

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD TELECONFERENCE MEETING

MINUTES OF MAY 25, 2021

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Jacquelyn Crabtree
Andrew Drabkin
Tonya Fairley
Derrick Matos

STAFF MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Christie Tran

1. Agenda Item #1, CALL TO ORDER/ ROLL CALL/ ESTABLISHMENT OF QUORUM

Steve Weeks, Board President, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

Mr. Weeks welcomed new Board Member Tonya Fairley. He thanked Ms. Crabtree for accepting to act as Board Mentor to Ms. Fairley to help her learn how the Board operates and about the administrative things centered around the Board.

2. Agenda Item #2, LEGISLATIVE UPDATE, DISCUSSION, AND POSSIBLE ACTION ON PROPOSED BILL:

a. SB 803 (Roth) – Barbering and Cosmetology

Mr. Weeks stated Senate Bill (SB) 803 was introduced by Senator Roth as a result of the Board's Sunset Review process. He asked the representative from the Senate Business and Professions Committee to provide an overview of the bill.

Sarah Mason, Consultant for the Senate Standing Committee on Business, Professions, and Economic Development, provided an overview of the role of the Committee, Sunset Review Oversight process, and SB 803 timeline, changes, provisions, and myths. She noted that SB 803 is not sponsored by corporations but comes directly from the Sunset Review Oversight process.

Ms. Mason stated SB 803 is in the first steps of the legislative process and will continue to take shape throughout the next number of months. The bill language is open for discussion and feedback from valuable industry partners, licensees, and the Board. This

is critical to determining the next steps in the path forward for the Board. She stated appreciation for the Board's partnership in having those conversations and stated she looked forward to working together moving forward.

Mr. Weeks stated the bill has been broken up into meaningful sections in the Bill Analysis to help facilitate the discussion. He asked staff to lead the Board through the Bill Analysis, which was included in the meeting materials.

Kristy Underwood, Executive Officer, reviewed each section of SB 803 in the Bill Analysis.

Board Members provided the following feedback:

Section 7303

- It is a good idea to represent every area of the industry on the Board.
- Agreed. Expanding the Board increases the Board's ability to serve the public, serve on the Disciplinary Review Committee, and provide diverse perspectives.

Section 7313

No Board Member comments were offered.

Section 7314.3

No Board Member comments were offered.

Section 7316

- Retain the scopes of practice for licensees such as cutting hair from a consumer protection and enforcement standpoint. The practices intertwine with each other. Removing certain practices causes more danger than anything.
- Support adding to the scope of practice for estheticians.
- It is important that unlicensed individuals not be part of the salon, even if they only wash hair. It will create safety and enforcement problems.

Section 7320

No Board Member comments were offered.

Section 7331

- Removing a barrier to entry to work in California is a positive change.

Section 7334

- This is a positive change that addresses some of the issues experienced historically with the apprenticeship program.
- Consider who bears the responsibility – the apprentice, the employer, or both.

Section 7337.5

- This section is based on the Board's opinion of Section 7338.

Section 7338

- Retain the practical exam, although it should be updated. It takes away from demonstrating what a person can do with regard to the health and safety of clients. Removing the practical exam is not beneficial to the public.
- Retain the practical exam. It is important for someone to prove they can perform services safely rather than prove that they can regurgitate language.
- Retain the practical exam and weight it as a way to improve the language barrier to help pass rates or make it an alternative way to pass the exam.
- Removing the practical exam creates more of a hurdle to enter into the industry.
- Removing the practical exam will not change the fact that many individuals fail the written exam.
- Demonstrating health and safety does not necessarily mean that individuals comprehend it in language and understanding the force behind it.
- The other side of the coin is that a heavier written exam can be less of a barrier to entry since individuals do not have to wait to take their practical.
- Practical exams are subjective. Verify skills through the schools.
- Design a written exam that gets to the heart of what is trying to be seen in a practical exam.
- Do not ignore that other industries and states are moving away from practical exams. The Board needs to learn what this new era and new written exam might look like.
- California can lead rather than follow and does not necessarily need to do what other states do.

Tracy Montez, Ph.D., Division Chief, Programs and Policy Review, Department of Consumer Affairs (DCA), the testing experts for the Department, affirmed that many of the Board Member comments are concerns that are expressed in many boards. She responded to Board Member comments as follows:

- The Board's focus is on entry-level competence and ensuring that candidates and licensees are aware of California's health and safety protocols.
- Boards are moving away from practical, oral, performance-type exams across the nation because not only are they expensive to administer but they are full of errors.
- Every hurdle or requirement to get licensed needs to be robust. The tendency is to use the exam as the one, catch-all hurdle when every component of the process is important – the training, the schools, and the exam.
- Schools are doing a good job of training candidates. Practical skills learned in school can be assessed through a written exam.
- Written licensing exams are not easy multiple-choice tests. There is a whole methodology based on science of how to develop a good multiple-choice test.

Those questions or items are changing to be scenario-based, where application of knowledge can be tested.

- The DCA would like to assist the Board in developing or working with a vendor to develop a written test that would focus on those critical health and safety issues in more scenario-based-type questions.
- The DCA would ensure that the reading level is appropriate for entry-level students by running checks through licensees.
- Another option is to increase the time for students who may be struggling with taking a test.
- The DCA recommends removing the practical exam, having a more robust but fair written test, and creating a situation where candidates can get through the training, the education, sit through the exam that focuses on health and safety, pass it, and move on into the field.

Section 7347

No Board Member comments were offered.

Section 7353

No Board Member comments were offered.

Sections 7354 – 7357

No Board Member comments were offered.

Section 7362

- Authorize the Executive Officer to work with legislative staff on this section.

Sections 7362.5 – 7365

- The reduction of hours and focused exams for the career choice makes sense.
- Agreed. It would be nice to have a hair-only license.
- It takes approximately ten months to get through school full-time. Is there a way to shorten downtime when students are waiting for the next service?
- Agreed that many hours are spent on things that are irrelevant to students' eventual careers. A hair-only license would focus on one aspect and reduce the required number of hours.
- Safety and sanitation hours can be increased or more detailed.
- The reduction of hours is probably necessary; however, not for the sake of just reducing the hours, but for adding detail for finetuning where those hours are spent in the scope of work. Discussion on that finetuning is necessary.
- Cutting hours by one-third does not mean that school costs will decrease. The state should look into opportunities for schooling without having to go through private postsecondary schools, which are expensive.

- Putting the curriculum into statute will require a legislative process for future changes.
- The breakdown of hours in every section of cosmetology needs further discussion.
- Learn about the experiences of the Texas Cosmetology Board. It is important to look at the Texas model.
- Changes must be made in order to move forward in this industry. Part of that is the reduction of hours but in a way that makes sense and does not cut out necessary curriculum.

Section 7401

No Board Member comments were offered.

Section 7402

No Board Member comments were offered.

Section 7407

No Board Member comments were offered.

Suggested Amendments to SB 803

Mr. Weeks moved that the Board support Senate Bill 803 with amendments.

Ms. Crabtree seconded.

Mr. Weeks asked the Board to make suggested amendments for each section of the bill. Board Members provided the following feedback:

Section 7303

- Extend the Board's sunset date to January 1, 2026.

Section 7313

No amendments were offered.

Section 7314.3

No amendments were offered.

Section 7316

- Maintain the existing statute – no changes to the scope of practice for barbering and cosmetology.
- Support adding to the scope of practice for estheticians, including lash extensions.
- Allow for a hair cutting license with reduced educational hours. Testing to be determined by the Board.

- Delegate to the Executive Officer and legislative staff the authority to determine the areas in statute that will be affected by adding a hair cutting license.
- Maintain lash extensions in the esthetician and cosmetology scopes of practice.
- Establish a hair stylist license at a reduced number of hours with the Executive Officer working with legislative staff to determine the number of hours.

Section 7320

No amendments were offered.

Section 7331

No amendments were offered.

Section 7334

No amendments were offered.

Section 7337.5

No amendments were offered.

Section 7338

- Support the reduction of hours of barbering and cosmetology to 1,000, and authorize the Executive Officer to work with legislative staff to clarify what those hours would consist of and the requirements specifically listed under those sections.
- Include flexibility so the hours could be above 1,000 should the need arise upon review. It is good to have a safety net to include hours for industry trends or other items that may need a few additional hours.

Section 7347

No Board Member comments were offered.

Section 7353

No Board Member comments were offered.

Sections 7354 – 7357

No Board Member comments were offered.

Section 7362

- Authorize the Executive Officer to work with legislative staff on this section.

Sections 7362.5 – 7365

No amendments were offered.

Section 7401

No amendments were offered.

Section 7402

No amendments were offered.

Section 7407

No amendments were offered.

Public Comment

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), stated the PBFC is disappointed that the author ignored the PBFC's input, including creating a hair stylist license, shifting BPPE oversight to the Board, increasing the externship program for students, extending Assembly Bill (AB) 5 protections to manicurists, and going back to aggregate scoring to help pass rates. The PBFC is concerned that the bill is leveraging the sunset of this Board for these rather radical sweeping reforms. A 1,200-hour hair stylist license is a good way to address the barriers to entry concern without reducing the master cosmetologist license.

Wendy Cochran, Founder, California Aesthetic Alliance, and Founder, California Estheticians – Esthetician Advocacy, spoke on behalf of over 6,500 members in support of SB 803, if amended, especially the changes made to the esthetician scope of practice.

Jessica Cantrell-Goldstein, Esthetician and Manicurist, spoke in support of SB 803.

Karie Bennett, Cosmetologist and Salon Owner, asked that hair cutting remain in the scope of practice.

Melissa West Durfey spoke in support of SB 803, if amended.

Jennifer Vartanian, Esthetician, spoke in support of SB 803, if amended.

Claudia, Cosmetologist and Instructor, spoke in support of SB 803, if amended. The speaker spoke against removing the practical exam.

Tori Garcia, Cosmetology Student pending licensure, spoke against removing the practical exam. The speaker spoke in support of a reduction of hours but stated 500 seems like too much.

Alejandro Cuadra, Urban Barber College, stated this is not the right time to make drastic changes in the industry, due to the COVID-19 pandemic.

Tracy Jackson, Small Business Owner, spoke in support of the reduction in the number of hours and the removal of the practical exam.

Tiffany Royes (phonetic), asked for clarification on Section 7334. The speaker asked if the Board will be giving the health and safety course and if it will be online. The speaker spoke against removing the practical exam. The speaker spoke in support of reducing the number of hours.

Jennifer Charm, Salon Owner and Esthetician, spoke in support of SB 803, if amended. The speaker spoke against cutting the practical exam. The speaker spoke in support of reducing the number of hours. Everyone can do post-

educational training. The speaker spoke in support of keeping the industry educated and intelligent.

Ryan, Barber, asked that hair cutting remain in the scope of practice. The speaker stated the language in Section 7347 is confusing and asked if it should state any licensed individual in cosmetology, barbering, etc., because it seems that anyone could own an establishment. The speaker referred to Section 7334 and stated maturity comes with the skill of each trade not necessarily at 16 years of age or 12th grade.

Ashley Storm stated the need to retain the practical exam and to update it to include how to make necessary disinfectants. Having only a written test would limit the individuals who want to be in this field who are often hands-on learners.

Mercedes Hong, Spot Apprentice Academy, spoke against a hair cutting license because there will be too many loopholes such as that it does not stop the individual who gets the hair cutting license from doing other procedures when no one is watching. Also, consumers would not know that they are not licensed to do other procedures. A 39-hour online course will not help the students because they can be distracted and be doing other things simultaneously. It needs to be taught in-person.

Angela Green, Esthetician and Manicurist, spoke in support of SB 803, if amended.

Rachel Galati, Cosmetologist, spoke in support of the expansion of the Board for better representation of the different licenses. The speaker spoke against eliminating the practical exam. The speaker spoke in support of a shorter number of hours, if skin and nail care are separated from hair care. Hair dressers do not do skin or nail care; therefore, training hours are wasted. Hopefully, shorter courses will reduce the cost of training to be more accessible and not require students to seek financial aid. Do not remove regulations on hair cutting. California has always upheld the highest license standards. Out-of-state licensees should meet those standards. Comparing hours to other vocational license programs that should require more hours is not a good argument to reduce training.

Kevin Henkel, Employer, spoke in support of reducing the number of hours for licensing. True skill training happens more on-the-job.

Kellie Swallow, Esthetician, Instructor, and Establishment Owner, spoke in support of SB 803, if amended, to support the change in the esthetician scope of practice. The speaker strongly opposed removing hair cutting and styling from licensure. The speaker spoke against removing the practical exam. They gave the example that reading about how to drive a car is completely different than driving a car. The speaker suggested focusing on improving and expanding the education in both schools and continuing education and not be regulating and devaluing education or licenses.

Omar Monzon, Owner, Master Academy, and Barber, spoke against removing the practical exam. Updating and improving it is a better idea. Maintaining licensed hair cutting and hair styling is a crucial part of this industry.

Lila Castellanos, Small Business Owner and Esthetician, spoke in support of SB 803, if amended.

Mikel Robles, San Bernardino Cuts Apprenticeship Barbering and Cosmetology Academy, spoke in opposition to SB 803. One of the reasons is there is no requirement to disinfect mobile units. The speaker asked, if the state will take over the 39 hours of training, who will take over the RSI hours that are put in place by the Department. The speaker asked about apprentices who are currently in school. There is a less expensive way to get these students jobs. The speaker asked for clarification on Section 7334. He asked about grandfathering in to a postsecondary facility to educate existing apprenticeship programs.

Fernando Lynn, Owner, Learning Institute of Southern California, and Barber, agreed with some of the amendments to SB 803 suggested by the Board. The speaker spoke against removing hair cutting from the scope of practice. The speaker spoke in support of the reduced hours for schooling; although, it might be catastrophic for some schools. The speaker disagreed with a previous comment that barbers do not specialize in skin care. The speaker's academy has graduated several barbers who have specialized in skin care. Also, mobile units will take away resources. The speaker spoke against the removal of the practical exam.

Roxanna Sanchez, Cosmetology and Barbering Instructor, spoke in opposition to SB 803. More than just lashes need to be included in the esthetician license. They do more services than that that need to be integrated into their licenses. The speaker spoke against the removal of the practical exam. This is a hands-on career. That aspect needs to be checked. The speaker spoke against removing hair cutting and styling from the barbering and cosmetology scope of practice. The speaker spoke against the reduction of hours. This needs to be double-checked. The drastic change of hours will diminish the standards of education.

Patrick Thompson, President, Aveda Institute – Los Angeles, spoke in strong opposition to SB 803. The speaker stated they might support a 1,000-hour hair stylist license but that is not in the bill. The speaker stated the bill in its current form creates four unintended consequences:

- It will foreclose students from pursuing salon ownership directly out of cosmetology school and leave students seeking to open their own businesses unprepared for success in their career.
- It will increase the training burden on small businesses already struggling to recover from the devastating impacts of the COVID-19 pandemic, particularly those smaller salons that now have to pick up the additional training hours.
- It will increase the debt burden on students and reduce the amount of grant dollars available to those most truly in need.

- It will benefit large-chain salon corporations and their franchisees instead of small and independent business operators.

Christy, Esthetician, spoke in support of SB 803, if amended.

Ron Chamberlain, Salon Owner, spoke in support of SB 803 and the reduction of hours to help get stylists to work. The speaker spoke in support of the removal of the practical exam and to only have a written exam. Technology will allow testing to be done efficiently.

Amanda Reuther, Cosmetologist and Establishment Owner, spoke in support of SB 803, if amended regarding the deregulation of hair cutting for barbering and cosmetology. This would negatively impact consumer safety.

Allison Metchikoff, Instructor, Cosmetologist, and Barber, spoke in opposition to SB 803 without modifications. Modifications are required for Section 7316 and the scope of practice for cosmetologists. If hair cutting and styling are removed, consumers and licensees will be harmed. Standards should remain high. The speaker also opposed the removal of the pre-application process, which would cause students to wait months for exams. This inhibits students from entering the workforce. The speaker also opposed Section 7338. The practical exam is vital to the success of ESL students and vital to consumer safety as well as the safety of licensed professionals.

Dolores, Barber and Cosmetologist, Educator, spoke in opposition to SB 803 because it deregulates everything and destroys the industry.

Alicia Orabella, Cosmetologist, Salon Owner, and Founder of #probeautyinside, spoke in support of SB 803, if amended. The speaker stated removing hair cutting and styling from barbering and cosmetology is risky. Where is consumer protection without licensure? The speaker spoke in support of the new scope of practice for estheticians and a hair-styling license. Removing the practical exam is long overdue. It does not represent simple safety or competency. If individuals cannot explain in writing what they are doing, perhaps they should not be doing it.

Cynthia James, Cosmetologist and Community College Cosmetology Instructor, agreed with the increased scope of practice for estheticians. With a limited license in hair cutting or styling, how will consumers differentiate between full cosmetology licenses versus limited licenses? It will be more of a barrier to cosmetologists to parse out licensing instead of preparing them to work fully in the field as they desire. Having to return to school to expand opportunities is also a barrier. The Legislature may better serve the industry by investing in students who want to attend school and ensuring that schools comply with adequate training standards versus teaching to the test. Reducing hours may also have a backlash with newly-licensed stylists not working in the field as they feel they are ill-prepared to work independently in a salon if they cannot secure a job in a salon with additional training and support. The speaker disagreed with eliminating the practical exam. Having experts examining procedures for consumer safety and correct application should never be discarded. The equity

gap could be bridged with grants, paying students while they are in school, and creating pipelines from schools to salon placement.

Z. H., Cosmetologist and Instructor, agreed with some of what is proposed in the bill and totally disagreed with other aspects of the bill. Estheticians definitely need to be leveled-up. It is not smart to remove a practical exam from a hands-on industry. Changing hours is a good idea to ensure individuals can get out in the field sooner. The speaker stated they got their cosmetology education for less than \$10,000 and now teaches at institutions that charge \$40,000 for the same training. The speaker suggested looking at schools, how students are being trained, and ensuring that students are charged properly. Removing hair cutting makes no sense since that is the industry. Focus on education to ensure that individuals are competent in this field for a higher standard.

Linda Lamb, Educator, ASEL Beauty College, spoke in opposition to SB 803. The speaker suggested creating a 1,100-hour hair stylist license but retaining the full cosmetology license as an option for students who want to do the full scope of practice. The speaker spoke in opposition to removing the practical exam. It is vital to focus on putting good licensed professionals out in the field. Eliminating the practical exam poses a danger. The written test should be updated to make it a health and safety, communicable disease, and business administration test. Give responsibility to schools to test on hair coloring, waving, cutting, and styling.

Summary of Suggested Amendments to SB 803

Section 7303

- Extend the Board's sunset date to January 1, 2026.

Section 7316

- Maintain the existing statute – no changes to the scope of practice for barbering and cosmetology.
- Support adding to the scope of practice for estheticians, including lash extensions.
- Allow for a hair cutting license with reduced educational hours. Testing to be determined by the Board.
 - Delegate to the Executive Officer and legislative staff the authority to determine the areas in statute that will be affected by adding a hair cutting license.
- Maintain lash extensions in the esthetician and cosmetology scopes of practice.
- Establish a hair stylist license at a reduced number of hours with the Executive Officer working with legislative staff to determine the number of hours.

Section 7338

- Support the reduction of hours of barbering and cosmetology to 1,000, and authorize the Executive Officer to work with legislative staff to clarify what those

hours would consist of and the requirements specifically listed under those sections.

- Include flexibility so the hours could be above 1,000 should the need arise upon review. It is good to have a safety net to include hours for industry trends or other items that may need a few additional hours.

Section 7362

- Authorize the Executive Officer to work on this language.

MOTION: Mr. Weeks moved that the Board support Senate Bill 803 with amendments as discussed. Ms. Crabtree seconded. Motion carried 5 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Fairley, Matos, Pham, and Weeks.

3. Agenda Item #3, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Rachel Galati asked about COVID-19 guidelines for reopening June 15th for the state of California.

Ms. Underwood stated guidelines are anticipated and will be posted to the website and Facebook page when they are received.

Omar Monzon asked what would happen if the author’s office does not choose to work with staff on the recommended changes to SB 803.

Tiffany Roys asked when Section 7334 will be clarified.

4. Agenda Item #4, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:00 p.m.