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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 10. Barbering and Cosmetology [7301 - 7426.5] (*Chapter 10 repealed and added by Stats. 1990, Ch. 1672, Sec. 3.)*

ARTICLE 2. Application of Chapter [7316 - 7320.5] (*Article 2 added by Stats. 1990, Ch. 1672, Sec. 3.)*

7316. (a) The practice of barbering is all or any combination of the following practices:

- (1) Shaving or trimming the beard or cutting the hair.
- (2) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.
- (3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.
- (4) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.
- (5) Hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling.

(b) The practice of cosmetology is all or any combination of the following practices:

- (1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means the hair of any person.
- (2) Massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- (3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- (4) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.
- (5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person.
- (6) Massaging, cleansing, treating, or beautifying the hands or feet of any person.
- (7) Tinting and perming of the eyelashes and brows, or applying eyelashes to any person.

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

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

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

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

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

(e) The practice of barbering, the practice of cosmetology, and the practice of hairstyling do not include any of the following:

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

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

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

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

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

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

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

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

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

(Amended by Stats. 2022, Ch. 527, Sec. 1. (AB 2196) Effective January 1, 2023.)

7317. Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board, unless the person is participating in an externship program from an approved school, or in an establishment or mobile unit other than one licensed by the board, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are licensed. Any violation of this section is subject to an administrative fine and may be subject to a misdemeanor.

(Amended by Stats. 2022, Ch. 527, Sec. 2. (AB 2196) Effective January 1, 2023.)

7318. This chapter does not prohibit the administration of any practice subject to this chapter outside of a licensed establishment, when necessary due to the illness or other physical or mental incapacitation of the recipient of the service, and when performed by a licensee obtained for the purpose from a licensed establishment.

(Added by Stats. 1990, Ch. 1672, Sec. 3. Operative July 1, 1992, by Sec. 10 of Ch. 1672.)

7319. The following persons are exempt from this chapter:

(a) All persons authorized by the laws of this state to practice medicine, surgery, dentistry, pharmacy, osteopathic medicine, chiropractic, naturopathy, podiatry, or nursing and acting within the scope of practice for which they are licensed.

(b) Commissioned officers of the United States Army, Navy, Air Force, Marine Corps, members of the United States Public Health Service, and attendants attached to those services when engaged in the actual performance of their official duties.

(c) Persons employed to render barbering, cosmetology, or electrolysis services in the course of and incidental to the business of employers engaged in the theatrical, radio, television or motion picture production industry.

(d) Persons engaged in any practice within its scope when done outside of a licensed establishment, without compensation.

(e) Persons engaged in the administration of hair, skin, or nail products for the exclusive purpose of recommending, demonstrating, or selling those products.

(f) Persons who render barbering or cosmetology services in an institutional program during the course of and incidental to the incarceration or confinement of inmates, prisoners, or persons charged with a crime. However, all of the following conditions shall apply:

(1) Those persons shall complete a barbering training course, developed by the Department of Corrections and approved by the Department of Consumer Affairs, in the proper care of instruments and the prevention of infectious diseases.

(2) Those persons shall successfully pass an examination, developed and administered by the Department of Corrections, on the proper care of instruments and the prevention of infectious diseases.

(3) All barbering facilities located in correctional institutions shall be subject to all appropriate health and safety sanitation standards, as determined by the Department of Corrections.

(Amended by Stats. 1998, Ch. 410, Sec. 1. Effective January 1, 1999.)

7319.5. Students engaged in performing services on the public while enrolled in a school approved by the board shall not be required to be licensed under this chapter if they perform those services at the approved school in which they are enrolled.

(Amended by Stats. 2003, Ch. 788, Sec. 13. Effective January 1, 2004.)

7319.7. (a) A licensee or an applicant for licensure who completes the physical and sexual abuse awareness training covered by the health and safety course required by Section 7389, and his or her employer, shall not be required to act on information obtained during the course of employment concerning potential physical and sexual abuse unless otherwise required by law.

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

(Added by Stats. 2017, Ch. 312, Sec. 4. (AB 326) Effective January 1, 2018. Section operative July 1, 2019, by its own provisions.)

7320. (a) This chapter confers no authority to practice medicine or surgery. The practice of medicine shall not be performed by, or offered by, a licensee under this chapter without being authorized and licensed to perform that act pursuant to a license obtained in accordance with some other provision of law.

(b) Nothing in this chapter shall be interpreted to grant any privileges reserved for persons certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2.

(Amended by Stats. 2021, Ch. 648, Sec. 7. (SB 803) Effective January 1, 2022.)

7320.1. When providing a manicure or pedicure, no metal instruments shall be used except those metal instruments necessary for the cutting, trimming, manicuring, or pedicuring of nails or cuticles or for the smoothing and massaging of the hands and feet.

(Amended by Stats. 2010, Ch. 415, Sec. 26. (SB 1491) Effective January 1, 2011.)

7320.2. Any licensee who uses an X-ray appliance, apparatus or machine in the treatment of any human being or for the purpose of or with the intent to remove superfluous hair from the face or body of any human being, or who applies to any human being a solution of phenol greater than 10 percent, or corrosive sublimate (mercury) or any of its preparations, derivatives, or compounds in a solution greater than one in five hundred, is guilty of a misdemeanor.

(Added by Stats. 1990, Ch. 1672, Sec. 3. Operative July 1, 1992, by Sec. 10 of Ch. 1672.)

7320.3. Persons who are not licensed to perform all of the practices of a cosmetologist may not represent themselves as a cosmetologist.

(Added by Stats. 1990, Ch. 1672, Sec. 3. Operative July 1, 1992, by Sec. 10 of Ch. 1672.)

7320.4. Persons who are not licensed as barbers in this state may not represent themselves as barbers.

(Added by Stats. 1990, Ch. 1672, Sec. 3. Operative July 1, 1992, by Sec. 10 of Ch. 1672.)

7320.5. Any licensee who uses a laser in the treatment of any human being is guilty of a misdemeanor.

(Added by Stats. 2006, Ch. 253, Sec. 3. Effective January 1, 2007.)