) Cosmetology Licensure Compact</b></li> <li>b. <b>AB 2166 (Weber) Barbering and cosmetology: hair types and textures</b></li> <li>c. <b>AB 2412 (Reyes) Healing arts: California Body Contouring Council: practitioners</b></li> <li>d. <b>AB 2444 (Lee) Barbering and cosmetology: licensees: manicurists</b></li> <li>e. <b>AB 2862 (Gipson) Licenses: African American applicants</b></li> <li>f. <b>SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing</b></li> <li>g. <b>SB 1084 (Nguyen) Barbering and cosmetology: Hairstyling License</b></li> <li>h. <b>SB 1451 (Ashby) Professions and vocations</b></li> </ul>

### 2024 Legislative Calendar and Deadlines

- April 26, Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.
- May 3, Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house.
- May 10, Last day for policy committees to meet prior to May 28.
- May 17, Last day for fiscal committees to hear and report to the floor bills introduced in their house.
- May 20-24, Floor Session only, No committees, other than conferences or Rules committees, may meet for any purpose.
- May 24, Last day for each house to pass bills introduced in that house.
- May 28, committee meetings may resume.
- June 15, Budget Bill must be passed by midnight.
- June 27, Last day for a legislative measure to qualify for the Nov 5 General Election ballot.
- July 3, Last day for policy committees to meet and report bills, Summer Recess begins upon adjournment provided Budget Bill has been passed.
- August 5, Legislature Reconvenes from Summer Recess.
- August 16, Last day for fiscal committees to meet and report bills.
- August 19-31, Floor Session only, No committees, other than conference and Rules committees, may meet for any purpose.
- August 23, Last day to amend on the floor.
- August 31, Last day for each house to pass bills, Final Recess begins upon adjournment.

# BOARD OF BARBERING & COSMETOLOGY

## Bill Analysis

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**Author:** Assembly Member Gipson

**Subject:** Barbering and cosmetology:  
Interstate Cosmetology Licensure Compact.

**Bill Number:** AB 1328

**Version:** June 06, 2023

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### **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 will ensure that all cosmetologists meet the same standards regardless of where they practice, thereby increasing consumer protection and safety.
- Will 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*
- The Council of State Governments (CGS) wanted the 06/06/23 amendments. Mostly non-substantive formatting updates and changing ~~Active Duty Military personnel~~ to Active Military Members.

**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:**

- 06/06/02023: Referred to Senate Business, Professions, and Economic Development committee.

**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](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1328)

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

**ASSEMBLY BILL**

**No. 1328**

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**Introduced by Assembly Member Gipson**

February 16, 2023

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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

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**Author:** Assembly Member Weber

**Subject:** Barbering and cosmetology:  
Hair Types and Textures

**Bill Number:** AB 2166

**Version:** Introduced, February 6, 2024

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### **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:**

04/09/24: ASM Business and Professions committee, Do pass on Consent Calendar.

04/17/24: ASM Appropriations committee, recommend to Consent Calendar.

**Registered Support:**

Professional Beauty Association (*Sponsor*)  
Aveda Arts and Sciences Institute  
Conference of California Bar Associations  
Henkel  
L'Oreal USA  
Personal Care Products Council  
State Board of Barbering and Cosmetology  
Texture Education Collective  
Two individuals

**Registered Opposition:**

None on file.

**AB 2166 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB2166](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2166)

**ASSEMBLY BILL**

**No. 2166**

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**Introduced by Assembly Member Weber**

February 6, 2024

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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

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**Author:** Assembly Member Reyes

**Subject:** California Body Contouring Council

**Bill Number:** AB 2412

**Version:** Amended, April 8, 2024

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### **Existing Law:**

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 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 California medical community.
  - 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 advisory board 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. 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 any medical condition is considered the practice of medicine.

**Fiscal Impact:**

No fiscal impact to the Board

**Board Position: Watch**

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

**Status:**

4/23/24: ASM Business & Professions Committee

**AB 2412 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB2412#99INT](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2412#99INT)

AMENDED IN ASSEMBLY APRIL 8, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2412**

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**Introduced by Assembly Member Reyes**

February 12, 2024

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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 amended, 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 to 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,~~ *physician* who shall also perform the following  
21 functions 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 *California medical community.*

25 (C) The council's curriculum adviser.

26 (4) A California licensed cosmetologist.

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

34 (1) Each of the following entities shall select one member:

35 (A) The Department of Consumer Affairs.

36 (B) The Assembly Business and Professions Committee.

37 (C) The Senate Business, Professions and Economic  
38 Development Committee.

39 (2) Eleven advisory board members shall be selected by the  
40 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~~ *twenty-five* dollars  
24 (\$125). This fee shall apply each time a student registers or  
25 reregisters for the course. The council may increase the fee no  
26 more frequently than every four years based upon the rate of  
27 inflation.

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

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

32 (A) What is California body contouring.

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

34 (C) The legalities of California body contouring.

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

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

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

39 (A) Anatomy and adipose tissue.

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

1 sold, or assigned in any way to any other person or entity for any  
2 reason at any time.

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

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

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

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

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

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

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

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

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

1 4660.15. (a) A California Certified and Permitted Body  
2 Contouring Practitioner shall do all of the following:  
3 (1) Complete the annual continuing education requirement  
4 described in Section 4660.13.  
5 (2) Submit to inspection and investigation by the council at both  
6 random and predetermined times.  
7 (3) Possess a working, cellular smartphone with them when  
8 they are performing body contouring.  
9 (4) Clearly display any consumer protection notices mandated  
10 by the council at the location where body contouring is performed  
11 for compensation.  
12 (5) Clearly display an active establishment permit or mobile  
13 permit, if applicable, and their individual practitioner permit at the  
14 location where body contouring is performed for compensation.  
15 (6) Adhere to the ethical standards prescribed by the council  
16 and not exceed the legal scope of their permit.  
17 (b) The council shall have the authority to determine disciplinary  
18 actions that may include nonrenewal of a permit and revocation  
19 of an existing permit due to noncompliance with the provisions of  
20 this chapter or the rules and regulations established by the council.  
21 4660.17. (a) An individual who is a Certified and Permitted  
22 Body Contouring Practitioner may apply to the council for a  
23 premises permit authorizing the practice of body contouring at a  
24 specified physical location that complies with all health and safety  
25 regulations established by the council.  
26 (b) A premises permit shall be subject to renewal each year.  
27 (c) The holder of a premises permit shall do all of the following:  
28 (1) Submit to inspection and investigation by the council at both  
29 random and predetermined times.  
30 (2) Maintain a working, cellular smartphone on the premises  
31 during business hours.  
32 (3) Clearly display any consumer protection notices mandated  
33 by the council at the premises.  
34 (4) Clearly display the permit at the premises.  
35 (5) Adhere to the ethical standards prescribed by the council  
36 and not exceed the legal scope of the permit.  
37 (d) 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 (e) The council shall have the authority to determine disciplinary  
40 actions that can include nonrenewal of a permit and revocation of



1 an existing permit due to noncompliance with this chapter or the  
2 rules and regulations established by the council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# BOARD OF BARBERING & COSMETOLOGY

## BILL ANALYSIS

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**Author:** Assemblymember Lee

**Subject:** Labor Laws for Manicurists

**Bill Number:** AB 2444

**Version:** Amended, April 09, 2024

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### **Existing Law:**

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.

Existing law, relating to licenses for activities licensed under existing law, establishes requirements for application for licensure or renewal of licensure, including informational materials on basic labor law being included with the application or renewal form.

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, including informational materials on basic labor law being included with the application or renewal form.

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:**

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

This bill would require that the informational materials on basic labor law be provided in the application and renewal forms themselves instead of alongside them and would require the informational materials to include information relating to specified law.

This bill would require 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 posts on basic labor laws, as prescribed, on the board’s internet website or other accessible platform.

**Analysis:**

Business and Professions Code section 7303.1 states: Protection of the public shall be the highest priority for the Board of Barbering and Cosmetology in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

The Board provides a Health and Safety curriculum to all schools and it is required to be taught to all students. This curriculum includes information on basic labor laws. The curriculum and all its documents are available in English, Korean, Spanish, and Vietnamese. The board is currently working to expand its translated documents to include Simplified Chinese. The Board’s Health and Safety Committee is also in the process of updating the Health and Safety curriculum.

The Board’s applications currently contain a link to the *Know Your Workers’ Rights* publication that is listed on the Board’s homepage. Applicants must sign under penalty of perjury that they have read and understand the information. This bill removed the link and instead places the entire booklet as part of the application. There is no guarantee that this will encourage individuals to read the information.

Currently the board has 640,034 licensees. This includes 58,452 establishments, and 581,582 individuals. In licensing establishments, the board does not differentiate the types services that are performed. There is also no indicator if an establishment is a solo business, an independent contractor business or and employee/employer business.

All licensees of the Board receive a renewal notice approximately 83 days in advance. The current renewal notice is 4 pages. This bill would increase the renewal notices from 4 pages to approximately 20 pages. This is a significant increase in costs with no guarantee the information will be read.

The Board receives a high number of paper applications, even though it offers an on-line process. The examination application is currently 5 pages. This bill will increase this application to 21 pages. The establishment application is currently 10 pages, which means this bill will make this application 26 pages. These applications are printed by individuals and this would increase their costs of printing and postage. The following table shows the average number of paper applications received:

Application Type	Average Volume of Paper Applications Received
Examination Applications	14,200
Establishment Applications	34,190

The Board acknowledges the importance of the information that is specified in this bill, however, the following points should be considered:

- This bill adds section 7389 (b) which is a specific requirement for the Department of Industrial Relations. This section should be placed in DIR’s laws not the Boards.

- This bill will increase the paper renewal notice from 4 to 20 pages, increasing the costs to the Board on printing and postage (See Fiscal estimate below).
- For individuals who choose to print their application and mail it in, the printable application will go from 5 to 21 pages. This increases the cost to the applicant as well as an increase in postage.
- For individuals who choose to print their establishment application and mail it in, the printable application will go from 10 to 26 pages. This increases the cost to the applicant as well as increases postage.
- The Board's legislative mandate is consumer protection. The increase in labor law references in our Act take the Board beyond that mandate.
- In 2023, of the 97,285 individuals that answered the renewal survey, 35% stated they are Independent Contractors. This means that the Board will be sending this information out to individuals that it does not apply to.
- The Board receives an annual average of 14,200 paper exam applications and 34,190 paper establishment applications. That is over 48,000 individuals who will have to print more than 20 pages of paper as opposed to the current 4-10 pages.
- The Board should not be responsible for collaborating with the DIR for social media posts. The DIR should be required to develop and post items that they are the experts in and the Board can re-post these as a way of sharing information.
- Increasing the Board's involvement in Labor Laws is going to create questions to our Board staff regarding a subject matter we are not experts in.

**Fiscal Impact:**

The fiscal impacts for AB 2444 would result in a minimum estimated **annual** fiscal impact of **\$608,119.00**.

Fiscal impacts include:

- Initial applications increase on postage; \$1,303.00 annually \*Estimate 5% will request for BBC to mail and print initial applications.
- Renewal notices increase on postage and printing: \$606,816 annually.
- Regulations \$3,500.00 per update from DIR.
- Translation costs for each set of DIR informational materials in Korean, Spanish, Korean and Simplified Chinese are unknown costs depending on graphics and quantity.
- Breeze applications will need to be modified, unknown costs.

**Prior Position: Oppose**

On February 26, 2024, the Board voted to oppose the Introduced version of AB 2444.

**Possible Amendments:**

The Board may choose to recommend the following:

All statutes relating to the DIR be removed from the Barbering and Cosmetology Act.

Require the DIR to do a one-time mailing to all Board licensees at the cost to DIR.

Require that the Board maintain its web link to workers rights information, but require the Board to update the publication with current worker's rights laws provided by the DIR.

**Status:**

04/17/24: ASM Committee on Labor and Employment

**AB 2444 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2444](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2444)

AMENDED IN ASSEMBLY APRIL 9, 2024

AMENDED IN ASSEMBLY APRIL 2, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2444**

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**Introduced by Assembly Member Lee**  
*(Coauthor: Assembly Member Juan Carrillo)*

February 13, 2024

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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 amended, 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, including informational materials on basic labor law being included with the application or renewal form.

This bill would require that the informational materials on basic labor law be provided in the application and renewal forms themselves instead of alongside them, and would require the informational materials to include information relating to specified law.

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, including informational materials on basic labor law being included with the application or renewal form.

This bill would require that the informational materials on basic labor law be provided in the application and renewal forms themselves instead of alongside them, and would require the informational materials to include information relating to specified law.

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 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 posts on basic labor laws, as prescribed, 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:



1 (a) The Business and Professions Code requires that beauty  
2 school curriculums, including nail care, and barber school  
3 curriculums include information on basic labor laws.

4 (b) Section 98.10 of the Labor Code requires that all board  
5 establishment owners post, in their shops, language-accessible  
6 information on workplace rights and wage and hour laws.

7 (c) Clause (vi) of subparagraph (L) of paragraph (2) of  
8 subdivision (b) of Section 2778 of the Labor Code requires that,  
9 as of January 1, 2025, the “ABC” test for employee status be  
10 applied to licensed manicurists. This law may result in a person  
11 providing nail services at a nail salon being considered an  
12 employee.

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

18 (e) According to the 2017–21 United States Census Bureau’s  
19 American Community Survey 5-year Estimates, the median wage  
20 of full-time nail salon workers in California is \$10.16, whereas  
21 the median wage of all other full-time workers in California is  
22 \$25.69.

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

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

29 (h) Many nail salon owners are former nail salon workers and  
30 tend to carry on the employment practices experienced in their  
31 former workplaces.

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

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

39 7314.3. (a) The board shall establish a Health and Safety  
40 Advisory Committee to provide the board with advice and

1 recommendations on health and safety issues before the board that  
2 impact licensees, including how to ensure licensees are aware of  
3 basic labor laws and how to ensure licensees have awareness about  
4 physical and sexual abuse their clients may be experiencing.

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

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

9 (2) Wage and hour rights of an hourly employee, including, but  
10 not limited to, the right to sick pay.

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

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

15 (5) How to obtain more information about state and federal  
16 labor laws.

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

19 (1) Domestic violence.

20 (2) Sexual assault.

21 (3) Human trafficking.

22 (4) Elder abuse.

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

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

27 7337. (a) Every application for admission to examination and  
28 licensure shall be in writing, on forms prepared and furnished by  
29 the board.

30 (b) Each application shall be accompanied by the required fee,  
31 and shall contain proof of the qualifications of the applicant for  
32 examination and licensure. It shall be verified by the oath of the  
33 applicant and shall include a signed acknowledgment that the  
34 applicant understands their rights as a licensee as described in  
35 informational materials on basic labor laws, as specified in Section  
36 7314.3, that the applicant is provided by the board in the  
37 application. Every applicant, as a condition of admittance to the  
38 examination facility, shall present satisfactory proof of  
39 identification. Satisfactory proof of identification shall be in the  
40 form of a valid, unexpired driver’s license or identification card,

1 containing the photograph of the person to whom it was issued,  
2 issued by any state, federal, or other government entity.

3 (c) Every application to renew a license shall include a signed  
4 acknowledgment that the renewal applicant understands their rights  
5 as a licensee as described in informational materials on basic labor  
6 laws, as specified in Section 7314.3, that the renewal applicant is  
7 provided by the board in the renewal application.

8 (d) (1) The “informational materials on basic labor laws,”  
9 referred to in this section, shall be written by the Department of  
10 Industrial Relations and include information regarding the test set  
11 forth in subparagraphs (A) to (C), inclusive, of paragraph (1) of  
12 subdivision (b) of Section 2775 of the Labor Code as it pertains  
13 to manicurists, and a link to the notice required by Section 98.10  
14 of the Labor Code.

15 (2) The informational materials referenced in this section shall  
16 be inserted by the board into the application and renewal forms  
17 themselves.

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

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

22 7347. (a) Any person, firm, or corporation desiring to operate  
23 an establishment shall make an application to the board for a  
24 license accompanied by the fee prescribed by this chapter. The  
25 application shall be required whether the person, firm, or  
26 corporation is operating a new establishment or obtaining  
27 ownership of an existing establishment. The application shall  
28 include a signed acknowledgment that the applicant understands  
29 that establishments are responsible for compliance with any  
30 applicable labor laws of the state and that the applicant understands  
31 the informational materials on basic labor laws, as specified in  
32 Section 7314.3, the applicant is provided by the board in the  
33 application. Every application to renew a license shall include a  
34 signed acknowledgment that the renewal applicant understands  
35 that establishments are responsible for compliance with any  
36 applicable labor laws of the state and that the applicant understands  
37 the informational materials on basic labor laws, as specified in  
38 Section 7314.3, that the renewal applicant is provided by the board  
39 in the renewal application. If the applicant is obtaining ownership  
40 of an existing establishment, the board may establish the fee in an

1 amount less than the fee prescribed by this chapter. The applicant,  
2 if an individual, or each officer, director, and partner, if the  
3 applicant is other than an individual, shall not have committed acts  
4 or crimes which are grounds for denial of licensure in effect at the  
5 time the new application is submitted pursuant to Section 480. A  
6 license issued pursuant to this section shall authorize the operation  
7 of the establishment only at the location for which the license is  
8 issued. Operation of the establishment at any other location shall  
9 be unlawful unless a license for the new location has been obtained  
10 upon compliance with this section, applicable to the issuance of a  
11 license in the first instance.

12 (b) (1) The “informational materials on basic labor laws,”  
13 referred to in this section, shall be written by the Department of  
14 Industrial Relations and include information regarding the test set  
15 forth in subparagraphs (A) to (C), inclusive, of paragraph (1) of  
16 subdivision (b) of Section 2775 of the Labor Code as it pertains  
17 to manicurists, and a link to the notice required by Section 98.10  
18 of the Labor Code.

19 (2) The informational materials referenced in this section shall  
20 be inserted by the board into the application and renewal forms  
21 themselves.

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

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

26 7389. (a) The board shall develop or adopt a health and safety  
27 course on hazardous substances, basic labor laws, as specified in  
28 Section 7314.3, and physical and sexual assault awareness, as  
29 specified in Section 7314.3, which shall be taught in schools  
30 approved by the board. Course development shall include pilot  
31 testing of the course and training classes to prepare instructors to  
32 effectively use the course.

33 (b) The Department of Industrial Relations shall develop a  
34 language and culturally appropriate notification to all  
35 board-licensed establishments and licensed manicurists to inform  
36 those licensees as follows:

37 (1) In this state, as of January 1, 2025, there was a change in  
38 the law regarding employment classification of manicurists, such  
39 that the test under subparagraphs (A) to (C), inclusive, of paragraph

1 (1) of subdivision (b) of Section 2775 of the Labor Code, referred  
2 to as the ABC test, applies to manicurists.

3 (2) Under the ABC test, a person who provides labor or services  
4 for compensation is considered an employee unless the hiring  
5 entity can demonstrate that the person satisfies all three conditions  
6 of the ABC test that describe *classification as an independent*  
7 *contractor. If a person is providing nail services in a nail salon,*  
8 *they may be an “employee” under the ABC test and, if so, they*  
9 *will be treated accordingly with regard to state protections for*  
10 *employees, including, but not limited to, minimum wage, sick pay,*  
11 *and workers’ compensation. If an establishment cannot*  
12 *demonstrate that a manicurist satisfies all three conditions of the*  
13 *ABC test, and the work relationship between the establishment*  
14 *and the manicurist does not fall under an exemption under the law*  
15 *for employment status, the manicurist will be considered an*  
16 *employee and the establishment will be required to provide certain*  
17 *employee benefits, including, but not limited to, minimum wage,*  
18 *sick pay, and workers’ compensation.*

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

21 (c) The department, by July 1, 2025, shall disseminate, through  
22 ethnic media and individually through United States Postal Service  
23 mail, the information in subdivision (b) to all board-licensed  
24 establishments and to licensed manicurists. In addition to English,  
25 information shall be in Vietnamese, Spanish, Korean, and Chinese.

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

28 7389.1. In consultation with the Department of Industrial  
29 Relations and community-based organizations, the board shall  
30 develop language-appropriate and culturally-appropriate  
31 educational posts on basic labor law, as described in Section  
32 7314.3, and share with its licensees, at least two times per year,  
33 over the board’s communications channels such as the quarterly  
34 newsletter, social media, and others. In addition to English,  
35 information shall be in Vietnamese, Spanish, Korean, and Chinese.

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# BOARD OF BARBERING & COSMETOLOGY

## BILL ANALYSIS

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**Author:** Assembly Member Gipson

**Subject:** Licenses, African American applicants

**Bill Number:** AB 2862

**Version:** Introduced, February 15, 2024

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**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 be 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.

**Recommendation:**

03/25/24: Legislation and Budget Committee recommended a Watch on the bill as it moves through the legislative process.

**Status:**

04/16/24: ASM Business and Professions Committee

**AB 2862 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2862](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2862)

**ASSEMBLY BILL**

**No. 2862**

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**Introduced by Assembly Member Gipson**

February 15, 2024

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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

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**Author:** Senator Roth

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

**Bill Number:** SB 817

**Version:** Introduced, February 17, 2023

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### **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 BBC can only charge a hairstylist application and examination fee in an amount equal to BBC'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 BBC, they will all be uniform once this passes.

### **Board Position:**

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

### **Status:**

07/11/23: ASM Business & Professions Committee: Passed  
Assigned to ASM Appropriations – held in committee

### **Registered Support:**

California State Board of Barbering and Cosmetology

### **Registered Opposition:**

None on file

### **SB 817 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB817](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB817)

**Introduced by Senator Roth**February 17, 2023

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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.

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# BOARD OF BARBERING & COSMETOLOGY

## BILL ANALYSIS

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**Author:** Senator Nguyen

**Subject:** Hairstyling License

**Bill Number:** SB 1084

**Version:** Introduced, February 12, 2024

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### **Existing Law:**

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 Senate Committee on Business, Professions and Economic, Development – Author has pulled the bill.

**AB 1084 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB1084](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1084)

**Introduced by Senator Nguyen**February 12, 2024

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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.

# BOARD OF BARBERING & COSMETOLOGY

## Bill Analysis

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**Author:** Senator Ashby

**Subject:** Professions and vocations.

**Bill Number:** SB 1451

**Version:** Introduced, February 16, 2024

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### **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 (board), as per Business and Professions Code (BPC) section 7301 et seq).

### **This Bill:**

SB 1451 (Ashby) is a Senate Business, Professions and Economic Development Committee Omnibus bill, it deals with many sections within the BPC. Section 4 of this bill, BPC § 7423 pertains to the board, which clarifies that the board can only charge a hairstylist application and examination fee in an amount equal to the boards actual costs for developing, purchasing, grading, and administering the examination. This bill limits a hairstylist's initial license to no more than \$50.00.

### **Analysis:**

Section 4 of this bill, BPC § 7423 provides clarifying language for hairstylist's application and examination fee and the initial license fee. This bill would authorize the board to establish an application and examination fee based on the actual cost to develop, purchase, grade and administer the examination. This bill would also set the hairstylist's initial license fee to no more than \$50.00. This clarifying language is in line with all other fee language for license types under the approving authority of the board.

The Board issued the first hairstyling license on August 22, 2023.

### **Previous Legislation:**

SB 803 (Roth), Chapter 648, 2021 established the hairstyling license.

AB 2196 (Maienschein), Chapter 527, 2022 clarified hairstyling license services

SB 817 (Roth), identical language as this bill (SB 1451 (Ashby), Section 4 BPC 7423).

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

This bill has been held in Assembly Appropriations since July 11, 2023.

### **Fiscal Impact:**

The fiscal impacts to accept the hairstyling fee are minor and absorbable.

### **Staff Recommend Position:**

Staff recommendation is to support SB 1451.

**Status:**

04/22/24: Senate Business, Professions and Economic Development committee hearing.

**SB 1451 text, available online:**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB1451](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1451)

**Introduced by Senator Ashby**February 16, 2024

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An act to amend Sections 1926, 2837.105, 3765, 7423, 8593, and 8593.1 of the Business and Professions Code, relating to professions and vocations.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1451, as introduced, Ashby. Professions and vocations.

(1) Existing law, the Dental Practice Act, establishes the Dental Hygiene Board of California to license and regulate dental hygienists. Existing law authorizes a registered dental hygienist in alternative practice to perform specified duties in dental health professional shortage areas, as certified by the Department of Health Care Access and Information, in accordance with specified guidelines.

This bill would authorize a registered dental hygienist in alternative practice with an existing practice in a dental health professional shortage area to continue to provide dental hygiene services if certification by the department is removed.

(2) Existing law, the Nursing Practice Act, provides for the licensure and certification of nurse practitioners by the Board of Registered Nursing. Existing law requires the Office of Professional Examination Services in the Department of Consumer Affairs, or an equivalent organization, to perform an occupational analysis of nurse practitioners performing specified functions, and requires the board and the office to assess the alignment of competencies tested in the national nurse practitioner certification examination with the occupational analysis.

This bill would make the provision requiring the assessment of the alignment of competencies inapplicable to a national nurse practitioner certification examination discontinued before January 1, 2017.



(3) Existing law, the Respiratory Care Practice Act, establishes the Respiratory Care Board of California to license and regulate the practice of respiratory care. Existing law authorizes a licensed vocational nurse who is employed by a home health agency to perform respiratory tasks and services identified by the board if, on or before January 1, 2025, the licensed vocational nurse has completed patient-specific training satisfactory to their employer, and, on and after January 1, 2025, the licensed vocational nurse has completed that training in accordance with guidelines promulgated by the Respiratory Care Board of California, in collaboration with the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

This bill would extend those dates to January 1, 2028. The bill, on and after January 1, 2028, would also authorize a licensed vocational nurse to perform respiratory care services identified by the board while practicing in certain settings identified in the bill if the license vocational nurse has completed patient-specific training satisfactory to their employer and holds a current and valid certification of competency for each respiratory task to be performed, as specified.

(4) Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology to license and regulate barbering and cosmetology, and establishes a hairstylist application and examination fee of \$50 or a fee determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination.

This bill would instead require the hairstylist application and examination fee to be the actual cost to the board for developing, purchasing, grading, and administering the examination, and would establish that an initial licensee fee for a hairstylist shall be not more than \$50.

(5) Existing law establishes the Structural Pest Control Board in the Department of Consumer Affairs to license and regulate structural pest control operators, structural pest control field representatives, and structural pest control applicators. Existing law requires those licensees, as a condition of license renewal, to submit proof to the board that they have informed themselves of the developments in the field of pest control by completing continuing education courses or equivalent activity approved by the board, or taking and completing an examination given by the board, as specified.

This bill would delete the authorization for a licenseholder to take and complete an examination given by the board to satisfy that requirement.

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 1926 of the Business and Professions  
2 Code is amended to read:

3 1926. In addition to practices authorized in Section 1925, a  
4 registered dental hygienist in alternative practice may perform the  
5 duties authorized pursuant to subdivision (a) of Section 1907,  
6 subdivision (a) of Section 1908, and subdivisions (a) and (b) of  
7 Section 1910 in the following settings:

8 (a) Residences of the homebound.

9 (b) Schools.

10 (c) Residential facilities and other institutions and medical  
11 settings that a residential facility patient has been transferred to  
12 for outpatient services.

13 (d) Dental health professional shortage areas, as certified by the  
14 Department of Health Care Access and Information in accordance  
15 with existing office guidelines. *If the dental health professional*  
16 *shortage area certification is removed, a registered dental hygienist*  
17 *in alternative practice with an existing practice in the area may*  
18 *continue to provide dental hygiene services.*

19 (e) Dental offices.

20 SEC. 2. Section 2837.105 of the Business and Professions  
21 Code is amended to read:

22 2837.105. (a) (1) The board shall request the department's  
23 Office of Professional Examination Services, or an equivalent  
24 organization, to perform an occupational analysis of nurse  
25 practitioners performing the functions specified in subdivision (c)  
26 of Section 2837.103 pursuant to that subdivision.

27 (2) The board, together with the Office of Professional  
28 Examination Services, shall assess the alignment of the  
29 competencies tested in the national nurse practitioner certification  
30 examination required by subparagraph (A) of paragraph (1) of  
31 subdivision (a) of Section 2837.103 with the occupational analysis  
32 performed according to paragraph (1). *This paragraph shall not*

1 *apply to a national nurse practitioner certification examination*  
2 *discontinued before January 1, 2017.*

3 (3) The occupational analysis shall be completed by January 1,  
4 2023.

5 (4) If the assessment performed according to paragraph (2)  
6 identifies additional competencies necessary to perform the  
7 functions specified in subdivision (c) of Section 2837.103 pursuant  
8 to that subdivision that are not sufficiently validated by the national  
9 nurse practitioner board certification examination required by  
10 subparagraph (A) of paragraph (1) of subdivision (a) of Section  
11 2837.103, the board shall identify and develop a supplemental  
12 exam that properly validates identified competencies.

13 (b) The examination process shall be regularly reviewed  
14 pursuant to Section 139.

15 SEC. 3. Section 3765 of the Business and Professions Code is  
16 amended to read:

17 3765. This act does not prohibit any of the following activities:

18 (a) The performance of respiratory care that is an integral part  
19 of the program of study by students enrolled in approved  
20 respiratory therapy training programs.

21 (b) Self-care by the patient or the gratuitous care by a friend or  
22 member of the family who does not represent or hold themselves  
23 out to be a respiratory care practitioner licensed under the  
24 provisions of this chapter.

25 (c) The respiratory care practitioner from performing advances  
26 in the art and techniques of respiratory care learned through formal  
27 or specialized training.

28 (d) The performance of respiratory care in an emergency  
29 situation by paramedical personnel who have been formally trained  
30 in these modalities and are duly licensed under the provisions of  
31 an act pertaining to their specialty.

32 (e) Temporary performance, by other health care personnel,  
33 students, or groups, of respiratory care services, as identified and  
34 authorized by the board, in the event of an epidemic, pandemic,  
35 public disaster, or emergency.

36 (f) Persons from engaging in cardiopulmonary research.

37 (g) Formally trained licensees and staff of child day care  
38 facilities from administering to a child inhaled medication as  
39 defined in Section 1596.798 of the Health and Safety Code.

1 (h) The performance by a person employed by a home medical  
2 device retail facility or by a home health agency licensed by the  
3 State Department of Public Health of specific, limited, and basic  
4 respiratory care or respiratory care related services that have been  
5 authorized by the board.

6 (i) The performance, by a vocational nurse licensed by the Board  
7 of Vocational Nursing and Psychiatric Technicians of the State of  
8 California who is employed by a home health agency licensed by  
9 the State Department of Public Health, of respiratory tasks and  
10 services identified by the board, if the licensed vocational nurse  
11 complies with the following:

12 (1) Before January 1, ~~2025~~, 2028, the licensed vocational nurse  
13 has completed patient-specific training satisfactory to their  
14 employer.

15 (2) On or after January 1, ~~2025~~, 2028, the licensed vocational  
16 nurse has completed patient-specific training by the employer in  
17 accordance with guidelines that shall be promulgated by the board  
18 no later than January 1, ~~2025~~, 2028, in collaboration with the Board  
19 of Vocational Nursing and Psychiatric Technicians of the State of  
20 California.

21 (j) *The performance of respiratory care services identified by*  
22 *the board by a licensed vocational nurse who satisfies the*  
23 *requirements in paragraph (1) in the settings listed in paragraph*  
24 *(2).*

25 (1) (A) *The licensed vocational nurse is licensed pursuant to*  
26 *Chapter 6.5 (commencing with Section 2840).*

27 (B) *The licensed vocational nurse has completed patient-specific*  
28 *training satisfactory to their employer.*

29 (C) *The licensed vocational nurse holds a current and valid*  
30 *certification of competency for each respiratory task to be*  
31 *performed from the California Association of Medical Product*  
32 *Suppliers, the California Society for Respiratory Care, or another*  
33 *organization identified by the board.*

34 (2) *A licensed vocational nurse may perform the respiratory*  
35 *care services identified by the board pursuant to this subdivision*  
36 *in the following settings:*

37 (A) *At a congregate living health facility licensed by the State*  
38 *Department of Public Health that is designated as six beds or*  
39 *fewer.*

1 (B) *At an intermediate care facility licensed by the State*  
2 *Department of Public Health that is designated as six beds or*  
3 *fewer.*

4 (C) *At an adult day health care center licensed by the State*  
5 *Department of Public Health.*

6 (D) *As an employee of a home health agency licensed by the*  
7 *State Department of Public Health or an individual nurse provider*  
8 *working in a residential home.*

9 (E) *At a pediatric day health and respite care facility licensed*  
10 *by the State Department of Public Health.*

11 (F) *At a small family home licensed by the Department of Social*  
12 *Services that is designated as six beds or fewer.*

13 (G) *As a private duty nurse as part of daily transportation and*  
14 *activities outside a patient's residence or family respite for home-*  
15 *and community-based patients.*

16 (3) *This subdivision is operative on January 1, 2028.*

17 (j)

18 (k) *The performance of pulmonary function testing by persons*  
19 *who are currently employed by Los Angeles County hospitals and*  
20 *have performed pulmonary function testing for at least 15 years.*

21 SEC. 4. 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 the actual cost to the board~~  
19 ~~for developing, purchasing, grading, and administering the~~  
20 ~~examination, not to exceed fifty dollars (\$50).~~ examination.

21 (i) *A hairstylist's initial license fee shall be no more than fifty*  
22 *dollars (\$50).*

23 (i)

24 (j) Notwithstanding Section 163.5 the license renewal  
25 delinquency fee shall be 50 percent of the renewal fee in effect on  
26 the date of renewal.

27 SEC. 5. Section 8593 of the Business and Professions Code is  
28 amended to read:

29 8593. (a) The board shall require as a condition to the renewal  
30 of each operator's and field representative's license that the holder  
31 submit proof satisfactory to the board that ~~he or she has informed~~  
32 ~~himself or herself~~ *they have informed themselves* of developments  
33 in the field of pest control either by completion of courses of  
34 continuing education in pest control approved by the board or  
35 equivalent activity approved by the board. ~~In lieu of submitting~~  
36 ~~that proof, the licenseholder, if he or she so desires, may take and~~  
37 ~~successfully complete an examination given by the board, designed~~  
38 ~~to test his or her knowledge of developments in the field of pest~~  
39 ~~control since the issuance of his or her license.~~

1 (b) The board shall develop a correspondence course or courses  
2 with any educational institution or institutions as it deems  
3 appropriate. This course may be used to fulfill the requirements  
4 of this section. The institution may charge a reasonable fee for  
5 each course.

6 ~~(e) The board may charge a fee for the taking of an examination~~  
7 ~~in each branch of pest control pursuant to this section in an amount~~  
8 ~~sufficient to cover the reasonable regulatory cost of administering~~  
9 ~~each examination.~~

10 SEC. 6. Section 8593.1 of the Business and Professions Code  
11 is amended to read:

12 8593.1. The board shall require as a condition to the renewal  
13 of each applicator's license that the holder thereof submit proof  
14 satisfactory to the board that ~~he or she has~~ *they have* completed  
15 courses of continuing education in pesticide application and use  
16 approved by the board or equivalent activity approved by the board.  
17 ~~In lieu of submitting that proof, the licensholder, if he or she so~~  
18 ~~desires, may successfully apply for and pass an appropriate~~  
19 ~~applicator's examination for renewal of a license given by the~~  
20 ~~board.~~

*Agenda Items*

*No. 4-6*

*No Attachments*