

Date of Hearing: March 28, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Rudy Salas, Chair

AB 326 (Salas) – As Amended March 21, 2017

***NOTE:** This bill is double referred, and if passed by this Committee, will be referred to the Assembly Committee on Judiciary.*

SUBJECT: State Board of Barbering and Cosmetology: physical and sexual abuse awareness training.

SUMMARY: Requires an applicant for a cosmetologist, barber, manicurist, esthetician, electrologist, or manicurist license to complete a one-hour training on physical and sexual abuse awareness, as specified, as part of an educational program approved by the Board of Barbering and Cosmetology (BBC); authorizes the BBC to promote the required training to current licensees; and, provides immunity from civil or criminal liability for acting in good faith or failing to act, as specified.

EXISTING LAW:

- 1) Establishes the BBC under the jurisdiction of the Department of Consumer Affairs to license and regulate Barbers, Cosmetologists, Electrologists, Estheticians, and Manicurists. (Business and Professions Code (BPC) Section 7301 *et seq.*)
- 2) Requires the BBC to determine the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum numbers of practical operations for each subject, and determine how much training is required before a student begins performing services on paying patrons. (BPC Section 7362(b))
- 3) Specifies, in regulation, the curriculum requirements for Barbers, Cosmetologists, Electrologists, Estheticians, and Manicurists. (California Code of Regulations (CCR) Title 16, Sections 950.1, 950.2, 950.3, 950.4, 950.5)

THIS BILL:

- 1) Requires an applicant for licensure as a cosmetologist, barber, manicurist, electrologist or esthetician to take one-hour training on physical and sexual abuse awareness as part of an approved course.
- 2) Requires the BBC to establish through regulation the requirements for the training.
- 3) Specifies that physical and sexual abuse includes but is not limited to:
 - a) Domestic violence;
 - b) Sexual assault;
 - c) Human trafficking; or,

- d) Elder abuse.
- 4) Authorizes the BBC to promote the physical and sexual abuse awareness by means of mail, television, radio, motion picture, newspaper, book, internet, or other electronic communication.
- 5) States that a licensee or applicant who completes the physical and sexual abuse awareness training and his or her employer, will not incur civil or criminal liability for acting in good faith or failing to act on information obtained during the course of employment concerning potential physical and sexual abuse unless otherwise required by law.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. This bill is author sponsored. According to the author, "many cases of domestic abuse go unreported. The trust that often exists between professional hair stylists and their clients creates an opportunity to connect victims of domestic abuse with local social service agencies and resources. Salon professionals can serve a unique role in spotting signs of abuse and connecting victims that wish to seek out services with the appropriate resources. [This bill] seeks to educate salon professionals about the signs of domestic abuse or sexual assault as well as how to support and connect their clients with the help and assistance they need to move out of an abusive relationship or situation. [This bill] would require the State Board of Barbering and Cosmetology, as part of the licensing process, to include an hour course about domestic violence and sexual assault awareness and instruct licensees on how to connect victims to services."

Background. *BBC.* The BBC licenses and regulates over 550,000 licensees. Each profession has its own scope of practice, entry-level requirements, and professional settings, with some overlap in areas. The BBC's licensing population includes: barbers; cosmetologists; electrologists; estheticians; manicurists; establishments; and mobile units. As a special fund entity, the BBC receives no General Fund support, relying solely on fees set in statute and collected from licensing and renewal fees. In addition to licensing individuals, the BBC approves schools. A BBC-approved school is one that is first approved by the BBC and subsequently approved by the Bureau for Private Postsecondary Education. Under existing law, a barbering course is required to be 1,500 hours of practical training and technical instruction; a cosmetologist course is required to be 1,600 hours; an esthetician and an electrolysis course are required to be 600 hours; and a nail care course is required to be 350 hours (BPC Sections, 7362.5, 7364, 7365, 7366). Licensees are not required to complete continuing education.

BPC Section 7362 specifies that the BBC is required to determine, by regulation, the subjects which must be completed in an educational program, the approved courses (what material must be taught), including the minimum hours of technical instruction and practical operations a student must complete for each subject, and how much training is required prior to a student performing work on a paid patron. For example, the curriculum for a cosmetology and barber course requires 200 hours of technical instruction in health and safety (16 CCR Section 950.1 and 950.2), while the curriculum for a nail care course requires 25 hours of technical instruction in health and safety considerations (16 CCR Section 950.4). As currently drafted, this bill will not increase the number of hours of education that each applicant is required to complete, but

instead will authorize the BBC to include the new one-hour training requirement within the existing course hour requirements specified for each licensure category.

This bill only applies to new applicants for licensure, and as a result, this bill permits the BBC to promote the awareness of physical and sexual abuse through mail, television, radio, motion picture, newspaper, book, internet, or other electronic communication.

Physical and Sexual Abuse. According to the National Coalition Against Domestic Violence, domestic violence is "the willful intimidation, physical assault, battery, sexual assault, and/or abusive behavior, as part of a systematic pattern of power and control perpetrated by one intimate partner against another." The range of domestic violence is wide and can include physical violence along with sexual violence, psychological violence, and emotional abuse. As such, this bill specifies that for training purposes, physical and sexual abuse can include domestic violence, sexual assault, human trafficking and elder abuse.

The additional training requirements proposed by this bill are not unique to the beauty industry. Currently, the Professional Beauty Association notes on its website its participation in the national "CUT IT OUT" Program which helps build awareness and training for salon professionals related to domestic abuse "to recognize the warning signs and safely refer clients, colleagues, friends and family to local resources." This bill aims to ensure that all of California's licensed beautification professionals receive BBC-approved education and training in physical and sexual abuse awareness to better identify and connect those victims of violence with the appropriate services available. This bill does not mandate any actions by licensees, and provides immunity for both licensees and their employers from civil or criminal liability for acting in good faith or from failing to act based on information obtained during the course of employment.

Current Related Legislation. AB 89 (Levine) of the current legislative session, requires, on January 1, 2020, an applicant for licensure as a psychologist to complete a minimum of six hours of coursework or applied experience under supervision in suicide risk assessment and intervention, as specified, and further requires on January 1, 2020, as a one-time requirement, a licensee prior to his or her first renewal to complete a minimum of six hours of coursework or applied experience under supervision in suicide risk assessment and intervention. *Status: This bill is currently pending in the Assembly Committee on Business and Professions.*

Prior Related Legislation. AB 181 (Bonilla), Chapter 430, Statutes of 2015, required, among other things that the BBC to conduct a review of its current 1,600-hour curriculum requirements for the Cosmetologist license.

ARGUMENTS IN SUPPORT:

The California Partnership to End Domestic Violence writes in support, "[This bill] would require the [BBC] to include a course about domestic violence and sexual assault awareness as part of the licensing process. [This bill] is a step forward in ending domestic violence and sexual assault. This bill will provide victims with additional information and avenues to access services."

ARGUMENTS IN OPPOSITION:

None on file.

REGISTERED SUPPORT:

California Partnership to End Domestic Violence.

REGISTERED OPPOSITION:

None on file.

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