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**AB-326 State Board of Barbering and Cosmetology: physical and sexual abuse awareness training.**  
(2017-2018)

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**Assembly Bill No. 326**

**CHAPTER 312**

An act to amend, repeal, and add Sections 7314.3 and 7389 of, and to add Sections 7314.5 and 7319.7 to, the Business and Professions Code, relating to professions and vocations.

[ Approved by Governor September 27, 2017. Filed with Secretary of State September 27, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 326, Salas. State Board of Barbering and Cosmetology: physical and sexual abuse awareness training.

Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology for the licensure and regulation of barbers, cosmetologists, estheticians, manicurists, electrologists, and apprentices. Existing law requires the board to carry out a list of duties, including making rules and regulations, conducting and administering license examinations, issuing licenses to qualified applicants, and disciplining persons who violate the act. Existing law requires the board to admit to a licensing examination an applicant who meets certain qualifications, including having completed one or more approved courses, as specified. Existing law requires the board to determine by regulation the required subjects of instruction to be completed in all approved courses.

Existing law requires the board to develop or adopt a health and safety course on hazardous substances which is required to be taught in schools approved by the board. Existing law, commencing July 1, 2017, requires the health and safety course to additionally cover basic labor laws.

This bill, commencing July 1, 2019, would require the health and safety course to additionally cover physical and sexual abuse awareness.

This bill would authorize the board to promote physical and sexual abuse awareness, as specified, by means of mail, television, radio, motion picture, newspaper, book, Internet, or other electronic communication.

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. Existing law, commencing July 1, 2017, requires the committee's advice and recommendation to be on health and safety issues before the board that impact licensees, including how to ensure licensees are aware of basic labor laws, as specified.

This bill, commencing July 1, 2019, would require the committee's advice and recommendation to additionally include how to ensure licensees have awareness about physical and sexual abuse, as specified, their clients may be experiencing.

Existing law imposes criminal and civil liability on certain professionals, including child care providers, clergy, educators, law enforcement, and medical professionals, for the failure to report child abuse. Existing law requires any person who reasonably

believes that he or she has observed the commission of specified violent crimes against a victim under 14 years of age to notify a peace officer, as defined.

This bill, commencing July 1, 2019, would specify that licensed barbers, cosmetologists, estheticians, manicurists, electrologists, and applicants for licensure who complete the physical and sexual abuse awareness training covered by the health and safety course, and their employers, are not required to act on information obtained during the course of employment concerning potential physical and sexual abuse unless otherwise required by law.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 7314.3 of the Business and Professions Code, as amended by Section 3 of Chapter 409 of the Statutes of 2016, is amended to read:

**7314.3.** (a) The board shall 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. Basic labor laws include, but are not limited to, all of the following:

- (1) Key differences between the legal rights, benefits, and obligations of an employee and an independent contractor.
- (2) Wage and hour rights of an hourly employee.
- (3) Antidiscrimination laws relating to the use of a particular language in the workplace.
- (4) Antiretaliation laws relating to a worker's right to file complaints with the Department of Industrial Relations.
- (5) How to obtain more information about state and federal labor laws.

(b) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed.

**SEC. 2.** Section 7314.3 is added to the Business and Professions Code, to read:

**7314.3.** (a) The board shall 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.

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

- (1) Key differences between the legal rights, benefits, and obligations of an employee and an independent contractor.
- (2) Wage and hour rights of an hourly employee.
- (3) Antidiscrimination laws relating to the use of a particular language in the workplace.
- (4) Antiretaliation laws relating to a worker's right to file complaints with the Department of Industrial Relations.
- (5) How to obtain more information about state and federal labor laws.

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

- (1) Domestic violence.
- (2) Sexual assault.
- (3) Human trafficking.
- (4) Elder abuse.

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

**SEC. 3.** Section 7314.5 is added to the Business and Professions Code, to read:

**7314.5.** (a) The board may promote awareness of physical and sexual abuse by means of mail, television, radio, motion picture, newspaper, book, Internet, or other electronic communication.

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

- (1) Domestic violence.
- (2) Sexual assault.
- (3) Human trafficking.
- (4) Elder abuse.

**SEC. 4.** Section 7319.7 is added to the Business and Professions Code, to read:

**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.

**SEC. 5.** Section 7389 of the Business and Professions Code, as amended by Section 6 of Chapter 409 of the Statutes of 2016, is amended to read:

**7389.** (a) The board shall develop or adopt a health and safety course on hazardous substances and basic labor laws, as specified in Section 7314.3, which shall be taught in schools approved by the board. Course development shall include pilot testing of the course and training classes to prepare instructors to effectively use the course.

(b) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed.

**SEC. 6.** Section 7389 is added to the Business and Professions Code, to read:

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

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