

**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.