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**SB-606 Professions and vocations.** (2019-2020)

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**Senate Bill No. 606**

**CHAPTER 375**

An act to amend Sections 2847.1, 2847.3, 7303, 7602, 7646, and 7650 of the Business and Professions Code, relating to professions and vocations.

[ Approved by Governor September 27, 2019. Filed with Secretary of State September 27, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 606, Glazer. Professions and vocations.

(1) Existing law, until January 1, 2021, establishes the Board of Vocational Nursing and Psychiatric Technicians to license and regulate vocational nurses and psychiatric technicians. Existing law, before January 1, 2018, requires the board to select an executive officer to perform duties delegated by the board. Existing law, commencing January 1, 2018, requires the Governor rather than the board to appoint an executive officer and, commencing January 1, 2020, requires the executive officer to again be appointed by the board.

This bill would extend the operation of the provisions requiring the Governor rather than the board to appoint an executive officer to January 1, 2021.

(2) The Barbering and Cosmetology Act provides for the licensure and regulation of the practice of barbering and cosmetology by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Existing law authorizes the board to appoint an executive officer. Existing law repeals those provisions on January 1, 2020.

This bill would extend the operation of those provisions to January 1, 2021.

(3) The Cemetery and Funeral Act provides for the licensure and regulation of cemeteries, crematories, funeral establishments, and their personnel, including embalmers, by the Cemetery and Funeral Bureau, which is within the Department of Consumer Affairs. The act makes the bureau's powers and duties, as set forth in this act, subject to review by the appropriate policy committees of the Legislature as if the act's provisions are scheduled to be repealed on January 1, 2020. The act requires the bureau to require an applicant for licensure as an embalmer to pass 2 examinations. The act authorized an applicant who previously failed the examination administered by the bureau prior to January 1, 2010, to retake the examination until June 30, 2010. That act also authorizes the bureau, from time to time, to examine the requirements for the licensure of embalmers in other states, as specified.

This bill would make the board's powers and duties subject to review as if the act's provisions are scheduled to be repealed on January 1, 2024. The bill would delete the obsolete provision that authorized certain applicants to retake the examination, and would delete the phrase "from time to time" from the provision authorizing the bureau to examine licensure requirements for embalmers in other states.

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

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

**SECTION 1.** Section 2847.1 of the Business and Professions Code is amended to read:

**2847.1.** (a) The board shall select an executive officer who shall perform duties as are delegated by the board and who shall be responsible to it for the accomplishment of those duties. The executive officer shall not be a member of the board.

(b) With the approval of the Director of Finance, the board shall fix the salary of the executive officer.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties. The executive officer shall make a statement, certified before a duly authorized person, that the expenses have been actually incurred.

(d) Commencing January 1, 2018, the executive officer appointed by the board pursuant to subdivision (a) is abolished. Thereafter, until January 1, 2021, the executive officer shall be appointed as set forth in Section 2847.3. Commencing January 1, 2021, the executive officer shall, again, be appointed by the board as set forth in subdivision (a).

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

**SEC. 2.** Section 2847.3 of the Business and Professions Code is amended to read:

**2847.3.** (a) Commencing January 1, 2018, the executive officer position established pursuant to subdivision (a) of Section 2847.1 is temporarily abolished. Commencing January 1, 2018, the Governor shall appoint an executive officer who shall perform duties as are delegated by the board and who shall be responsible for the accomplishment of those duties. The executive officer shall exercise all powers, discharge all responsibilities, and administer and enforce all laws pursuant to this chapter and Chapter 10 (commencing with Section 4500) of Division 2 that are necessary to perform the duties delegated by the board.

(b) The executive officer shall serve at the pleasure of the Governor and the Governor shall fix the salary of the executive officer. The executive officer shall not be a member of the board.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties.

(d) This section shall become operative on January 1, 2018, and shall remain in effect only until January 1, 2021, and as of that date is repealed.

**SEC. 3.** Section 7303 of the Business and Professions Code is amended to read:

**7303.** (a) Notwithstanding Article 8 (commencing with Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, there is in the Department of Consumer Affairs the State Board of Barbering and Cosmetology in which the administration of this chapter is vested.

(b) The board shall consist of nine members. Five members shall be public members, and four members shall represent the professions. The Governor shall appoint three of the public members and the four professional members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member. Members of the board shall be appointed for a term of four years, except that of the members appointed by the Governor, two of the public members and two of the professions members shall be appointed for an initial term of two years. No board member may serve longer than two consecutive terms.

(c) The board may appoint an executive officer who is exempt from civil service. The executive officer shall exercise the powers and perform the duties delegated by the board and vested in the executive officer by this chapter. The appointment of the executive officer is subject to the approval of the director. In the event that a newly authorized board replaces an existing or previous bureau, the director may appoint an interim executive officer for the board who shall serve temporarily until the new board appoints a permanent executive officer.

(d) The executive officer shall provide examiners, inspectors, and other personnel necessary to carry out the provisions of this chapter.

(e) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

**SEC. 4.** Section 7602 of the Business and Professions Code is amended to read:

**7602.** (a) (1) There is in the department the Cemetery and Funeral Bureau, under the supervision and control of the director.

(2) The director may appoint a chief at a salary to be fixed and determined by the director, with the approval of the Director of Finance. The duty of enforcing and administering this chapter is vested in the chief, and the chief is responsible to the director. The chief shall serve at the pleasure of the director.

(3) Every power granted or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy director or by the chief, subject to conditions and limitations the director may prescribe.

(b) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter is scheduled to be repealed on January 1, 2024.

**SEC. 5.** Section 7646 of the Business and Professions Code is amended to read:

**7646.** (a) The bureau shall require the applicant to pass both of the following:

(1) The sciences section of the national examination administered by the International Conference of Funeral Service Examining Boards, or its equivalent, as determined by the bureau.

(2) An examination, administered by the bureau, on the state's laws and the rules and regulations of the bureau, including those sections of the Health and Safety Code which pertain to the funeral industry.

(b) An applicant who has previously passed the sciences section of the national examination described in paragraph (1) of subdivision (a) shall be deemed to be in compliance with that paragraph.

**SEC. 6.** Section 7650 of the Business and Professions Code is amended to read:

**7650.** The bureau may examine the requirements for the issuance of licenses to embalmers in other states of the United States and cause a record to be kept of those states in which standards are maintained for embalmers, not lower than those provided in this chapter.