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**AB-2196 Barbering and cosmetology.** (2021-2022)

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**Assembly Bill No. 2196**

**CHAPTER 527**

An act to amend Sections 7316, 7317, 7334, 7353.4, 7366, and 7395.2 of the Business and Professions Code, relating to professions and vocations.

[ Approved by Governor September 25, 2022. Filed with Secretary of State September 25, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2196, Maienschein. Barbering and cosmetology.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Existing law includes in the practice of barbering, among other things, hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling, and includes among the practice of hairstyling massaging, cleaning, or stimulating the scalp, face, and neck by various means. Existing law provides that a violation of the act is a crime, unless otherwise provided, and prohibits a person, firm, or corporation from engaging in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board.

This bill would authorize a person to engage in barbering, cosmetology, or electrolysis for compensation without a license if the person is participating in an externship program from an approved school. The bill would remove massaging, cleaning, or stimulating the scalp, face, and neck from the practice of hairstyling and would add extending the hair of any person to the practice of hairstyling. Because this bill expands the scope of the practice of hairstyling, thus expanding the application of a crime, the bill would impose a state-mandated local program.

Existing law authorizes the board to license as an apprentice in barbering, cosmetology, skin care, or nail care any person who has met specified requirements, and requires an applicant for a barbering apprenticeship to additionally complete a minimum of 39 hours of preapprentice training that is administered by the board.

This bill would instead require that barbering preapprentice training be administered by the board for the length of time established by the board in a facility approved by the board prior to serving the general public.

Existing law requires a course in barbering or cosmetology to consist of not less than 1,000 hours of practical and technical instruction in the practice of barbering or cosmetology and requires an electrolysis course to consist of not less than 600 hours of practical training and technical instruction, as specified. Existing law authorizes a student who is enrolled in an approved course of instruction in a school of barbering to, upon completion of a minimum of 60 percent of the clock hours required for graduation in the course, work as an unpaid extern in an establishment participating in the educational program of the school.

This bill would specify the subjects that would be required to be included in the electrolysis course curriculum. The bill would authorize a student to work as an extern upon completion of a minimum of 25 percent of the clock hours required for graduation

in the course and change limitations on clock hour credit, and would expand this provision beyond unpaid externships to apply to externships generally.

Existing law requires an establishment licensed by the board to post a notice in English, Spanish, Vietnamese, and Korean regarding specified workplace rights and wage and hour laws in a conspicuous location in clear view of employees and where similar notices are customarily posted, and requires the board to inspect an establishment for compliance with that requirement when it conducts the inspection of the establishment within 90 days after issuing the establishment a license, as specified.

This bill would instead require the board to inspect an establishment for compliance with that notice requirement when it conducts an inspection to ensure compliance with the laws and regulations of the Barbering and Cosmetology Act and any health and safety requirements adopted by the board.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

**SECTION 1.** Section 7316 of the Business and Professions Code is amended to read:

**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.

**SEC. 2.** Section 7317 of the Business and Professions Code is amended to read:

**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.

**SEC. 3.** Section 7334 of the Business and Professions Code is amended to read:

**7334.** (a) The board may license as an apprentice in barbering, cosmetology, skin care, or nail care any person who has made application to the board upon the proper form, has paid the fee required by this chapter, and who is qualified as follows:

(1) Is over 16 years of age.

(2) Has completed the 10th grade in the public schools of this state or its equivalent.

(3) Is not subject to denial pursuant to Section 480.

(4) Has submitted evidence acceptable to the board that any training the apprentice is required by law to obtain shall be conducted in a licensed establishment and under the supervision of a licensee approved by the board.

(b) The board may license as an apprentice in electrolysis any person who has made application to the board upon the proper form, has paid the fee required by this chapter, and who is qualified as follows:

(1) Is not less than 17 years of age.

(2) Has completed the 12th grade or an accredited senior high school course of study in schools of this state or its equivalent.

(3) Is not subject to denial pursuant to Section 480.

(4) Has submitted evidence acceptable to the board that any training the apprentice is required by law to obtain shall be conducted in a licensed establishment and under the supervision of a licensee approved by the board.

(c) All persons making application as an apprentice in barbering shall also complete preapprentice training that is administered by the board for the length of time established by the board in a facility approved by the board prior to serving the general public.

(d) All persons making application as an apprentice in cosmetology, skin care, nail care, or electrology shall also complete minimum preapprentice training administered by the board for the length of time established by the board in a facility approved by the board prior to serving the general public.

(e) Apprentices may only perform services on the general public for which they have received technical training.

(f) Apprentices shall be required to obtain at least the minimum hours of technical instruction and minimum number of practical operations for each subject as specified in board regulations for courses taught in schools approved by the board, in accordance with Sections 3074 and 3078 of the Labor Code.

**SEC. 4.** Section 7353.4 of the Business and Professions Code is amended to read:

**7353.4.** (a) On and after July 1, 2017, an establishment licensed by the board shall, upon availability of the posting notice developed by the Labor Commissioner pursuant to Section 98.10 of the Labor Code, post that notice in a manner that complies with the requirements of Section 98.10 of the Labor Code in a conspicuous location in clear view of employees and where similar notices are customarily posted. The notice shall be posted in English, Spanish, Vietnamese, and Korean.

(b) The board shall inspect for compliance with this posting requirement when it conducts an inspection pursuant to Section 7313.

(c) A violation of this section shall be punished by an administrative fine established pursuant to Section 7407 and shall not be punished as a misdemeanor under Section 7404.1.

**SEC. 5.** Section 7366 of the Business and Professions Code is amended to read:

**7366.** (a) A course in electrolysis established by a school shall consist of not less than 600 hours of practical and technical instruction in the practice of electrolysis.

(b) The curriculum for an electrolysis course shall consist of technical and practical instruction in the following areas:

(1) One hundred hours in health and safety, which includes hazardous substances, chemical safety, safety data sheets, protection from hazardous chemicals, preventing chemical injuries, health and safety laws and regulations, and preventing communicable diseases.

(2) One hundred hours in disinfection and sanitation, including disinfection procedures to protect the health and safety of consumers and the technician and proper disinfection procedures for equipment used in establishments.

(3) Four hundred hours in electrolysis, thermolysis, blend or dual modality, and electricity.

(A) The subject of electrolysis shall include the study of epilation using single- and multiple-needle insertion techniques, the use of galvanic current, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with electrolysis treatments.

(B) The subject of thermolysis shall include the study of epilation using automatic and manual thermolysis equipment, insertion techniques, the use of high frequency current in both high and low intensities, skin reactions, and evaluating a client's health history for compatibility with thermolysis treatments.

(C) The subject of blend or dual modality shall include the study of epilation using a combination of high frequency and galvanic currents, insertion techniques, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with Blend/Dual Modality treatments.

(D) The subject of electricity shall include the nature of electrical current, principles of operating electrical devices, various safety precautions to be applied when operating electrical equipment, and proper maintenance of equipment.

**SEC. 6.** Section 7395.2 of the Business and Professions Code is amended to read:

**7395.2.** (a) A student who is enrolled in an approved course of instruction in a school of barbering approved by the board pursuant to subdivision (a) of Section 7362 may, upon completion of a minimum of 25 percent of the clock hours required for graduation in the course, work as an extern in an establishment participating in the educational program of the school.

(b) A person working as an extern shall receive clock hour credit toward graduation, but that credit shall not exceed 25 hours per week and shall not exceed 25 percent of the total clock hours required for completion of the course.

(c) The externship program shall be conducted in an establishment meeting all of the following criteria:

(1) The establishment is licensed by the board.

(2) The establishment has a minimum of four licensees working at the establishment, including employees and owners or managers.

(3) All licensees at the establishment are in good standing with the board.

(4) Licensees working at the establishment work for salaries or commissions rather than on a space rental basis.

(5) No more than one extern shall work in an establishment for every four licensees working in the establishment. A regularly employed licensee shall not be displaced or have the licensee's work hours reduced or altered to accommodate the placement of an extern in an establishment. Prior to placement of the extern, the establishment shall agree, in writing sent to the school and to all affected licensees, that no reduction or alteration of any licensee's current work schedule shall occur. This shall not prevent a licensee from voluntarily reducing or altering the licensee's work schedule.

(6) Externs shall wear conspicuous school identification at all times while working in the establishment, and shall carry a school laminated identification, that includes a picture, in a form approved by the board.

(d) (1) No less than 90 percent of the responsibilities and duties of the extern shall consist of the acts included within the practice of barbering as defined in Section 7316.

(2) The establishment shall consult with the assigning school regarding the extern's progress during the externship. The owner or manager of the establishment shall monitor and report on the student's progress to the school on a regular basis, with assistance from supervising licensees.

(3) A participating school shall assess the extern's learning outcome from the externship program. The school shall maintain accurate records of the extern's educational experience in the externship program and records that indicate how the extern's learning outcome translates into course credit.

(e) Participation in an externship program made available by a school shall be voluntary, may be terminated by the student at any time, and shall not be a prerequisite for graduation.

(f) The establishment that chooses to utilize the extern is liable for the extern's general liability insurance, as well as barbering malpractice liability insurance, and shall furnish proof to the participating school that the establishment is covered by both forms of liability insurance and that the extern is covered under that insurance.

(g) (1) It is the purpose of the externship program authorized by this section to provide students with skills, knowledge, and attitudes necessary to acquire employment in the field for which they are being trained, and to extend formalized classroom instruction.

(2) Instruction shall be based on skills, knowledge, attitudes, and performance levels in the area of barbering for which the instruction is conducted.

(3) An extern may perform only acts listed within the definition of the practice of barbering as provided in Section 7316, if a licensee directly supervises those acts, except that an extern may not use or apply chemical treatments unless the extern has received appropriate training in application of those treatments from an approved barbering school. An extern may work on a paying client only in an assisting capacity and only with the direct and immediate supervision of a licensee.

(4) The extern shall not perform any work in a manner that would violate the law.

**SEC. 7.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.