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SB-803 Barbering and cosmetology. (2021-2022)

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Senate Bill No. 803

CHAPTER 648

An act to amend Sections 7303, 7313, 7314.3, 7316, 7320, 7331, 7334, 7338, 7347, 7354, 7355, 7356, 7357, 7362, 7362.5, 7364, 7365, 7389.5, 7395.1, 7401, 7407, and 7423 of, to add Sections 7322 and 7363 to, and to repeal Sections 7303.2, 7337.5, 7353, and 7402 of, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor October 07, 2021. Filed with Secretary of State October 07, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 803, Roth. Barbering and cosmetology.

(1) 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, until January 1, 2022, establishes the board and requires the board to be composed of 9 members composed of 5 public members and 4 professional members. Existing law also establishes a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues, as described.

This bill would increase the total number of members to 13, with 7 public members and 6 professional members, comprised as specified. The bill would provide a per diem to each board and committee member, as specified. The bill would extend the provisions relating to the establishment and composition of the board until January 1, 2027.

(2) The act requires the board to conduct certain reviews and report its findings and recommendations as prescribed by November 1, 2018. The act provides that it confers no authority to practice medicine or surgery.

This bill would delete that obsolete report requirement. The bill would prohibit the practice of medicine from being performed by, or offered by, a licensee under the act without being authorized and licensed to perform that act pursuant to a license obtained in accordance with some other provision of law.

(3) The act requires the board to maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments. The act prohibits the board from reducing the number of employees assigned to perform various inspections relating to field operations below the level funded by the annual Budget Act and as described and would prohibit the redirection of funds or personnel years allocated to those inspection and investigation purposes to other purposes.

This bill would remove those prohibitions.

Existing law also requires the board to inspect licensed establishments, as described.

This bill would remove this requirement.

(4) Existing law describes the practice of barbering, cosmetology, skin care and nail care specialties within cosmetology, and nail care.

This bill would modify those descriptions and describe the practice of hairstyling.

(5) Existing law requires the board to admit to examination for a license as a cosmetologist, barber, esthetician, manicurist, and electrologist to practice cosmetology, barbering, skin care, nail care, and electrolysis, respectively, any person who has made application to the board in proper form, paid the required fee, and meets specified qualifications.

This bill would also require the board to admit to examination for a license as a hairstylist to practice hairstyling any person who has made application to the board in proper form, paid the required fee, and meets specified qualifications. The bill would establish a fee for a hairstylist application and examination.

(6) Existing law requires the board to grant a license to practice to an applicant if the applicant submits a completed application form and all required fees and proof of a current license issued by another state. Existing law requires that license to have been active for 3 of the last 5 years, as described.

This bill would remove that requirement for such an applicant to receive a license to practice from the board.

(7) Existing law requires all persons making application as an apprentice in barbering to complete at least 39 hours of preapprentice training in a facility approved by the board prior to serving the general public.

This bill would instead require those persons to complete training administered by the board.

(8) Existing law requires the board to determine by regulation the required subjects of instruction to be completed in all approved courses provided by board-approved schools. Existing law also sets forth specific practical training and technical instruction hour requirements for barbering and cosmetology courses, among others.

This bill would remove that requirement and instead set forth specific curriculum requirements for barbering, cosmetology, skin care, and nail care courses. The bill would also revise the number of practical and technical instruction hours required for these courses. The bill would also establish curriculum and hour requirements for a course in hairstyling established by a school.

(9) Existing law requires the board to adopt regulations regarding the examination of students or apprentices, sets forth certain timelines for conducting the licensing examination, and describes preapplications for licensing examinations. Existing law also sets forth requirements for the examination.

This bill would remove the above-described requirements on the board and timelines and preapplications for licensure. The bill would also recast the examination requirements to require a written examination that evaluates competency in protecting the health and safety of consumers of the services provided by licensees and written tests to determine the applicant's skill in, and knowledge of, the practice of the occupation for which a license is sought, as described.

(10) Existing law provides that a course of training in barbering or cosmetology established by federal or state correctional institutions in California may qualify a person thereby trained to take a licensure examination as a barber or cosmetologist, if the course complies with the requirements of the act.

The bill would expand this provision to hairstyling training courses established by federal or state correctional institutions in California.

(11) Existing law regulates the operation of mobile units, which is defined as any self-contained, self-supporting, enclosed mobile unit that meets certain size requirements, that is licensed as an establishment for the practice of any occupation licensed by the board, and that meets other specified requirements.

This bill would modify the definition of mobile unit to remove the size requirements and to instead require licensing as a mobile unit rather than as an establishment. The bill would modify requirements for submitting applications for a mobile unit and compliance with certain system requirements.

(12) Existing law requires individual licensees to identify, at the time of license renewal, on the application as an employee, independent contractor or booth renter, or a salon owner. Existing law also requires establishment licensees to identify whether they have an independent contractor or booth renter operating in their establishment.

This bill would remove references to booth renters in these provisions.

(13) The act requires the board to establish by regulation a schedule of administrative fines for violations of the act. The act also makes it a misdemeanor for any person, firm, association, or corporation to violate any provision of the act that does not impose a specific penalty.

This bill would require the administrative fines to be for violations of the act that directly impact consumer safety. The bill would also remove the imposition of a misdemeanor for violations of any provision of the act that does not impose a specific penalty.

(14) Existing law authorizes a cosmetology student enrolled in an approved course, as provided, to work as an unpaid extern in an establishment participating in the educational program of the school upon completion of at least 60% of the clock hours required for graduation in the course.

This bill would delete the requirement that the cosmetology externship be unpaid and would permit a student to work as an extern upon completion of at least 25% of the clock hours required for graduation in the course.

Existing law requires an extern to receive clock hour credit toward graduation and prohibits that credit from exceeding 8 hours per week and 10% of the total clock hours required for completion of the course.

This bill would instead prohibit the extern's clock hour credit for graduation from exceeding 25 hours per week and 25% of the total clock hours required for completion of the course.

This bill would also make technical changes.

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

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

SECTION 1. It is the intent of the Legislature to provide safe harbor from the changes made by this act to Sections 7334, 7362, 7362.5, 7364, and 7365 of the Business and Professions Code to persons who have commenced preapprentice training pursuant to Section 7334 of the Business and Professions Code and to students who are currently enrolled in board-approved courses and schools.

SEC. 2. 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) (1) The board shall consist of 13 members. Seven members shall be public members, and six members shall represent the professions.

(2) The Governor shall appoint five of the public members and the six professional members. The six professional members shall be comprised as follows:

(A) A cosmetologist.

(B) A barber.

(C) An esthetician.

(D) An electrologist.

(E) A manicurist.

(F) An establishment owner.

(3) The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member.

(4) 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.

(5) Each member of the board shall receive a per diem pursuant to Section 103.

(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, 2027, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 3. Section 7303.2 of the Business and Professions Code is repealed.

SEC. 4. Section 7313 of the Business and Professions Code is amended to read:

7313. (a) (1) To ensure compliance with the laws and regulations of this chapter, the board's executive officer and authorized representatives shall, except as provided by Section 159.5, have access to, and shall inspect, any establishment or mobile unit during business hours or at any time in which barbering, cosmetology, or electrolysis are being performed. It is the intent of the Legislature that inspections be conducted on Saturdays and Sundays as well as weekdays, if collective bargaining agreements and civil service provisions permit.

(2) The board shall maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments. The board or its authorized representatives shall inspect establishments to reasonably determine compliance levels and to identify market conditions that require targeted enforcement.

(b) To ensure compliance with health and safety requirements adopted by the board, the executive officer and authorized representatives shall, except as provided in Section 159.5, have access to, and shall inspect the premises of, all schools in which the practice of barbering, cosmetology, or electrolysis is performed on the public. Notices of violation shall be issued to schools for violations of regulations governing conditions related to the health and safety of patrons. Each notice shall specify the section violated and a timespan within which the violation must be corrected. A copy of the notice of violation shall be provided to the Bureau for Private Postsecondary Education.

(c) With prior written authorization from the board or its executive officer, any member of the board may enter and visit, in their capacity as a board member, any establishment, during business hours or at any time when barbering, cosmetology, or electrolysis is being performed. The visitation by a board member shall be for the purpose of conducting official board business, but shall not be used as a basis for any licensing disciplinary action by the board.

(d) The board shall adopt a protocol for inspecting establishments when an inspector has difficulty understanding or communicating with the owner, manager, or employees of the establishment due to language barriers. The board shall evaluate the protocol every two years to ensure the protocol remains current.

SEC. 5. Section 7314.3 of the Business and Professions Code 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 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) Members of the committee shall receive a per diem pursuant to Section 103.

SEC. 6. 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 and the practice of cosmetology 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 all or any combination 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, shampooing, waving, or nonchemically straightening the hair of any person using both electrical and nonelectrical devices.

(3) Massaging, cleaning, or stimulating the scalp, face, and neck by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, lotions, or creams.

SEC. 7. Section 7320 of the Business and Professions Code is amended to read:

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.

SEC. 8. Section 7322 is added to the Business and Professions Code, to read:

7322. The board shall admit to examination for a license as a hairstylist to practice hairstyling any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

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

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

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

(d) Has done any of the following:

(1) Completed a course in hairstyling from a school approved by the board.

(2) Practiced hairstyling as defined in this chapter outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in hairstyling from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

SEC. 9. Section 7331 of the Business and Professions Code is amended to read:

7331. The board shall grant a license to practice to an applicant if the applicant submits all of the following to the board:

(a) A completed application form and all fees required by the board.

(b) Proof of a current license issued by another state to practice that meets both of the following requirements:

(1) It is not revoked, suspended, or otherwise restricted.

(2) It is in good standing.

SEC. 10. 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 a minimum of 39 hours of preapprentice training that is administered by the board.

(d) All persons making application as an apprentice in cosmetology, skin care, nail care, or electrology shall also complete minimum preapprentice training 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. 11. Section 7337.5 of the Business and Professions Code is repealed.

SEC. 12. Section 7338 of the Business and Professions Code is amended to read:

7338. (a) The examination of applicants for a license shall consist of a written examination that evaluates competency in protecting the health and safety of consumers of the services provided by licensees.

(b) The examination shall include written tests to determine the applicant's skill in, and knowledge of, the practice of the occupation for which a license is sought and shall include written tests in antisepsis, disinfection, and the use of mechanical apparatus and electricity as applicable to the practice for which the applicant has applied for licensure.

SEC. 13. Section 7347 of the Business and Professions Code is amended to read:

7347. (a) Any person, firm, or corporation desiring to operate an establishment shall make an application to the board for a license accompanied by the fee prescribed by this chapter. The application shall be required whether the person, firm, or corporation is operating a new establishment or obtaining ownership of an existing establishment. The application shall include a signed acknowledgment that the applicant understands that establishments are responsible for compliance with any applicable labor laws of the state and that the applicant understands the informational materials on basic labor laws, as specified in Section 7314.3, the applicant is provided by the board with the application. Every electronic application to renew a license shall include a signed acknowledgment that the renewal applicant understands that establishments are responsible for compliance with any applicable labor laws of the state and that the applicant understands the informational materials on basic labor laws, as specified in Section 7314.3, that the renewal applicant is provided by the board with the renewal application. If the applicant is obtaining ownership of an existing establishment, the board may establish the fee in an amount less than the fee prescribed by this chapter. The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the establishment only at the location for which the license is issued. Operation of the establishment at any other location shall be unlawful unless a license for the new location has been obtained upon compliance with this section, applicable to the issuance of a license in the first instance.

(b) The amendments made to this section by the act adding this subdivision shall become operative on July 1, 2017.

SEC. 14. Section 7353 of the Business and Professions Code is repealed.

SEC. 15. Section 7354 of the Business and Professions Code is amended to read:

7354. For purposes of this article, "mobile unit" means any self-contained, self-supporting, enclosed mobile unit which is licensed as a mobile unit for the practice of any occupation licensed by the board and which complies with this article and all health and safety regulations established by the board.

SEC. 16. Section 7355 of the Business and Professions Code is amended to read:

7355. (a) Any person, firm, or corporation desiring to operate a mobile unit shall make an application to the board for a license containing the information and data set forth in subdivision (b). The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure pursuant to Section 480.

(b) Each application shall include the following:

- (1) A detailed floor plan showing the layout and dimensions of the mobile unit and all necessary systems and equipment contained therein.
- (2) Proof of purchase or lease of the mobile unit.
- (3) The required fee.
- (4) Proof of a valid California driver's license issued to an officer or employee responsible for driving the mobile unit.
- (5) A permanent base address from which the mobile unit shall operate.

(c) After initial approval of the floor plan and application has been granted, the applicant shall schedule an appointment to show the mobile unit to the board, or representative of the board, for final approval.

SEC. 17. Section 7356 of the Business and Professions Code is amended to read:

7356. An application to transfer ownership or control of an existing licensed mobile unit shall be filed by the purchaser or lessor with the board within 10 days after purchase. Each application shall include the following:

- (a) A detailed floor plan showing the layout and dimensions of the mobile unit and all necessary systems and equipment contained therein.
- (b) Bills of sale or lease documents proving purchase or lease of existing equipment and the mobile unit.
- (c) The existing mobile unit license.
- (d) The required fee.
- (e) Proof of a valid California driver's license issued to an officer or employee responsible for driving the mobile unit.

SEC. 18. Section 7357 of the Business and Professions Code is amended to read:

7357. (a) Mobile units shall comply with regulations adopted by the board that assure that the unit shall be kept clean, in good repair, and in compliance with this article.

(b) Each mobile unit shall be equipped with each of the following functioning systems:

- (1) A self-contained, potable water supply if shampooing services are offered.
- (2) Continuous, on-demand hot water tanks which shall be not less than six-gallon capacity.
- (3) A system of adequate ventilation.

SEC. 19. Section 7362 of the Business and Professions Code is amended to read:

7362. (a) A school approved by the board is one that is first approved by the board and subsequently approved by the Bureau for Private Postsecondary Education or is a public school in this state, and provides a course of instruction approved by the board.

However, notwithstanding any other law, both the board and the Bureau for Private Postsecondary Education may simultaneously process a school's application for approval.

(b) Notwithstanding any other law, the board may revoke, suspend, or deny approval of a school, in a proceeding that shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, when an owner or employee of the school has engaged in any of the acts specified in paragraphs (1) to (8), inclusive.

(1) Unprofessional conduct which includes, but is not limited to, any of the following:

(A) Incompetence or gross negligence, including repeated failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology, or disregard for the health and safety of patrons.

(B) Repeated similar negligent acts.

(C) Conviction of any crime substantially related to the qualifications, functions, or duties of the owner of an approved school, in which case, the records of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

(2) Repeated failure to comply with the rules governing health and safety adopted by the board and approved by the State Department of Public Health, for the regulation of board-approved schools.

(3) Repeated failure to comply with the rules adopted by the board for the regulation of board-approved schools.

(4) Continued practice by a person knowingly having an infectious or contagious disease.

(5) Habitual drunkenness, or habitual use of, or addiction to the use of, any controlled substance.

(6) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(7) Refusal to permit or interference with an inspection authorized under this chapter.

(8) Any action or conduct that would have warranted the denial of a school approval.

SEC. 20. Section 7362.5 of the Business and Professions Code is amended to read:

7362.5. (a) A course in barbering or cosmetology established by a school shall consist of not less than 1,000 hours of practical and technical instruction in the practice of barbering or cosmetology, as defined in Section 7316.

(b) The curriculum for a barbering course shall, at a minimum, include 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, which includes disinfection procedures to protect the health and safety of consumers as well as the technician and proper disinfection procedures for equipment used in establishments.

(3) Two hundred hours in chemical hair services, which includes coloring, straightening, waving, bleaching, hair analysis, predisposition and strand tests, safety precautions, formula mixing, and the use of dye removers.

(4) Two hundred hours in hairstyling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting, including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

(5) Two hundred hours in shaving and trimming of the beard, which includes preparing the client's hair for shaving, assessing the condition of the client's skin, performing shaving techniques, applying aftershave antiseptic following facial services, and massaging the face and rolling cream massages.

(c) The curriculum for a cosmetology course shall, at a minimum, include 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, which includes disinfection procedures to protect the health and safety of consumers as well as the technician and proper disinfection procedures for equipment used in establishments.

(3) Two hundred hours in chemical hair services, which includes coloring, straightening, waving, bleaching, hair analysis, predisposition and strand tests, safety precautions, formula mixing, and the use of dye removers.

(4) Two hundred hours in hairstyling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting, including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

(5) One hundred fifty hours in skin care services, which includes chemical and manual facials and massaging, stimulating, exfoliating, cleansing, or beautifying the face, scalp, neck, or body by the use of hands, esthetic devices, cosmetic products, antiseptics, lotions, tonics, or creams that do not result in the ablation or destruction of the live tissue.

(6) Fifty hours in hair removal and lash and brow beautification, which includes tinting and perming eyelashes and brows and applying eyelashes to any person, and includes removing superfluous hair from the body of any person by use of depilatories, tweezers, sugaring, nonprescription chemicals, 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.

(7) One hundred hours in manicure and pedicure, which includes water and oil manicures, hand and arm massage, foot and ankle massage, nail analysis, and artificial nail services, including, but not limited to, acrylic, liquid and powder brush-ons, dip, tips, wraps, and repairs.

SEC. 21. Section 7363 is added to the Business and Professions Code, to read:

7363. (a) A course in hairstyling established by a school shall consist of not less than 600 hours of practical and technical instruction.

(b) The curriculum for a hairstyling course shall include, at a minimum, 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, which includes disinfection procedures to protect the health and safety of consumers as well as the technician and proper disinfection procedures for equipment used in establishments.

(3) Two hundred hours in hair styling services, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving, and nonchemical straightening, and hair cutting including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.

SEC. 22. Section 7364 of the Business and Professions Code is amended to read:

7364. (a) A course in skin care course established by a school shall consist of not less than 600 hours of practical and technical instruction.

(b) The curriculum for a skin care course shall, at a minimum, include 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, which includes disinfection procedures to protect the health and safety of consumers as well as the technician and proper disinfection procedures for equipment used in establishments.

(3) Three hundred fifty hours in skin care, which includes chemical and manual facials and massaging, stimulating, exfoliating, cleansing, or beautifying the face, scalp, neck, or body by the use of hands, esthetic devices, cosmetic products, antiseptics, lotions, tonics, or creams that do not result in the ablation or destruction of the live tissue.

(4) Fifty hours in hair removal and lash and brow beautification, which includes tinting and perming eyelashes and brows and applying eyelashes to any person and includes removing superfluous hair from the body of any person by use of depilatories, tweezers, sugaring, nonprescription chemicals, 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.

SEC. 23. Section 7365 of the Business and Professions Code is amended to read:

7365. (a) A nail care course established by a school shall consist of not less than 400 hours of practical and technical instruction.

(b) The curriculum for a nail care course shall, at a minimum, include the 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, which includes disinfection procedures to protect the health and safety of consumers as well as the technician and proper disinfection procedures for equipment used in establishments.

(3) One hundred fifty hours in manicure and pedicure, which includes water and oil manicures, hand and arm massage, complete pedicures, foot and ankle massage, nail analysis, nail repairs, and application of artificial nails, liquid, gel, powder brush-ons, dip, nail tips, and wraps.

SEC. 24. Section 7389.5 of the Business and Professions Code is amended to read:

7389.5. A course of training in barbering, cosmetology, or hairstyling established by federal or state correctional institutions in California may qualify a person thereby trained to take the examination for licensure as a barber, cosmetologist, or hairstylist, provided the course complies with all applicable provisions of this act and the regulations adopted pursuant thereto.

SEC. 25. Section 7395.1 of the Business and Professions Code is amended to read:

7395.1. (a) A student who is enrolled in an approved course of instruction in a school of cosmetology 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 cosmetology 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 cosmetology 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 cosmetology for which the instruction is conducted.

(3) An extern may perform only acts listed within the definition of the practice of cosmetology 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 cosmetology 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. 26. Section 7401 of the Business and Professions Code is amended to read:

7401. (a) An individual licensed pursuant to Section 7396 shall report to the board at the time of license renewal their practice status, designated as one of the following:

(1) Full-time practice in California.

(2) Full-time practice outside of California.

(3) Part-time practice in California.

(4) Not working in the industry.

(5) Retired.

(6) Other practice status, as may be further defined by the board.

(b) An individual licensed pursuant to Section 7396 shall, at the time of license renewal, identify themselves on the application as one of the following:

(1) Employee.

(2) Independent contractor.

(3) Salon owner.

(c) An individual licensed pursuant to Section 7347 shall report to the board at the time of license renewal whether they have an independent contractor operating in the establishment.

SEC. 27. Section 7402 of the Business and Professions Code is repealed.

SEC. 28. Section 7407 of the Business and Professions Code is amended to read:

7407. The board shall establish by regulation a schedule of administrative fines for violations of this chapter that directly impact consumer safety. All moneys collected under this section shall be deposited in the board's contingent fund.

The schedule shall indicate for each type of violation whether, in the board's discretion, the violation can be corrected. The board shall ensure that it and the Bureau for Private Postsecondary Education do not issue citations for the same violation.

SEC. 29. Section 7423 of the Business and Professions Code is amended to read:

7423. The amounts of the fees required by this chapter relating to licenses for individual practitioners are as follows:

(a) (1) Cosmetologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A cosmetologist initial license fee shall not be more than fifty dollars (\$50).

(b) (1) An esthetician application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) An esthetician initial license fee shall not be more than forty dollars (\$40).

(c) (1) A manicurist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A manicurist initial license fee shall not be more than thirty-five dollars (\$35).

(d) (1) A barber application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A barber initial license fee shall be not more than fifty dollars (\$50).

(e) (1) An electrologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) An electrologist initial license fee shall be not more than fifty dollars (\$50).

(f) An apprentice application and license fee shall be not more than twenty-five dollars (\$25).

(g) The license renewal fee for individual practitioner licenses that are subject to renewal shall be not more than fifty dollars (\$50).

(h) A hairstylist application and examination fee shall be fifty dollars (\$50) or a fee in an amount as determined by the board, not to exceed the reasonable cost of developing, purchasing, grading, and administering the examination, not to exceed fifty dollars (\$50).

(i) Notwithstanding Section 163.5 the license renewal delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal.

SEC. 30. 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.