

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD TELECONFERENCE MEETING

MINUTES OF JULY 26, 2021

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Jacquelyn Crabtree
Megan Ellis
Tonya Fairley
Christie Tran

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

Derick Matos

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.

2. Agenda Item #2, BOARD PRESIDENT'S OPENING REMARKS

Mr. Weeks welcomed new Board Member Megan Ellis. He thanked Ms. Pham for accepting the role of Board Mentor to Ms. Ellis to help her learn how the Board operates.

Mr. Weeks stated the Disciplinary Review Committee has a backlog of hundreds of cases. COVID-19 restrictions may cause rescheduling or cancellation of dates.

3. Agenda Item #3, BOARD MEMBER REMARKS

Board Members welcomed Ms. Ellis to the Board.

4. Agenda Item #4, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES FOR THE FOLLOWING DATES:

- **April 26, 2021**
- **May 25, 2021**
- **June 4, 2021**

MOTION: Ms. Crabtree moved to approve the April 26, 2021, May 25, 2021, and June 4, 2021, California State Board of Barbering and Cosmetology Meeting Minutes as presented. Ms. Pham seconded. Motion carried 5 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

5. Agenda Item #5, EXECUTIVE OFFICER’S REPORT

- **Licensing Statistics**
- **Examination Statistics**
- **Disciplinary Review Committee Statistics**
- **Enforcement Statistics**
- **Budget Updates**
- **Outreach Updates**
- **Practice Status Survey Results**

Kristy Underwood, Executive Officer, asked Carrie Holmes to say a few words.

Carrie Holmes, Deputy Director of Board and Bureau Relations, Department of Consumer Affairs (DCA), congratulated Ms. Ellis on her appointment to the Board and thanked her for her willingness to serve. She also welcomed Ms. Fairley to the Board. She noted that there are two public vacancies remaining on the Board to be appointed by the Governor. She asked members of the public who are interested in serving on the Board to go to the Board Member Resources link on DCA’s homepage to apply for an appointment. She thanked Board Members for their service to California’s consumers.

Ms. Underwood summarized upcoming out-of-state travel opportunities for the Board:

- Ms. Underwood has been invited to participate in the National Association of Barber Boards Annual Conference in September.
- Ms. Underwood has been invited to the Executive Officers of Barbering and Cosmetology Boards Summit in September.
- Ms. Underwood has been invited to participate in the Council of State Governments Advisory Committee in October.

Ms. Underwood reviewed the statistics and update reports, which were included in the meeting packet. She noted that translation guides for the exam are available on the website, but students may not know to look there. Staff has implemented the process to attach the translation guides to student admittance letters for students who have requested the exam in a language other than English in an effort to improve exam pass rates.

Questions and Discussion

Mr. Weeks asked if staff anticipates additional funds being spent that might eat into the reserve. Ms. Underwood stated the Board will purchase new cars this year. Also, now that the Board is almost fully staffed, decreased salary savings will impact the budget.

Mr. Weeks asked for an update on charging renewal fees. Ms. Underwood stated the governor waived fees for two years.

Ms. Pham asked for an update on scheduling practical exams. Ms. Underwood stated just under 2,000 individuals are waiting to be scheduled, which is normal. Exam sites are now back at full capacity.

6. Agenda Item #6, LEGISLATIVE UPDATE, DISCUSSION, AND POSSIBLE ACTION ON PROPOSED BILLS:

Ms. Underwood summarized the Bill Analysis, which was included in the meeting packet, for the following bills:

a. AB 29 (Cooper) – State bodies: meetings

This bill does not appear to be moving. The Board has taken a watch position on this bill. No action is recommended.

b. AB 107 (Salas) – Licensure: veterans and military spouses

The Board has taken a watch position on this bill. No action is recommended.

c. AB 231 (Nguyen) – Worker classification: licensed manicurists

The Board has taken a support position on this bill. No action is recommended.

d. AB 492 (Patterson) – Cosmetology students: externships

The Board has taken an oppose position on this bill. No action is recommended.

e. SB 607 (Min and Roth) – Professions and vocations

Staff recommends a support position on this bill.

MOTION: Ms. Crabtree moved that the Board take a support position on Senate Bill 607. Ms. Pham seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

f. SB 803 (Roth) – Barbering and Cosmetology

This bill was amended on July 15th in the Assembly. The Board has taken a support if amended position on this bill. The Board’s recommended amendments were as follows:

- Remove the strikeouts of the scope of practice on barbering and cosmetology to place back in the scope of practice as it was prior to the bill originally being proposed.
- Include lash extensions in the skin care scope of practice.
- Establish a hair-only license.
- Extend the Board’s sunset date.

The bill was amended on July 15th. The amendments restored the current scopes of practice to barbering and cosmetology, corrected “applying eyelashes to any person,” established a hair-only license requiring 600 hours of education, restored the phrase “not less than” on the 1,000 requirements, added language about the extern bill to allow externs to be paid, and extended the sunset date for the Board to January 1, 2027.

Concerns: Section 7317 must be changed. It currently states anyone receiving compensation in a salon must be licensed. The externship language in SB 803 allows students participating in an externship program in an approved school to be paid.

Questions and Discussion

Mr. Weeks thanked Senate and Assembly Members for accepting all the Board's suggested amendments.

Ms. Crabtree stated concern about the externship language. She stated she is not comfortable with individuals being paid in a salon who are unlicensed.

Ms. Underwood stated externs are required to have complete supervision. She noted that externs can provide services that clients will pay for. The extern is required to have school identification on them. She noted that the Board does not track externs since it is an agreement between the salons and the schools, but the Board tracks the schools that participate in the program.

Ms. Fairley asked who is responsible for the extern.

Ms. Underwood stated that is between the salon and the school. The Board ultimately holds the establishment responsible for consumer safety.

Ms. Crabtree suggested supporting SB 803 with amendments to the language on externships to give the Board more control. She asked for an amendment to remove the Number 5 externship language that was just added from SB 803.

Ms. Fairley stated students have two months of schooling prior to working in a salon. They receive 250 hours of base training and then they receive on-the-job training from a licensed professional. She suggested that there be an option to pay externs. The idea is for the schools to give externs the training that is needed so students can get into the workforce sooner.

Ms. Crabtree stated the issue is the DRC sees many cases of individuals working without supervision. She acknowledged that Ms. Fairley implements her apprenticeship program correctly, but there are many salons that do not.

Ms. Tran made a motion to remove the proposed 600-hour hair-cutting license, place cosmetology at 1,500 hours and barbering at 1,200 hours, and preserve the practical examination. This bill unfairly singles out hair licensing and undermines education and training.

Sabina Knight, Board Legal Counsel, stated the need to address the Outstanding Issues on page 2 of the Staff Analysis in any motion.

Ms. Underwood stated Section 7395.1, beginning on Line 19 on page 21 of the bill, changes the minimum number of hours that must be completed before students can participate in the extern program from 60 percent of a 1,600-hour course or 960 hours, to 25 percent of a 1,000-hour course or 250 hours.

Mr. Weeks stated there are two questions in this section: the percent of clock hours required and whether externs should be paid.

Ms. Fairley stated paying externs should be an option since they are unlicensed. Apprentices have done the additional work to get the license to work on clients. She agreed with 25 percent of the clock hours.

Ms. Crabtree suggested more clock hours since the hours have been cut from 1,600 to 1,000. She stated externs should not be paid.

Mr. Weeks suggested increasing the clock hours to 500 hours.

Ms. Crabtree agreed.

Ms. Pham questioned whether all the health and safety curriculum is covered within the first 250 hours of instruction. She agreed with increasing the percent to 50 percent of the clock hours.

Ms. Fairley agreed.

Ms. Underwood asked for discussion on whether externs should be paid or not.

Ms. Crabtree stated externs should not be paid. Cutting the hours helps the barrier to entry issue but consumers need protection. She stated concern that externship situations will be taken advantage of, as seen in the past.

Ms. Fairley stated the issue of paying externs should be left up to the establishment and the school.

Mr. Weeks suggested taking a stance one way or the other. Leaving it as an option creates confusion. He stated he favors some sort of payment.

Ms. Underwood suggested changing the language to include identification of the student, trainer(s), and salon. She suggested that salons register their students and trainers with the Board so the Board can track that information for student and consumer safety. It is important that students are not abused and do not become free or cheap labor in salons.

Mr. Weeks agreed that it is necessary for the Board and Board inspectors to have this information for public safety.

Ms. Fairley stated allowing salons to host unpaid externs opens the door for establishments to help with the gateway of someone getting into a salon.

Mr. Weeks stated the historical precedence of college interns/externs being paid for their summer work while others are not and still others are given credit against their tuition or their school hours.

Ms. Pham stated, if students are identified and tracked, it is acceptable for externs to be paid.

Mr. Weeks referred to Line 23 and stated striking out the word "unpaid" gives establishments the option to pay or not pay externs.

Ms. Fairley stated the proposed hours on Line 26 are comparable to the apprenticeship program.

Ms. Crabtree stated she felt that externs will be abused, including their hours worked in a salon. She stated concern about individuals working on hair that are not equipped.

Mr. Weeks asked Ms. Crabtree if she is worried that the work experience will run ahead of their educational experience and that students may not be qualified for some of the work they do.

Ms. Crabtree agreed and stated she is worried that this will turn into more cheap labor and that it will lower industry standards. Students should be set up for success. On-the-job training is wonderful, but it should not be abused.

Mr. Weeks asked if Ms. Crabtree would feel better by changing the number of required hours to 500, which would change the proposed 25 percent to 50 percent.

Ms. Crabtree agreed.

Mr. Weeks asked if 25 hours per week is asking too much of students.

Ms. Fairley stated the apprenticeship program requires a minimum of 32 hours per week. The difference is externs are getting their education in a classroom setting while apprentices have one day of instruction per week and spend the rest of their time in the salon. Externs working 25 hours per week is appropriate given that they have formal educational hours behind it.

Ms. Underwood stated the concern that SB 803 only addresses cosmetology but not the barbering externship program.

Ms. Knight summarized the discussion:

- Add the barbering externship program.
- Add some way to register externs.
- For subsection (a), students need to complete 500 hours or 50 percent of their schooling before going into a salon as an extern.
- For subsection (b), Board Members agreed with the proposed language that students shall not exceed 25 hours per week, not to exceed 250 hours, which will be applied to their 1,000-hour course.
- The Board approves the strikeout of the word “unpaid” extern.

Ms. Pham moved the language summarized by Ms. Knight.

Ms. Fairley seconded.

Public Comment

Wendy Cochran, California Aesthetic Alliance, stated hair-only with no chemicals does not make an individual competitive on a national level for that compact license. The speaker asked for equitable treatment of all license types. The externship language does not include aesthetics, manicuring, or electrology. Externships take positions away from new licensees.

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), stated the real concern is the 600-hour hair-cutting-only license. It is not a lifelong career if it is limited to merely hair-cutting without chemicals or coloring. A high percentage of cosmetologists only want to do hair, but they want to offer all hair services, not just cutting. The PBFC supported a hair stylist license to address the barriers to entry concern by legislators; unfortunately, legislators cut the hours to cosmetology and barbering and created their own form of a limited hair-cutting license without industry input. The speaker suggested striking the

600-hour non-serious career pathway program and considering addressing a 1,000-hour master license – cosmetology. 1,000 hours is too low and will undermine the professionalism and safety of the next generation of licensed professionals. The PBFC is willing to drop cosmetology hours to the national average of 1,500 hours and barbering to 1,200 hours. The speaker spoke in support of preserving the practical exam. Hands-on competencies are needed. Removing the practical exam will remove that attention during schooling.

R. Ramirez asked a question in the chat section about when this bill will take effect. Ms. Underwood stated the effective date of this bill is January 1, 2022.

Alicia Orabella agreed with Wendy Cochran's comments. The speaker stated concern about the hair-only license. Lowering the cosmetology hours to 1,000 is a move in the right direction; however, proposing a 600-hour hair-cutting license is too limited. In order to make it viable, it must include coloring, perming, relaxing, and all chemical services. The speaker stated by homing in on health and safety and making it more user-friendly and by freeing up unnecessary hours, it is possible to learn cutting, styling, perming, and relaxing at a basic competency level. The proposed hair-only license does not benefit the industry by simply providing a license to cut and style.

Chris Tellis, Owner, California College of Barbering and Cosmetology, stated concern that school owners have not received formal notification about this legislation that greatly affects the industry. Schools have set up a meeting with the legislator to discuss amendments. The speaker suggested that the Board table a vote on this bill until these further amendments are made.

Seth Caplan, Owner, CR'U Institute of Cosmetology and Barbering, agreed with the previous speaker that schools have strenuously been trying to be a part of this but tend to be blocked at every junction. The proposed 600-hour hair-cutting course will lead to a tremendous amount of abuse including the possibility of pop-up schools that try to sell hours and students who are taken advantage of. Chains and corporations were first to support this bill because they have been proposing this for a long time in an effort to cheapen this industry and to fill their shops with these individuals because they do not pay enough. The speaker stated their students pass the exam and make good livings. There is no issue here. It is as if the Legislature is trying to fix something that is not broken. The speaker agreed with changes to improve curriculum or to lessen hours but sweeping changes without industry input seem disingenuous.

Omar Monzon, Owner, Master Academy, agreed with the last two speakers. The speaker stated concern that schools were not contacted to provide their input on this bill. The speaker spoke in opposition to the proposed 600-hour hair-only license.

Jaime Schrabek, Ph.D., Owner, Precision Nails, stated concern about the externship program in that there is confusion between apprentices and externs. The speaker agreed with the proposal to strike this from this bill entirely. It needs to be addressed separately. Not only does the Board not know who is participating in this program as a student, but it does not know which salons are

participating. Only salons that have four or more employees can participate is limiting and is difficult to validate. An extern program is limiting and does not give other license types the opportunity to pursue this option.

Rosanna Sanchez stated barbering and cosmetology teachers of California have been discussing this bill and objects to this bill in many ways. One is the reduction of cosmetology hours. This will not allow proper instruction time for the curriculum. The reduction of barbering hours is a minimum. Barbering students need to practice health and safety requirements and the protection of clients. The 600-hour hair-only license does not make sense. This will not help students be well-prepared in health and safety and the skills necessary for the trade.

Demi stated the statistics given during the Executive Officer's Report show that there is a need for a structured program with more than 1,000 hours. This will not set students up for success. A 600-hour license is not going to warrant the time and education that these students need to pass the competency test and is also not setting students up for success.

Yolanda Duran, School Owner, Licensed Manicurist, and Licensed Cosmetologist, spoke in opposition to the 600-hour hair-cutting license. The speaker stated the need to see what is really going on with the externship program.

MOTION: Ms. Pham moved to support SB 803, with the following amendments:

- Add the barbering externship program.
- Add some way to register externs.
- For subsection (a), students need to complete 500 hours or 50 percent of their schooling before going into a salon as an extern.
- For subsection (b), Board Members agreed with the proposed language that students shall not exceed 25 hours per week, not to exceed 250 hours, which will be applied to their 1,000-hour course.
- The Board approves the strikeout of the word "unpaid" extern.

Ms. Fairley seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Ellis, Fairley, Pham, Tran, and Weeks.

7. Agenda Item #7, REGULATION STATUS UPDATE

- a. **Rulemaking Proposal to Amend Title 16, California Code of Regulations (CCR) sections 900, 965.2, 998 (Personal Service Permit)**
- b. **Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)**

- c. **Rulemaking Proposal to Amend Title 16, CCR, section 950.10 (Transfer of Credit or Training)**
- d. **Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)**
- e. **Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)**
- f. **Rulemaking Proposal to Amend Title 16, CCR sections 970 and 971 (Substantial Relationship Criteria, Criteria for Rehabilitation)**
- g. **Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)**
- h. **Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)**

Ms. Underwood stated the Office of Administrative Law will give the final approved regulations for the Personal Service Permit (PSP) today. The PSP will go into effect on October 1, 2021. The Disciplinary Review Committee and the Externship Regulations are delayed until SB 803 is finalized. She reviewed the Staff Memo on the regulation updates for the above rulemaking packages, which was included in the meeting packet.

8. Agenda Item #8, DISCUSSION AND POSSIBLE ACTION TO AMEND OR ADOPT CHANGES TO TITLE 16, CCR SECTIONS 962, 962.1, AND 962.2 (EXTERNS)

This item was discussed in Agenda Item 6, above.

9. Agenda Item #9, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Dr. Schrabec pointed out that AB 1561 would exempt manicurists from the AB 5 restrictions that would otherwise apply to independent contractors through 2025. The speaker suggested including this bill in the Legislative Status Update for support or opposition by the Board.

10. Agenda Item #10, SUGGESTIONS FOR FUTURE AGENDA ITEMS

No future agenda items were offered.

11. Agenda Item #11, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:30 a.m.