

# **BACKGROUND PAPER FOR The Board of Barbering and Cosmetology**

**Joint Sunset Review Oversight Hearing, March 10, 2026  
Senate Committee on Business, Professions, and Economic Development  
and Assembly Committee on Business and Professions  
IDENTIFIED ISSUES, BACKGROUND AND RECOMMENDATIONS**

## **BRIEF OVERVIEW OF THE BOARD OF BARBERING AND COSMETOLOGY**

### **History and Function of the Board of Barbering and Cosmetology (BBC or Board)**

In 1927, the Board of Barber Examiners and the Board of Cosmetology were established. The Board of Barber Examiners governed the barbering profession, and the Board of Cosmetology governed the cosmetology profession. The Board of Barber Examiners consisted of 5 members, 2 of which were public members. The Board of Cosmetology consisted of 7 members, 2 of which were public members.

Throughout the years, there were minor changes to the laws of each profession. For example, the requirement of apprenticeship prior to master barber licensing for barbers and revisions to the cosmetology laws to include a separate manicurist license, electrology license, and esthetician license. In 1939 the manicurist license and the electrology license were added, and in 1978 the cosmetician (esthetician) license was added.

In 1992, the Board of Barber Examiners and the Board of Cosmetology were merged to create the Board of Barbering and Cosmetology. The Barbering and Cosmetology Act (Act) (Business and Professions Code (BPC) §§ 7301, et seq.) was enacted by AB 3008 (Eastin, Chapter 1672, Statutes of 1990) and became effective July 1, 1992. In July 1997, the Board of Barbering and Cosmetology was eliminated by the California Legislature and the duties, powers, and functions of the Board were transferred directly to the Department of Consumer Affairs, which administered the Act through the Bureau of Barbering and Cosmetology. On January 1, 2003, SB 1482 (Polanco, Chapter 1148, Statutes of 2002) reinstated the Board of Barbering and Cosmetology (Board or BBC) to administer the Act.

The Board regulates the practices of six professions and issues individual licenses to the following:

- Cosmetologists – All chemical services, cut and style the hair, skin care, and nail care.
- Barbers – All chemical services, cut and style the hair, and shaving.
- Electrologists – Permanent hair removal using electrolysis.
- Estheticians – Skin care including treatments, superficial peels, dermaplaning, etc., as well as waxing and lash services.
- Manicurists – Nail care, including manicures and pedicures, artificial nails, and paraffin wax treatments for hands and feet.
- Hairstylists – Hair services that do not include any chemical services.

The Board also issues:

- Establishment Licenses – Businesses where all regulated services are performed.
- Mobile Unit Licenses – Businesses that are moving establishments (e.g. recreational vehicle modified into a salon).
- Personal Service Permits – An additional permit that allows an individual licensee to perform certain services outside of a licensed establishment or mobile unit (e.g. inside a hotel room, at a consumer’s home).

**Mission Statement**

According to the 2022-2027 Strategic Plan, the Board’s mission is:

*To ensure the health and safety of California consumers by promoting ethical standards and by enforcing the laws of the barbering and beauty industry.*

**Board Membership and Composition**

Since its reinstatement, the Board was made up of nine members – five public members and four professional members. During the 2021 sunset review oversight, board composition was discussed as a matter of fair representation for each profession regulated under the Act. The resulting sunset extension bill, SB 803 (Roth, Chapter 648, Statutes of 2021), expanded the Board’s membership to ensure each licensee population was represented on the Board.

The Board is now comprised of 13 members with seven public and six professional members. The Senate Committee on Rules and the Speaker of the Assembly each appoint one public member. The other 11 members (five public and six professional members) are appointed by the Governor. The professional members must represent the licenses issued by BBC – a cosmetologist, barber, esthetician, electrologist, manicurist, and an establishment owner. Board members may not serve more than two consecutive terms. Each year, BBC elects a president and vice president, who each serve a one-year term, and can serve for a total of two years. Following is a listing of the current BBC members:

<b>Board Member</b>	<b>Appointment Date</b>	<b>Term Expiration Date</b>	<b>Appointing Authority</b>	<b>Professional or Public</b>
<b>Anthony Bertram</b> – A barber at Blade Barbershop since 2022, Mr. Bertram has also been an actor and member of the Screen Actors Guild since 2007. He was an Assistant Director of Financial Aid Services at the University of Southern California from 2012 to 2015 and earned a Bachelor of Arts in Business Administration from Adelphi University and a Master of Social Entrepreneurship from Pepperdine University.	11/15/2024	1/1/2027	Governor	Professional
<b>Michelle Edgar</b> – Founder and CEO of Edgar Talent Agency and Strategy Lead for Venbrook Insurance Services. Formerly Sr. VP of Strategy and Operations at Athlete-Driven Worldwide 2024-2025, Sr. Director of School and Business Partnerships at Compton Unified School District 2023-2024, Account Director at The Springhill Company in 2023, Head of Strategic Partnerships for LiveXLive Media 2021-2022, VP of Brand Marketing at Epic Records 2019-2021 and an Agent at ICM Partners 2016-2019. Edgar is a Commissioner on the Santa Monica Arts and Culture Commission and earned a B.S. in Journalism and Music from Northwestern University and a Master of Law from UCLA.	8/8/2025	1/1/2030	Governor	Public

Board Member	Appointment Date	Term Expiration Date	Appointing Authority	Professional or Public
<b>Megan Ellis</b> – A Grant Writer and Coordinator at One Community Health since 2018, Ms. Ellis previously held multiple positions at the California Department of Education from 2012 to 2018, including Legislative Analyst for the Executive Office. Ms. Ellis was a Policy Analyst Intern for the Napa Valley Unified School District in 2011. She earned a Master of Arts degree in educational policy and leadership from the University of Michigan, Rackham School of Education.	6/25/2021	1/1/2027	Governor	Public
<b>Tonya Fairley</b> – Owner of Strandz on Grand Inc. since 2013, TSF Leadership and Personnel Development Co. since 2015, and Strandz Unlimited since 2019. She is an active member of the John Maxwell Team and Worldwide Women's Association.	4/29/2021	1/1/2029	Governor	Professional
<b>Yolanda Jimenez</b> – A teacher for the Twin Rivers Unified School District since 2006, Ms. Jimenez is a member of the National Writing Project – Area 3. Ms. Jimenez earned a Master of Arts in Education from California State University, San Jose, where she also received her doctoral degree in Educational Leadership.	2/3/2022	1/1/2029	Governor	Public
<b>Sinar Lomeli</b> – Counseling Faculty at MiraCosta College since 2016. She was an Adjunct Counselor and Instructor at Rio Honda College from 2014 to 2016. Lomeli was an Adjunct Counselor and Instructor at Norco College from 2014 to 2016. She earned a Master of Science degree in Guidance and Counseling from CSU San Bernardino and a B.A. in English from the UC Santa Barbara. Lomeli is a member of Hispanas Organized for Political Equality.	5/6/2025	1/1/2029	Governor	Public
<b>Tamika Miller</b> – has been a licensed manicurist since 1998. She was CEO of Cuticles Nail Spa from 2006 to 2023. She is the founder and CEO of Cuticles Spa Consulting.	11/16/2023	1/1/2027	Governor	Professional
<b>Danielle Munoz</b> – Director of the Basic Needs and CARES Office at CSU Long Beach since 2022. Previously was the Director of CARES at CSU Sacramento from 2016–2022. She was a volunteer Therapist at the Gender Health Center from 2016-2020, a Marriage and Family Therapist at Turning Point Community Programs from 2012-2015 and a Service Coordinator at the Alta Regional Center from 2010-2012. She is Founder of Nopal Kweenz Podcast, Cofounder of IMPACT Solutions for Change, and a Senior Fellow of the Creciente Leadership Program. Ms. Muñoz earned a Master of Science in Marriage, Family and Child Counseling from CSU Sacramento and Bachelor's Degree in Sociology from UC Davis.	6/24/2022	1/1/2030	Governor	Public
<b>Calimay Pham</b> – has been an attorney for the County of Los Angeles, Child Support Services Department since 2017. Ms. Pham is a graduate of UCLA School of Law and currently serves as a Planning Commissioner for the City of Alhambra and a Lecturer in Law at USC Gould School of Law.	11/25/2019	1/1/2027	Speaker of the Assembly	Public
<b>Steve Weeks</b> – was formerly president of a national mortgage banking company and an international business finance company. He also serves as an executive board member of Southern Methodist University and has served on several Los Angeles County Commissions.	6/29/2017	1/1/2029	Senate Committee on Rules	Public
<b>Vacant</b>	-	-	Governor	Professional

The Board has eight standing committees that are formed to examine specific topics, recommend policies that advance mission-related goals, and assist the BBC in establishing its goals in pursuit of ensuring the health, safety and welfare of the public. The Board President appoints, subject to Board approval, the members to fill positions of each standing committee, although members may volunteer to serve on a specific committee. Terms for all standing committees are one year and begin with the election of a new Board President:

- **Disciplinary Review Committee (DRC):** Conducts informal administrative citation hearings and renders decisions regarding disputed citations. The DRC has authority to affirm, modify or dismiss citations, including any fine. The Board President shall annually appoint members of the DRC and appointments are made concurrently with the annual election of officers. The Board President selects the dates and locations of the informal citation review hearings held before the DRC.
- **Diversity, Equity, and Inclusion Committee:** Provides recommendations to strengthen policies, enhance training, and provide opportunities for employee engagement to create an inclusive workplace. The DEI Committee also provides resources to licensees to engage the industry in implementing practices that enhance the customer experience by providing a welcoming setting to all who seek the services of a board licensee.
- **Education and Outreach Committee:** Provides input on the development of informational brochures and other publications, plans outreach events for consumers and licensees, and prepares articles for submission in trade magazines and attend trade shows.
- **Enforcement and Inspections Committee:** Advises the Board on policy matters related to protecting the health and safety of consumers, including recommending how inspections are to be conducted, the types of violations issued, disciplinary guidelines are to be maintained, etc.
- **Health and Safety Advisory Committee:** Provides advice and recommendations on health and safety issues and ensures licensees are aware of basic labor laws.
- **Legislative and Budget Committee:** Reviews and tracks legislation affecting the Board and recommends positions the Board should take on legislation that may impact operation of the Board, the health and safety of consumers, and the Board's licensees. Additionally, the committee advises on policy matters relating to the budget.
- **Licensing and Examination Committee:** Advises the Board on policy matters relating to examining and licensing individuals who want to practice barbering and cosmetology in California. The committee may also provide information and recommendations to the Board on issues relating to curriculum and school approval, exam appeals, statutes and regulations.
- **Apprenticeship Program Sponsor Appeal Committee:** Hears appeals from apprenticeship program sponsors contesting a notice to show cause when a sponsor is served by the Board for not conducting its apprenticeship program in compliance with the Board's statutes and regulations.

Since the prior sunset review oversight, the Board has gone through many changes impacting the Board on an organizational level. For example, positions were created in the Executive Office – a Staff Services Manager III to serve as an Assistant Executive Officer and a Staff Services Manager II to serve as an Enforcement Chief. Establishing a leadership chain of command also allows the Board to

implement a succession plan and promotional opportunities at the management and executive levels to continue retaining long-term institutional knowledge. The Board also closed its examination facilities after the practical examination was eliminated and relocated its headquarters to be co-located with the Department of Consumer Affairs (DCA) headquarters in Sacramento, California.

The Board utilizes a national examination for all license types except hairstylist. The examination that is utilized for barbering, cosmetology, esthetics, manicuring and electrology is the same exam used in nine states. The hairstylist examination was developed by DCA’s Office of Professional Examination Services (OPES). Despite using the national examination, OPES conducted an occupational analysis for barbering (2019), electrology (2020), esthetics (2021), and manicuring (2021). Occupational analyses are discussed further in Issue #1.

**Fiscal, Fund, and Fee Analysis**

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. While BBC does not have a specific statute that requires a certain reserve level to be maintained, the Board is subject to a maximum reserve limit of two fiscal years (FY), when if exceeded, the Board would be required by BPC § 128.5 to reduce license or other fees the following fiscal year for the following two fiscal years.

BBC had 23.5 months of operating reserves at the end of FY 2021/22 with expenditures of \$6,184,000. Expenditures have increased substantially through FY 2024/25 to \$21,672,000 – a 250% increase in three fiscal years – and are projected to continue to increase through FY 2026/27.

<b>Table 2. Fund Condition</b>	<b>(list dollars in thousands)</b>					
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	FY 2025/26	FY 2026/27
Beginning Balance	26,539	26,920	24,838	11,926	38,971	38,095
Revenues and Transfers	6,995*	11,848	21,096	23,717	24,036	23,196
<b>Total Resources</b>	33,534	38,768	45,934	35,643	63,007	61,269
Budget Authority	20,896	21,337	18,332	21,116	22,333	23,003
Expenditures	6,184	13,993	19,008	21,672	24,912	25,332
Loans to General Fund	0	0	-15,000	0	0	0
Accrued Interest, Loans to General Fund	0	0	0	689	0	0
Loans Repaid From General Fund	0	0	0	25,000	0	0
<b>Fund Balance</b>	27,350	24,775	11,926	38,971	38,095	35,959
<b>Months in Reserve</b>	23.5	16.2	6.6	18.8	18.0	17.0

In FY 2023/24, the Board made a loan to the General Fund of \$15 million dollars. As a result, the above table shows this fluctuation in the decrease of the Board’s overall fund balance. In Fiscal Year 2024/25, the Board received a loan re-payment from the General Fund of \$25 million dollars. The \$25 million re-payment was for a FY 2020/21 loan to the General Fund to help address COVID-19 pandemic-related budget shortfalls.

Table 3 shows the Board’s expenditures by program component. It is noteworthy that the Board only uses one California-specific examination (hairstylist), which according to licensing data (see Table 7a on page 32 of the sunset report), has had a total of 287 applicants. However, Table 3 shows the Board dedicates resources to its examination line item that are comparable to its licensing program for all license types. The examination expenditure line item is discussed further in Issue #1.

<b>Table 3. Expenditures by Program Component</b> (list dollars in thousands)								
	FY 2021/22		FY 2022/23		FY 2023/24		FY 2024/25	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$4,165	\$1,516	\$4,362	\$2,120	\$4,811	\$1,617	\$5,099	\$2,417
Examination		\$1,833		\$2,053		\$2,405		\$2,699
Licensing	\$1,714	\$487	\$1,733	\$580	\$1,912	\$339	\$2,268	\$492
Administration*	\$1,648	\$426	\$1,349	\$396	\$1,466	\$231	\$1,476	\$284
DCA Pro Rata	\$0	\$5,691	\$0	\$5,531	\$0	\$5,552	\$0	\$5,916
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>TOTALS</b>	<b>\$7,527</b>	<b>\$9,953</b>	<b>\$7,444</b>	<b>\$10,680</b>	<b>\$8,189</b>	<b>\$10,144</b>	<b>\$8,843</b>	<b>\$11,808</b>

\*Administration includes costs for executive staff, board, administrative support, and fiscal services.

The Board has not had fee changes over the past 10 years. There have only been two amendments to BBC's fee structure in the last 18 years, one in 2007 to establish an application and examination fee and one in 2011 to update the fee for a dishonored check.

<b>Table 4. Fee Schedule and Revenue</b> (revenue dollars in thousands)								
Fee	Current Fee Amount	Statutory Limit	FY 2021/22* Revenue	FY 2022/23* Revenue	FY 2023/24 Revenue	FY 2024/25 Revenue	% of Total Revenue	
Apprenticeship License Fee	\$25.00	\$25.00	\$59	\$62	\$63	\$60	0.4%	
Barber Application and Exam Fee	\$75.00	*	\$370	\$568	\$688	\$721	3.7%	
Barber License Fee	\$50.00	\$50.00	\$154	\$205	\$233	\$247	1.3%	
Barber Renewal Fee	\$50.00	\$50.00	\$29	\$177	\$711	\$711	2.5%	
Barber Delinquency Renewal	\$25.00	50% of Renewal	\$15	\$21	\$95	\$105	0.4%	
Cosmetology Application and Exam Fee	\$75.00	*	\$755	\$1,122	\$1,315	\$1,494	7.3%	
Cosmetology Licensee Fee	\$50.00	\$50.00	\$363	\$511	\$600	\$723	3.4%	
Cosmetology Renewal Fee	\$50.00	\$50.00	\$251	\$1,635	\$5,863	\$6,050	21.6%	
Cosmetology Delinquency Renewal	\$25.00	50% of Renewal	\$127	\$158	\$598	\$687	2.5%	
Electrologist Application and Exam Fee	\$75.00	*	\$6	\$10	\$14	\$17	0.1%	
Electrologist License Fee	\$50.00	\$50.00	\$3	\$5	\$6	\$6	0.00%	
Electrologist Renewal Fee	\$50.00	\$50.00	\$1	\$9	\$26	\$28	0.1%	
Electrologist Delinquency Renewal	\$25.00	50% of Renewal	\$0	\$1	\$1	\$2	0.0%	
Esthetician Application and Exam Fee	\$75.00	*	\$927	\$975	\$923	\$833	5.7%	
Esthetician License Fee	\$40.00	\$40.00	\$343	\$376	\$367	\$324	2.2%	
Esthetician Renewal Fee	\$50.00	\$50.00	\$71	\$536	\$1,967	\$2,084	7.3%	
Esthetician Delinquency Renewal	\$25.00	50% of Renewal	\$36	\$45	\$181	\$220	0.8%	
Hairstylist Exam Fee	None	None	-	-	-	-	-	
Hairstylist License Fee	\$50.00	\$50.00	-	-	\$5	\$4	0.0%	
Manicurist Exam Fee	\$75.00	*	\$568	\$642	\$611	\$603	3.8%	
Manicurist License Fee	\$35.00	\$35.00	\$183	\$213	\$225	\$240	1.3%	
Manicurist Renewal	\$50.00	\$50.00	\$72	\$733	\$2,402	\$2,429	8.8%	
Manicurist Delinquency Renewal	\$25.00	50% of Renewal	\$37	\$49	\$169	\$180	0.7%	

<b>Table 4. Fee Schedule and Revenue</b> (revenue dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2021/22* Revenue	FY 2022/23* Revenue	FY 2023/24 Revenue	FY 2024/25 Revenue	% of Total Revenue
Establishment License Fee	\$50.00	\$80.00	\$355	\$359	\$420	\$414	2.4%
Establishment Renewal Fee	\$40.00	\$40.00	\$14	\$215	\$769	\$762	2.8%
Establishment Delinquency Renewal	\$20.00	50% of Renewal	\$7	\$16	\$84	\$87	0.3%
Mobile Unit App Fee	\$50.00	\$50.00	\$1	\$1	\$1	\$1	0.0%
Mobile Unit Inspection/License Fee	\$100.00	\$100.00	\$2	\$2	\$2	\$1	0.0%
Mobile Unit Renewal	\$40.00	\$40.00	\$0	\$0	\$0	\$1	0.0%
Mobile Delinquency Renewal	\$20.00	50% of Renewal	\$0	\$0	\$0	\$0	0.00%
Certification Fee	\$10.00						0.00%
Duplication Fee	\$10.00	\$10	\$234	\$230	\$174	\$165	1.2%
Personal Service Permit License Fee	\$25.00	\$50.00	-	\$4	\$3	\$1	0.0%
Personal Service Renewal Fee	\$10.00	\$50.00	-	-	-	\$1	0.0%
Personal Service Delinquency Renewal	\$5.00	50% of Renewal	\$1	\$0	\$0	\$0	0.0%
<b>TOTALS</b>			<b>\$4,984</b>	<b>\$8,880</b>	<b>\$18,516</b>	<b>\$19,201</b>	

### Staffing Levels

Generally, BBC has very little turnover and several long-term employees. The Board is taking steps to recruit staff prior to those long-term staff retirements to ensure a successful transition.

The Board currently has a total of 86.1 authorized permanent positions. The Board experienced higher vacancy rates in FY 2021/22 and FY 2022/23 than in the past. Program Technician II and Inspector positions were particularly difficult to fill due to a reduction in the number of applicants, likely attributable to the COVID-19 pandemic as experienced by many employers and reported by other programs within DCA that faced similar challenges. The applicant pools returned to pre-pandemic levels in FY 2023/24, allowing the Board to fill vacancies in a timely manner and achieve a 9% vacancy rate in August 2025.

Although staffing is mostly stable, BBC notes that recruiting for the inspections program, which has historically been considered hard-to-fill as the pay is equivalent to an entry-level clerical position, still faces challenges. The Board took steps to reduce its vacancies in the Inspector series, such as reclassifying three of the vacant Inspector positions to Special Investigators (SI). The SI classification investigates cases of consumer harm in addition to conducting the necessary inspections, thus providing a ladder for career growth and promotion within the Board for existing Inspectors. Additionally, the Board expanded its recruitment efforts by collaborating with community and state colleges and increasing participation in career fairs.

### Licensing

The Board is responsible for licensing and regulating barbers, cosmetologists, estheticians, electrologists, manicurists, apprentices, hairstylists, and establishments through its authority vested in the Act. Each profession has its own scope of practice with some overlap in areas. Title protection is provided for the use of the terms “cosmetologist” and “barber” (BPC §§ 7320.3, 7320.4). The Act also regulates the specialty branches within the practice of cosmetology, including skin and nail care. The Act provides exemptions for: those involved in the health care field who, within their own scope of

practice, may perform particular procedures which would constitute the practice of barbering or cosmetology; commissioned officers in the military service, or their attendants, when engaged in the actual performance of their official duties; persons employed in the movie, television, theatrical, or radio business; persons selling or demonstrating certain products; and those who provide services while incarcerated under specified conditions (BPC § 7319). BBC is one of the largest boards in the country, with over 550,000 licensees. The Board annually issues approximately 275,000 initial and renewal licenses. Although the Board has a significant licensing workload, it meets or exceeds its internal performance for all license types.

<b>Performance Measure</b>	<b>Definition</b>	<b>Target</b>	<b>Actual</b>
Initial Applications	Average days from receipt of application to examination scheduling.	42 days	7
Establishment Applications	Average days from receipt of application to license issuance.	28 days	13
Apprentice Applications	Average days from receipt of application to license issuance.	28 days	14
Reciprocity Applications	Average days from receipt of application to license issuance.	28 days	4
Examination Scheduling	Average number of days from date of approval of qualifications to examination date.	60 days	N/A*

\* On January 1, 2022, the practical examination that the Board scheduled was eliminated and licensees began self-scheduling the written examination with the examination vendor.

The Board monitors its licensing performance monthly. The BreEZe database has allowed the Board to significantly reduce its licensing processing times as more online transactions are submitted by applicants. To ensure applications are processed in the order received and expedited applications are processed accordingly, all pending applications are monitored via a report from data in BreEZe. Each morning, the licensing workload for the day is assigned based on the application received date so the oldest applications are processed first.

During the reporting period, the Board decreased its time to process applications, administer exams, and issue licenses. SB 803 (Roth, Chapter 648, Statutes of 2021) eliminated the practical examination for all license types in January 2022. This change eliminated the wait time for a practical exam opening and allowed applicants to self-schedule the written examination directly with the examination vendor, both of which contributed to overall processing times.

Applicants must demonstrate they have met minimum training requirements depending on the license type sought. Each profession requires the applicant to be at least 17 years of age, to have completed 10th grade (or the equivalent), and not be subject to license denial based on a conviction that is substantially related to the qualifications, functions, or duties of a licensee (BPC § 480). Applicants must submit a proof of training document to demonstrate completion of required technical and practical instruction, which varies depending on the scope of the license. In addition to each license individual training requirements, all require students to take: 1) one hundred hours instruction 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 and 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. Total minimum training hours for each license type are as follows:

- Cosmetologist: 1,000 training hours covering all practices of a cosmetologist, which includes the training of an esthetician and manicurist.
- Barber: 1,000 training hours covering all practices of a barber. An individual may also submit documentation that they obtained comparable military training in barbering.
- Esthetician: 600 hours covering all practices of skin care.
- Electrologist: 600 hours covering all practices of electrology.
- Manicurist: 400 hours covering all practices of a manicurist.
- Hairstylist: 600 hours covering practices of a hairstylist (excluding chemical services).

Alternatively, BPC § 7332 provides authority for an apprenticeship pathway to licensure. An apprentice is licensed to participate in a training program authorized by BPC § 7332 to engage in learning or acquiring a knowledge of their chosen profession in a licensed establishment under the supervision of a licensee approved by the Board. The apprenticeship program must also be approved by the Division of Apprenticeship Standards (DAS) and allows the trainee, an apprentice, to earn a wage while studying to become a cosmetologist, barber, esthetician, manicurist, or electrologist under the guidance and supervision of a trainer in an establishment licensed by Board. To become licensed through an apprenticeship, an individual training in barbering, cosmetology, skin care, or nail care must be over 16 years old, have completed 10th grade or its equivalent, and not have been convicted of a substantially related crime that would disqualify them from licensure under BPC § 480. For those training in electrolysis, the apprentice must be 17 years of age and have completed the 12<sup>th</sup> grade or its equivalent (BPC § 7334). Apprenticeships are discussed further in Issue #10.

The BBC externship program allows a student who is enrolled in a cosmetology and/or barbering school to perform services in a licensed salon, for which they are not compensated, under the direct and immediate supervision of a designated licensee. Unlike an apprentice who is paid while working under the guidance and supervision of a licensee in lieu of attending school, an extern works in an establishment while attending a cosmetology school. In order for a cosmetology or barbering student to participate in an externship, the cosmetology/barbering school they attend must submit a “Notification of Participation in the Cosmetology Externship Program” form to BBC. Title 16 of the California Code of Regulations (16 CCR) § 962.1 states that “It is the responsibility of each participating school to ensure that the establishments and licensees participating in the cosmetology externship program remain in good standing,” meaning the licenses are current, active, unrestricted, not subject to discipline, and does not have associated unpaid fines.

The goal behind the statutory creation of an externship opportunity was to provide students the opportunity to work in the field prior to graduating and becoming licensed. At the time, the sponsor of SB 1498 (Hughes, Chapter 1142, Statutes of 1994), which established the extern framework in the Act, noted that the program would give students a better chance to secure a job after becoming licensed and simultaneously allow schools to track graduates more efficiently to comply with job placement data requirements. The externship program allows the student to earn hours that can be used to fulfill the requirements of their private cosmetology program. When the program was first implemented, those hours were only up to 8 hours per week and only up to 10 percent of the total hours required to complete a program were eligible to be earned as an extern. The Board’s previous sunset legislation, SB 803 (Roth, Chapter 648, Statutes of 2021) extended the earnable hours to 25 per week and up to 25 percent of the clock hours required to graduate. AB 2196 (Maienschein, Chapter 527, Statutes of 2022) subsequently extended the hours for the barbering externship to 25 per week and up to 25 percent of the clock hours required to graduate.

Written examinations are required for all individual license types. The national examination is used for barbers, cosmetologists, electrologists, estheticians, and manicurists. The hairstylist examination is a

California-specific examination. All examinations are offered in English, Spanish, Vietnamese, Korean, and Simplified Chinese. Once Board staff review and approve an applicant, a notification of approval is mailed. The applicant then registers with the Board's examination vendor, and they are able to select their own examination location and time. The examinations are offered at 23 locations throughout California and are offered at multiple times from Monday through Saturday.

In addition to the license pathways described above, BBC provides reciprocity to applicants who are licensed in other states and allows those who have trained in other states or countries or gained experience in the military to qualify for an examination. The Act provides for license reciprocity with other states so long as the applicant submits a completed application form and all fees required by the Board and proof of a current license issued by another state to practice that it is not revoked, suspended, or otherwise restricted (BPC § 7331). Board regulations specify that applicants who studied or trained outside the state or country or who gained experience in the military and wish to establish eligibility to take the examination may submit evidence of their qualifications to the Board as specified (16 CCR § 910). The Board will also waive the reciprocity application and license fee for spouses or domestic partners of those on active duty in the Armed Forces, as well as expedite their reciprocity licensure process. The issue of license portability is discussed further in Issues #6 and 7.

Further, BBC arranges for examinations for applicants who are incarcerated. The Board works with the California Department of Corrections and Rehabilitation to reduce barriers to entry issues upon prison release by conducting examinations in state correctional facilities by scheduling and administering examinations in the correctional facilities.

All barbering, cosmetology and electrology programs are required to be approved by the Board. Private schools are also required to be approved by the Bureau for Private Postsecondary Education (BPPE). Generally, a new private school applies to the Board and BPPE at the same time. The BPPE will issue an intent to approve and provide the Board with a copy of that notice. The Board conducts a review of the application that includes the floor plan and the full curriculum. Once the Board has the BPPE's intent to approve, an inspection is the final step to determining if the school meets the Board's qualifications to be approved. There are currently 274 Board-approved schools. There is not a renewal requirement so once a school is approved, there is no further review and the Board does have authority to remove approval without going through costly and time-consuming disciplinary action process, unlike other Board licensee and establishment approvals that must be periodically renewed. School approvals are discussed in more detail below in Issue #4.

## **Enforcement**

The Enforcement Program receives and investigates complaints from the public and various entities to determine if there has been a violation of the Act and its regulations, and if warranted, takes formal disciplinary action. Complaints involving allegations of health and safety violations are evaluated using a combination of desk investigations and field inspections. However, the more egregious cases, including allegations of consumer harm, may result in formal disciplinary action (including probation, suspension, or revocation) against the licensee. The Act was amended during the previous sunset review to clarify that licensees cannot perform or offer any service that is considered the practice of medicine. Since then, the Board has issued 646 citations for Board licensees offering or performing services that are considered the practice of medicine.

The Board prioritizes complaints using guidelines similar to those found in DCA's Complaint Prioritization Guidelines for Health Care Agencies, according to the most egregious violation alleged in the complaint such as consumer harm, gross negligence or incompetence. Complaints are prioritized according to the most egregious violation alleged in the complaint. Consumer harm, gross negligence

and incompetence, or similar violations, are considered the highest priority. The highest priority cases are distributed amongst the Board’s Special Investigators (SIs) who can process the complaint, interview complainants and licensees, conduct inspections, and request expert opinions, if necessary. Complaints alleging health and safety or unlicensed activity violations are considered a high priority and are worked by Enforcement Analysts with inspections conducted by Board Inspectors. Cases that are opened as the result of random inspections where egregious health and safety violations or unlicensed activity were found are also considered high priority cases.

During the reporting period, the Board saw a 39% increase in complaints received, from 4,514 in FY 2021/2022 to 6,269 in FY 2024/2025. The Board has managed this workload by redirecting staff, but the average days for processing cases spiked in FY 2023/2024 due to enforcement staff focusing on redirected work. In FY 2024/2025, processing times were reduced and the Board is again meeting performance goals except the number of days to complete cases resulting in formal discipline.

Measure	Target	FY 2024/25
Average number of days to complete complaint intake.	10 Days	3 Days
Average number of days to complete closed cases not resulting in formal discipline.	120 Days	112 Days
Average number of days to complete cases resulting in formal discipline.	540 Days	766 Days
Average number of days from the date a probation monitor is assigned to a probationer to the date the monitor makes first contact.	15 Days	1 Day
Average number of days from the time a violation is reported to the program to the time the monitor responds.	5 Days	1 Day

The Board averages 383 days to investigate and refer cases to the Attorney General’s (AG) Office. In order to meet the target of 540 days, the AG only has 157 days to adjudicate the cases. The Board has implemented processes to improve efficiencies in referring cases to the AG in a timelier manner. The majority of cases that are referred to the AG are for employing unlicensed operators, which usually requires three inspections to verify the establishment owners’ refusal to come into compliance. As the Mobile Inspection Process was implemented, the time frames between inspections were reduced and more time will be afforded for the AG to adjudicate the cases while allowing the Board to remain within performance targets.

The Board relies heavily on its cite and fine program to correct and prevent violations. The Board issues an average of 6,700 citations on an annual basis. However, staffing issues in the Cite and Fine Unit in FY 2023/24 led to decreased citations issued. Table 9. Enforcement Statistics on page 49 of the sunset report shows citations issued decreased from 7,271 in FY 2022/23 to 5,805 in FY 2023/24. By the end of FY 2024/2025, the Board was fully staffed and worked through the backlog and the Board reports 7,485 citations were issued that year. Although outside the reporting period, the Board reports efficiencies realized from the new Mobile Inspection Process allowed the Board to completely clear its backlog as of August 29, 2025, and the Board is currently issuing citations within three days of an inspection.

BPC § 7407 directs the Board to establish by regulation a schedule of administrative fines violations of the Act and the previous sunset legislation amended this section to indicate that the schedule of administrative fines for violations of this chapter shall be based on those that “directly impact consumer safety” and that the schedule shall indicate whether each type of violation can be corrected. Additionally, BPC § 7407.1 directs the Board to determine by regulation when a fine shall be assessed to both the holder of the establishment license and the individual licensee or only assess the fine to the

establishment owner or the individual licensee. In January of 2024, SB 384 (Bradford, Chapter 603, Statutes of 2023) added BPC § 7407.1 subdivisions (b)(1) and (b)(2), which directs the Board to establish by regulation a Board-offered remedial education program in lieu of a first offense of a health and safety violation and authorizes the Board to charge a fee to administer the remedial education program. The Board is in the process of establishing the program required by SB 384 and is seeking statutory clean-up language to facilitate implementation through their sunset legislation.

Another arm of BBC's enforcement activities is the Inspection Program, whose primary role is enforcing the BBC's health and safety regulations. This is accomplished through directed, random, initial and/or targeted inspections of the over 52,000 establishments and 248 schools of barbering, cosmetology, and electrology. Inspections can be the result of a complaint alleging consumer harm, random to ensure compliance with health and safety regulations, or targeted in the event of an outbreak.

In addition to health and safety, unlicensed activity enforcement is a high priority of the DCA and the Board. As a result of an inspection, owners who are found to be operating unlicensed establishments and owners who employ unlicensed individuals are fined up to \$1,000. Each unlicensed individual is also cited and fined up to \$1,000. Cases involving establishment owners who have personal licenses who have been repeatedly cited for operating an unlicensed establishment or employing unlicensed operators are forwarded to the AG to have their license(s) disciplined. Discipline may include license suspension, probation, and/or revocation.

To decrease the number of establishment owners cited for operating unlicensed establishments, the Board's Enforcement Analysts work with the establishment owners to bring them into compliance. This education-based approach began in the Spring of 2014 and continues to bring establishment owners into compliance before inspections are conducted and reduces the instances of resistance when inspections are conducted for those that have become licensed.

### **Public Information Policies**

The Board meeting dates and locations (region) are posted on the website in January of each year. The Board webcasts all meetings and webcasts are available on the website back to July 2016. Meeting materials are posted online approximately one week prior to the Board meeting and meeting materials on the website date back to January 2015. The Board also posts approved minutes that date back to January 2015.

The Board posts annual enforcement data by fiscal year, as well as licensee-specific disciplinary and enforcement actions pursuant to BPC § 27. Other licensee and permitholder data posted includes the name, address of record, license status, license type, issue date, expiration date, and certifications.

The Board maintains a strong social media presence, with 23,000 followers on Facebook and 14,000 on Instagram. It posts weekly to educate consumers on how to stay safe when receiving services. These posts include reminders to verify that service providers are licensed, where to find the license on display, and what to expect during services. On September 3, 2024, the Board launched a separate Facebook page for the Vietnamese community and on August 1, 2025, a new page was launched in Spanish. The Board posts information directed to consumers as well as information to licensees.

The Board also participates in various outreach events; produces and distributes a variety of consumer publications; develops industry bulletins that provide the Board's official position on various topics affecting the Board's regulated professions; and publishes a quarterly newsletter, "The BarberCosmo Update" that is distributed to all interested parties covering topics that often include what consumers

should know before, during, and after a service, new products or services they should be aware of, and how to verify a license. The consumer publications, industry bulletins, and newsletter are distributed in English, Korean, Spanish, Vietnamese, and Simplified Chinese.

### **Workforce Participation and Job Creation**

During the Board's previous sunset review, significant changes were made to reduce barriers to entry of the professions, including reducing the number of required training hours, as well as eliminating the practical exam. These reforms contributed to a 14% increase license population when comparing pre-pandemic data to 2022, the first year the practical exam was not required. In addition to issues about general cost burdens for individuals to take BBC-required tests, concerns about the practical exam were raised, noting its lack of covering any aspect of practice that a licensee is actually cited for during an inspection and its lack of adding value to licensees' abilities to safely conduct their work. Of particular note, the practical exam did not appear to enhance public safety, given that there was no requirement for individuals to show that they can control infections or uphold sanitation protocols, key aspects of maintaining health and safety standards. Some individuals, despite the amount of time they spend in school, may still not be successful at performing beautification services to the level that consumers desire, such as a stylist who provides bad haircuts regardless of the amount of training received. It is quite common for employers in any industry to train new hires. The practical examination did not assess a candidate's ability to safely perform the duties of a Board licensee.

The Board has discussed requiring students to pass a practical examination prior to graduation from an approved school but to date has not elaborated on how it would implement a standardized examination into each of its approved school's curricula, how it would ensure each site is executing fair and equitable testing, and how it would prevent the school from deviating from evaluating minimum standards.

The Board takes a progressive stance in ensuring that diversity, equity, and inclusion serve as the foundation for all its activities. Language access continues to be a top priority for the Board and is reflected by the following actions:

- All examinations are offered in English, Vietnamese, Spanish, Korean, and Simplified Chinese.
- Any applicant who does not speak one of those languages is permitted to bring their own interpreter to the examination.
- The Board provides certified interpreters for any informal disciplinary review hearing at no cost to the appellant.
- The Board's website and all publications are translated into Vietnamese, Spanish, and Korean and Simplified Chinese is in process.
- The Board utilizes three separate Facebook pages to provide information to both consumers and licensees, which are in English, Spanish, and Vietnamese.

In addition, the Board partners with other entities to provide education and information to consumers and potential licensees. In 2023/2024, the Board attended three events with the Consulate General of Mexico to provide information on staying safe when receiving services and information on becoming a licensee.

In April 2023, the Board established its Diversity, Equity, and Inclusion Committee (Committee). The Committee first conducted a survey of licensees to determine which underrepresented communities are prevalent in the license population and to ask for improvements that they believed the Board could make to serve these communities. The Board received over 2,000 responses and of note were the fact

that 85% identify as female, 22% describe themselves as Hispanic or Latino, 12% identify as Asian Pacific Islander and 15% have a disability. The Committee developed information to be placed on the Board's website to highlight information on "What can you do?" and provides suggestions to help licensees make clients feel welcome, From the Board's website, "California is home to the largest and most diverse barbering and beauty industry in the nation. While the Board of Barbering and Cosmetology's main responsibility is to protect the health and safety of California consumers receiving barbering and beauty services, the Board encourages licensees to embrace diversity, equity, and inclusion in their establishments. The Board wants every consumer receiving Board services to feel safe and welcome."

## PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS

BBC was last reviewed by the Legislature through sunset review in 2021. During the previous sunset review, 19 issues were raised. In this report, BBC described actions it has taken since its prior review to address the recommendations made in the Sunset Review Oversight Background Paper. Following are important programmatic and operational changes, enhancements and other policy decisions or regulatory changes made by the Board since the sunset review. For those which are not addressed and may still be of concern to the Committees, they are addressed and more fully discussed under “Current Sunset Review Issues.”

- **Expanded Board Membership.** The Board’s membership was updated to grant each license category a seat on the Board. The Board currently has a member representing cosmetologists, barbers, electrologists, estheticians, and manicurists. The Board has one vacant industry position for an establishment owner. The Board reports this reform has been beneficial as each member provides their unique industry perspective to protect consumers.
- **Increased Capacity to Investigate Consumer Harm.** The Board has hired five SIs, who investigate the Board’s most egregious complaints. The SIs handle all aspects of consumer harm cases, including interviewing the complainant and respondent and conducting inspections. The SI positions also provide promotional opportunities within the Enforcement program that lead to improved staff retention and applicant recruitment.
- **Mobile Services.** The previous sunset legislation enacted changes to allow the Board to issue personal service permits that allows licensees to have flexibility in where they offer beautification services. Since implementation on October 1, 2021, the Board has issued 265 personal service permits. Additionally, the Board reports sunset legislation amendments allowed the mobile unit business option to be more accessible to individuals. Since January 1, 2022, the Board has issued 41 new mobile unit licenses.
- **Implemented Licensing Reforms.** Policy changes made by SB 803 (Roth, Chapter 648, Statutes of 2021) created efficiencies in licensing that led to decreased processing times and applicants gaining quicker entry into the workforce. Among the reforms include eliminating the practical examination, which reduced the waiting time for applicants to schedule examinations and allows applicants to self-schedule the written examination at their convenience. Additionally, SB 803 reduced the training hours required for a cosmetologist and barber licenses. By reducing the time spent in classroom training that provides no demonstrable benefit to public health and safety, barriers to entry in the workforce were reduced. SB 803 also created a narrow-in-scope hairstylist license type to allow those who wish to provide beautification services without practicing the entire scope of a cosmetologist a pathway to licensure.

## CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to the Board or areas of concern that should be considered, along with background information for each issue. There are also recommendations Committee staff have made regarding particular issues or problem areas the Board needs to address. The Board and other interested parties have been provided with this Background Paper and the Board will respond to the issues presented and the recommendations of staff.

### **BBC ADMINISTRATIVE ISSUES**

**ISSUE #1: (NATIONAL EXAMINATIONS AND BPC § 139.) Should the BBC be required to conduct occupational analyses for license types for which there is no California-specific examination?**

**Background:** To obtain a license from the BBC, applicants are required to take and pass a written examination. BPC § 7338 specifies that examinations must be “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.” As soon as an applicant passes the examination, they can be issued a license almost immediately.

The objective of a license examination is to determine whether applicants meet minimum competency requirements. Consequently, examination reviews and occupational analyses are conducted to assess whether the examination appropriately evaluates the candidates’ skill levels in carrying out tasks routinely performed by the profession in a safe and competent manner. BPC § 139 requires the DCA and programs within the Department to develop a policy to evaluate examinations and conduct occupational analyses, and define circumstances under which review is appropriate, standards for review of state and national examinations, and standards for determining appropriate costs of reviews, among other examination policy considerations.

National examinations provide many advantages to regulatory programs and licensees alike. For example, licensing entities are not required to develop and administer the examinations, which provides considerable cost and workload savings to the program. For license candidates, advantages include that a national examination provides increased portability, greater assurance that their education will prepare them to pass the examination, and increased availability of test taking dates and locations. However, there is rationale for a California-specific examination in some circumstances that must be considered on a case-by-case basis. For example, there are professions where the law and ethical standards in California deviate sharply from other states, seismic considerations for engineering and architecture that must be evaluated in California, professions that do not require licensure in other states, and professions for which there is not a national examination.

A key component of BPC § 139 is the legislative findings of subdivision (a), which state in relevant part: “It is the intent of the Legislature that the policy developed by the department pursuant to subdivision (b) be used by the fiscal, policy, and sunset review committees of the Legislature in their annual reviews of these boards, programs, and bureaus.” During the legislative process and sunset oversight, each program within DCA has established whether its examination for licensure is California-specific, a national examination, or a combination of both. A program can also move to adopt a national examination on its own volition if it is not mandated to require a specific examination.

The written examination BBC uses is developed by the National Interstate Council of Board of Cosmetology (NIC), which the Board adopted in 2009. Yet, the BBC sunset report includes attachments C1, the 2019 Occupational Analysis of the Barbering Profession, C2, the 2020 Occupational Analysis of the Electrologist Profession, C3, 2021 Occupational Analysis of the Esthetics Profession, and C4, the Occupational Analysis of the Manicurist Profession. A summary description of each occupational analysis (OA) states the Board requested that the Department of Consumer Affairs' Office of Professional Services (OPES) conduct the OA to define the practice for each profession in California in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure. The conclusion of each study states that use of the outline contained in the report ensures the Board is compliant with BPC § 139.

BPC § 139(c) states, "Every regulatory board and bureau, as defined in Section 22, and every program and bureau administered by the department, the Osteopathic Medical Board of California, and the State Board of Chiropractic Examiners, shall submit to the director on or before December 1, 1999, and on or before December 1 of each subsequent year, its method for ensuring that *every licensing examination administered by or pursuant to contract with the board is subject to periodic evaluation*" [emphasis added]. It is the Committees' belief that the Legislature did not intend for a DCA program to be required to routinely evaluate a national examination that is not administered by or under contract with a DCA program under the provisions of BPC § 139.

In the Board's sunset report, Table 3. Expenditures by Program Component (page 20), the Examination line item shows \$1.833 million in FY 2021/22, \$2.053 million in FY 2022/23, \$2.405 million in FY 2023/24, and \$ 2.699 million in FY 2024/25. Over the reporting period, a total of \$8.99 million has been spent on the examination line item even though the Board only has one California-specific examination for the hairstyling license type.

**Staff Recommendation:** *The Board should update the Committees on the status of OPES examination review, costs for this work, and any next steps the Board plans to take.*

**ISSUE #2: (BOARD REGULATION APPROVALS.) Is the regulations approval timeline reasonable? What are the delays and where can efficiencies be achieved?**

**Background:** During the previous sunset oversight review, the Committees requested the Board to provide the Committees with an update on pending regulations and the current timeframes for regulatory packages. The focus on proposed regulation approval originates from what appears to be a systemic increase in time from development to approval for regulations within DCA programs.

Prior to 2016, boards and bureaus like BBC organized within DCA filed rulemaking packages directly with OAL. Boards and bureaus were not required to submit rulemaking packages to DCA or the overseeing agency for review and approval prior to submission for publication in the Notice Register. OAL reported that this process was unusual within state government: most programs must submit regulations packages to their respective agency for approval. As a result, in September 2016, the Secretary of the Business, Consumer Services, and Housing Agency (BCSH) changed the procedures: boards and bureaus were now required to submit rulemaking packages to DCA and BCSH for review prior to filing with OAL. BCSH stated that the reason for the decision was an increase in the number of regulations disapproved by OAL for failing to meet their statutory requirements.

According to a 2019 DCA report to the Legislature, Internal Review of Regulation Procedures, "the resulting enhanced scrutiny from Agency and DCA's Legal Affairs Division successfully reduced the number of disapproved regulation packages, with the number of disapprovals falling from nine in 2016

to only one in 2018.” The report also found that “while disapproval rates plummeted, a consequence was lengthened timelines to adopt regulations. Several boards and bureaus raised objections to the lengthened review time and reported difficulty obtaining timely updates about regulation packages under review.” The “pre-review” process required regulations to go through DCA's entire review process prior to the package being submitted for public comment. DCA established a formal Regulations Unit to “minimize the length of time it currently takes to review regulatory packages; allow board and bureau attorneys to focus on the increased workload of non-regulatory work; respond to the demand of regulation packages under review and the increase of regulation packages from AB 2138 (Chiu and Low; Chapter 995, Statutes of 2018); avoid the habitual carry-over of regulation packages; and enhance the level of regulation training provided to boards and bureaus to improve the quality of regulations and create efficiencies by having better quality packages submitted for review.”

Promulgating regulations allows state programs to clarify, make specific, or implement statute. The Board adopts regulations to add specificity to the Act stemming from legislation in order to establish a framework for program administration, e.g. to establish training requirements, set fees, stand up the enforcement procedures and disciplinary guidelines, etc. When promulgating regulations, programs must comply with the Administrative Procedure Act (APA) (Government Code section 11340 et seq.). Requirements include providing a 45-day public notice of the proposed regulation and an opportunity for stakeholders to comment and compel changes to the language. In cases when the language is amended, there will be an additional 15-day notice period. Once the language is final, the proposed regulation is submitted to the Office of Administrative Law, which reviews the regulation to ensure six standards are met and/or established: 1) necessity; 2) authority; 3) clarity; 4) consistency; 5) reference; and 6) nonduplication (GOC § 11349.1(a)). The Office of Administrative Law has strict timelines and must approve or disapprove a regulation within 30 days of submission or the regulation is deemed to have been approved (GOV § 11349.3(a)).

However, before a proposed regulation is submitted to OAL, it undergoes rigorous review at the Department and Agency levels. These reviews often result in regulations being returned for rework then rereview multiple times. This review is not required to adhere to timelines and programs have reported that proposed regulations have taken years to obtain approval from DCA’s Legal Affairs Division. During the Board’s previous sunset review, regulations were discussed in the Committees’ background paper and the Committees recommended that the Board provide the Committees with an update on pending regulations and the current timeframes for regulatory packages. Based on this recommendation in the previous background paper, the Board provided an update in its Prior Issues section of its current report. As reported by the Board, since the last sunset review:

The Board has promulgated several regulatory packages since the last sunset review. Below is each regulatory package, when it was initiated, and the timeline for completion:

Topic	Start Date	Status
AB 2138 Substantial Relationship & Rehab Criteria	05/18/2019	Approved by OAL on 06/09/2021, Effective on 06/09/2021.
Personal Service Permit	02/12/2019	Approved by OAL on 07/23/2021, Effective on 10/01/2021.
Instructional Materials	02/11/2019	Approved by OAL on 09/20/2022, Effective on 01/01/2023.
Transfer of Credit	05/25/2018	Approved by OAL on 08/10/2023, Effective on 10/01/2023.

SB 803 Clean-Up	12/03/2021	Approved by OAL on 08/28/2024, Effective on 10/01/2024.
Technical Clean-up, Section 100	01/26/2024	Approved by OAL on 05/15/2025, Effective on 05/15/2025.
Pre-Apprentice Training	01/01/2022	Approved by OAL on 04/16/2025, Effective on 07/01/2025.
SB 1451 Hairstylist Licensing Fees	09/22/2024	Approved by OAL on 08/07/2025, Effective on 10/01/2025.

Certainly, time for development and writing can be significant depending on the complexity, size, and stakeholder interest of a proposed regulation. However, the approval timelines appear excessive. While the Department review has improved approval rates, the Committees question whether the review provides a level of feedback and improvement that offsets the delays experienced by the programs, especially when this table confirms reports from other programs – that it can take years to obtain approval to submit a proposed regulation to OAL. As a board – a semi-autonomous entity within the administration that can sponsor its own legislation – it may be more effective and less workload intensive to run legislation in many cases rather than promulgate regulations.

***Staff Recommendation:*** *BBC should inform the Committees of the causes of the significant delays in its most recently reported approved regulations and any pending regulations. The Board should also discuss ways to effectively shorten approval timelines and a plan to implement those methods. The Board should also discuss whether it would be beneficial to codify certain regulations to allow future changes to be made through the legislative process.*

### **BBC LICENSING ISSUES**

**ISSUE #3: (CLEAN UP AND REVISION OF BBC BUSINESS REQUIREMENTS.) Should BBC be authorized to issue licenses to limited liability companies (LLCs) and require Secretary of State (SOS) registration for its establishment applicants?**

**Background:** The Board has historically issued establishment licenses to LLCs, but current statute is not clear if this business structure is allowed under the Act. SB 323 (Vargas, Ch. 419, 2012) enacted the California Revised Uniform Limited Liability Company Act, which allows a business that is required to be licensed under the Business and Professions Code to form as an LLC so long as the practice act specifically authorizes its licensees to form as an LLC (Corporations Code (CORP) § 17701.04 (b)). However, the Act does not authorize an establishment to form as an LLC.

Prior to the revisions to the limited liability company requirements, the Beverly-Killea Limited Liability Company Act prohibited domestic and foreign LLCs from rendering professional services in California. Professional services were defined as “any type of professional services which may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.”

In 2004, Attorney General Opinion No. 04-103 concluded that, “A business that provides services requiring a license, certification, or registration pursuant to the Business and Professions Code may conduct its activities as a limited liability company if the services rendered require only a nonprofessional, occupational license.”

Following the AG opinion, numerous DCA boards and bureaus that issued occupational licenses began issuing licenses to LLCs, including the BBC. However, now that the question of whether “professional services” are being rendered is no longer a trigger and specific authority must be granted by the practice act, DCA programs have systematically requested authority to issue licenses to LLCs through amendments to their practice acts, most recently, the Home Furnishings and Thermal Insulation Act and Household Movers Act by SB 814 (Roth, Chapter 508, Statutes of 2023).

Separately, the Board issues licenses to corporations, but does not require the corporations to be in good standing with the Secretary of State (SOS), provide its identification number issued by the SOS, or provide information about the Chief Executive Officer, Secretary, Chief Financial Officer, or any other corporate officer who will be active in the establishment being licensed.

Corporations Code (CORP) § 200(a) authorizes one or more natural persons, partnerships, associations or corporations, domestic or foreign, to form a corporation by executing and filing articles of incorporation with the SOS, at which time, the corporate existence begins unless expressly provided by law or in the articles of incorporation. The corporation must meet additional requirements, such as: choosing a name that is distinguishable and not misleading to the public, as determined by the SOS; including minimum information in the articles of incorporation; and set forth the number of directors of the corporation; among other requirements. Additionally, within 90 days of filing the articles of incorporation and every 24 months thereafter, the corporation must file a statement of information or be subject to suspension (CORP § 2205).

Many of the programs within DCA that issue licenses to corporations require the corporation to provide some form of information to demonstrate the corporation is in good standing with the SOS, whether it’s the SOS identification number, the statement of information, or a copy of the articles of incorporation as a condition precedent to licensure. Additionally, most of these programs automatically suspend a license when a licensee fails to remain in good standing with the SOS. Examples of other practice acts that require SOS registration for their corporations are locksmiths, alarm companies, contractors, repossessioners, proprietary security services, private security services, automotive repair, electronic and appliance repair, and registered dispensing ophthalmic businesses. It is unclear why the Board’s corporations do not follow suit.

**Staff Recommendation:** *The Board should advise the Committees whether establishment licenses should demonstrate good standing with the Secretary of State as a condition of licensure. The Committees may wish to implement this requirement. The Committees may wish to implement explicit authority to license establishments formed as limited liability companies.*

**ISSUE #4: (SCHOOL REVIEW.)** The Board still believes it should have sole oversight for schools that train students to become licensed in cosmetology, barbering, and electrology, despite lacking the expertise for important student protections that are provided to California students under the California Private Postsecondary Education Act administered by the Bureau for Private Postsecondary Education. Will changes result in meaningful opportunities for students desiring training and careers in the beautification services industry?

**Background:** The Board shares oversight of barbering and cosmetology schools with the Bureau for Private and Postsecondary Education (BPPE), both having statutory authority to approve schools as a legal condition for them to operate. A school is approved by the Board then by BPPE. However, the Board’s approval is limited to reviewing criteria in BPC § 7362.1:

- Facility approval, including square footage and equipment for comprehensive instruction.

- Sufficient enrollment of 25 bona fide full-time students.
- Curriculum approval, including practical training and technical instruction to be taught and hours taught in each topic.

BPPE has oversight to approve all other aspects of licensing the school, including ensuring the following minimum operating standards are met: 1) the content of each educational program can achieve its stated objective; 2) the institution maintains specific written standards for student admissions for each educational program and those standards are related to the particular educational program; 3) the facilities, instructional equipment, and materials are sufficient to enable students to achieve the educational program's goals; 4) the institution maintains a withdrawal policy and provides refunds; 5) the directors, administrators, and faculty are properly qualified; 6) the institution is financially sound and capable of fulfilling its commitments to students; 7) upon satisfactory completion of an educational program, the institution gives students a document signifying the degree or diploma awarded; 8) Adequate records and standard transcripts are maintained and are available to students; and 9) the institution is maintained and operated in compliance with the California Private Postsecondary Education Act of 2009 and all other applicable ordinances and laws (Education Code (EDC) § 94885).

The Board conducts inspections prior to approval and routine inspections to complete its licensing mandate. In addition to reviewing and approving new school applications, the Board provides schools with quarterly pass/fail rates, which are required to maintain their accreditation status. The Board also receives various applications for schools, such as adding or removing a course, updating authorized personnel, and updating school contact information. Schools do not pay an application fee to the Board, which would reimburse the Board for application processing workload. Additionally, schools are not required to pay fees for license maintenance workload imposed upon the Board. However, BPPE charges a \$5,000 application fee, a \$3,500 renewal fee, and additional fees based on circumstances of the individual campus and the annual revenue of the school (EDC § 94930.5).

The Board may revoke, suspend, or deny school approval when an owner or employee has engaged in specific acts, such as unprofessional conduct, repeated failure to comply with health and safety rules, and failure to comply with Board-adopted regulations applicable to schools, among other acts (BPC § 7362(b)). When a school inspection reveals health and safety violations, a notice of violation must be issued, and a copy of the notice must be provided to the BPPE (BPC § 7313(b)). The Board claims that BPPE has no similar requirement to share information with the Board when BPPE conducts an inspection, although the two programs have historically shared information and collaborated through a formal Memorandum of Understanding. It would be helpful for the Committees to understand the status of continued joint efforts between BBC and BPPE to promote educational quality, to prevent fraud, and to support students.

The Board asserts that its authority is focused on protecting the public who may patronize a school for services, not the students who attend the school to become licensed by the Board. The Board claims that it continues to receive complaints alleging a school is selling hours and producing fraudulent Proof of Training documents (a Board-required document that is for examination admittance). The Board states that to properly investigate these allegations, increased enforcement authority is needed. It would be helpful for the Committees to understand what authority the Board should be granted in order to build cases to use its school approval revocation authority, including whether additional unprofessional conduct activities should be built into the Act so that the Board can take swift and appropriate action.

In its 2014 sunset report, the Board stated its position that it should be the regulatory entity to have sole oversight of schools, stating:

*The Board believes that it is the best positioned regulatory entity to have sole oversight of schools. Dual oversight is not cost-effective and it is redundant to have two DCA entities regulating the same business. The Board cannot be removed from oversight because schools offer industry specific, Board regulated services, to consumers. Therefore, the Board should be the sole DCA in charge of regulating beauty schools. With regard to tuition recovery assurances, there are three options (a) cosmetology, barbering and electrology schools can be required to post bonds (as was required before the Student Tuition Recover Fund); (b) BPPE will continue to handle this for barbering, cosmetology and electrology schools (as they do with all other private postsecondary's); or (c) this function can be transferred to the Board.*

The Board believes there should be a statutory requirement for the BPPE to provide the Board with formal discipline including accusations, final decisions, as well as citations. Informing BBC could also be achieved through mandates on BBC-approved schools to report adverse actions from accreditors, governmental agencies, or other oversight bodies. It is unclear how a MOU would not capture information sharing, such as BPPE providing information to BBC if it cites a beautification services training program for unlicensed activity and it would be helpful for the Committees to understand where gaps remain. It would be helpful to understand the additional resources, including revenue, BBC believes it needs to continue its role in school oversight.

***Staff Recommendation:*** *The Board should inform the Committees of the current costs of services associated with school approval maintenance, such as curriculum change reviews and routine inspections, and the fee schools should pay for the services at a cost neutral rate. The Board should advise the Committees whether a MOU with BPPE could include any cost-sharing of fees schools pay to BPPE in order to support the Board's educational quality role and curriculum approval for schools. BBC should advise the Committees on the status of a MOU with BPPE and provide information about school approval revocation efforts that have not been successful, as well as those that the Office of the Attorney General have rejected for formal action and the rationale.*

**ISSUE #5: (COMBINED LICENSES.) Should BBC offer combined barber/cosmetology, manicurist/esthetician, or other combined licenses if applicants have the appropriate training?**

**Background:** SB 803 (Roth, Chapter 643, Statutes of 2021) made numerous licensing reforms to streamline processes and reduce barriers to entry. Among the changes made by this legislation was reducing the number of education and training hours required to qualify for the examination for licensure as a cosmetologist and barber from 1,600 to 1,000 hours and 1,500 to 1,000 hours, respectively.

The Board states that there is increased demand from applicants who wish to hold multiple licenses. The most frequently found dual license is among those who hold manicuring and esthetic licenses. The Board also reports increased demand from individuals seeking to hold a barber and a cosmetology license. To obtain both licenses, an individual must re-enroll in an approved school and complete additional hours and apply and pass the examination.

For example, the curricula for a cosmetologist and a barber license both include 100 hours in health and safety, 100 hours in disinfection and sanitation, 200 hours in chemical hair services to include all hair types and textures, and 200 hours in hairstyling services to include all hair types and textures. At that point the curricula deviate. A student in a barber course would complete a minimum of 200 hours of coursework in shaving and trimming the beard while a cosmetologist student would complete 150 hours in skin care, 50 hours in lash and brow beautification, and 100 hours in manicure and pedicure.

Therefore, for a cosmetologist to obtain a license in barbering, the student would need to re-enroll and complete the 200 hours of coursework in beard shaving and trimming. However, the student would need to pay for, take, and pass the examination for the barber license that would evaluate the student’s knowledge of many of the same minimum standards upon which the student was already tested as a cosmetology candidate.

The Board currently has 23,061 individuals who hold both a manicuring and esthetic license and 5,033 individuals who hold both a barber and cosmetology license. The Board believes this trend will continue to increase as manicurists and barbers want to perform waxing services and cosmetologists want to provide beard grooming services.

The Board proposed establishing combined license types as a way to allow an individual to attend one course of study, take and pay for only one examination, and maintain only one license. Other states are offering combined licenses include Alabama and Texas, which have a manicuring/esthetic license; Iowa and Utah, which have a cosmetology/barber license; and Florida, which offers a specialist registration that combines skin care and nail care.

***Staff Recommendation:*** *The Board should inform the Committees of any other potential combinations or specialties that may be in demand by its licensees, if any. The Board should discuss the effects of adding new licenses and examinations on workload, lost revenue to combined licenses, the cost of examination development and administration, and additional relevant implementation details.*

**ISSUE #6: (LICENSURE BY ENDORSEMENT.) Should applicants who are licensed in another state be required to show proof of passing an examination?**

**Background:** Unlike many programs within the Department, the Board has a straightforward procedure for a licensee from one state to become licensed in California. BPC § 7331 authorizes the Board to issue a license to an individual who holds a valid license in another state, submits a completed application and fees, and submits proof of a license in another state that is in good standing and not revoked, suspended, or otherwise restricted. BBC’s website notes that applicants for this process need to contact the entity that issued them a license, request a certification of that license to be sent directly to Board, and specifies that licensure documentation needs to come directly from the state the individual was originally licensed in.

The prior sunset legislation, SB 803 (Roth, Chapter 648, Statutes of 2021) streamlined the process, which previously required the license to have been active for three of the last five years, during which the applicant was not subject to discipline or a criminal conviction. Since that change in policy in 2021, the Board has seen a significant increase in state-to-state license transfers.

License Type	2019	2020	2021	2022	2023	2024	2025
Barber	116	64	81	116	112	229	132
Cosmetologist	944	618	750	896	1454	2207	1368
Electrologist	2	0	0	0	3	4	1
Esthetician	218	173	234	498	554	673	358
Manicurist	242	193	254	451	748	1079	526
<b>Total</b>	<b>1,522</b>	<b>1,051</b>	<b>1,319</b>	<b>1,961</b>	<b>2,871</b>	<b>4,192</b>	<b>2,385*</b>

\*As of 7/1/2025

The Board reports instances where an individual who has not completed education or training obtains a license in another state and transfers their license to California. The Board has been working with multiple states on addressing fraud in the industry and through this process, became aware of individuals who submit fraudulent records to obtain a license in another state then uses that license to obtain a California license under BPC § 7331. The Board believes these individuals' intent is to circumvent taking the minimal competency examination. The Board suggests that the Act should be updated to provide the Board authority to require applicants for licensure from another state, who possess a license, to provide evidence of having passed a licensing examination from another U.S. state or territory.

It would be helpful to the Committees to understand the scope of this issue and how a fraudulent license would even emerge. It would be helpful to understand whether there are certain states that are more likely to issue a license to someone who has not completed requirements like passing the exam or how a license can be issued without ensuring the applicant is actually eligible for licensure. Does the Board currently lack authority to request information from other states to ensure an applicant has met licensure requirements? Is there a more practical approach?

***Staff Recommendation:*** *The Board should inform the Committees about the actual fraud in license transfer, including the number of cases found and actions taken by the Board. The Board should advise the Committees of whether alternatives exist that would provide a defense against fraudulent license transfer.*

#### **ISSUE #7: (INTERSATE COMPACTS.) BBC sponsored legislation to require California to join a national cosmetology compact.**

**Background:** California currently does not participate in any professional licensing compacts. Compacts have proven to be problematic and challenging for California licensees and regulatory programs alike, in terms of compact governance, enforcement options, parity in licensure qualifications, and other aspects of compact pathways. When a state joins a compact, it is subject to the rules of the compact and the bylaws established by a compact governing body. While a member state may have a vote or voice in the governance of a compact and may have some say in the development and amendment of bylaws, that is not the case for all licensing compacts.

Many licensing priorities in California may not be reflected in compacts, such as the ability for individuals in California to become licensed using an individual taxpayer identification number, rather than only a social security number. Compact rules and specifications cannot be amended by a single member state and updates are not always subject to the transparent and open discussions held in the Legislature or by California regulatory programs subject to the Bagley-Keene Act. Some compacts group categories of licensees together who may be licensed by a separate licensing entity, and there are often a number of key differences between the rules and processes of a compact and the practice acts administered by a California program.

Military spouses, historically one of the populations with the most sympathy surrounding the need for greater licensure portability given the frequency of their movement to other states, are already taken care of and covered by federal action taken in 2023. They can now practice temporarily with their license from another state if they have orders stationing them in California.

Many professions for which a national licensing compact has been established, like cosmetology, already enjoy streamlined approaches to licensure that California regulatory boards offer out-of-state providers. So far, members of the Legislature have not been convinced that joining compacts,

particularly given the pathways available to out-of-state providers to legally engage with California patients and clients, is necessary. Concerns have been raised about the potential for individuals from states with policies and priorities that do not align with California being more easily able to take jobs that California licensees, who attended California schools, would have to compete for. Issues have also arisen about how enforcement works for compact licensees practicing in a state other than their home state and where California's strong consumer protection laws in general could possibly take a back seat to a state that does not prioritize patient and client safety in the same way.

The Cosmetology Licensure Compact is a model legislation project developed by the National Center for Interstate Compacts within the Council on State Governments (CSG), in partnership with the US Department of Defense (DOD). Work began in 2021 through stakeholder committees to develop this compact, following CSG and DOD's efforts to establish compacts for a number of professions. The stated intent of the compact is to "create reciprocity among participant states and reduce the barriers to license portability and employment." During its January 23, 2023, meeting, the BBC formally voiced its support for joining an interstate cosmetology licensure compact and voted to move forward with pursuing a legislative proposal to enact the model legislation. On April 10, 2023, the BBC formally voted to sponsor and support AB 1328 (Gipson), which contained the model compact language provided by CSG and DOD. That model language includes a provision common in CSG and DOD drafted compacts that "No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact."

**Staff Recommendation:** *BBC should advise the Committees on benefits to California licensees that would be realized by joining the compact.*

**ISSUE #8: (CRIMINAL BACKGROUND CHECKS.) Should the Board be authorized to collect fingerprints for the purpose of criminal history review post-AB 2138?**

**Background:** Prior criminal history of BBC applicants and individuals in the beautification services industry has not been an area of focus, given the opportunities for jobs upon reentry that the industry provides. In 2006, AB 861 (Bass, Chapter 411) authorized the Board to issue a probationary license to applicants who may otherwise have been denied, subject to terms and conditions deemed appropriate by the Board, including participation in a rehabilitation program. In support of the bill, the author stated, "When we create barriers for an individual to work and provide for their family, we do a disservice to that individual and provide opportunities for them to re-offend – thus contributing to the vicious cycle of recidivism. AB 861 is a modest attempt to address the needs for those persons who have paid their debt to society, have complied with treatment and parole requirements, and have a desire to become an asset to a society from which they were once a liability."

To promote positive reintegration outcomes, CDCR offers career and technical education programs for incarcerated persons, which are taught by journey-level professionals with coursework intended to result in licensure. Board courses taught include cosmetology, manicurist, and barbering. Additionally, on August 15, 2025, CDCR announced Valley State Prison in Chowchilla launched a first of its kind barbering academy to promote rehabilitative and employment opportunities for its inmates. Additionally, the Board works with CDCR to conduct examinations in state correctional facilities so inmates are licensed upon release and ready to obtain gainful employment upon release.

Subsequent to AB 861, AB 2138 (Chiu, Chapter 995, Statutes of 2017) reformed licensing decisions Department-wide by limiting the discretion provided to all entities within DCA applicable to criminal history as the basis for license denial, suspension, or revocation. AB 2138 specified these actions may only be taken if the applicant or licensee was convicted of a crime substantially related to the

qualifications, functions or duties for which the individual is seeking licensure or is licensed, the conviction had to be within seven years of the date of application, and the applicant had to be given an opportunity to show evidence of rehabilitation, among other requirements (BPC § 480). Each of these provisions is broader in scope and more accommodating to applicants with convictions than provisions implemented specifically for the Board.

Typically, DCA programs require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. The licensing entities may obtain and receive criminal history information from the Department of Justice and the United States Federal Bureau of Investigation for the purpose ensuring substantially related criteria is not cause for denial prior to licensure. Programs also receive subsequent arrest records to ensure licensees have not been convicted of a substantially related crime after being issued a license for the purpose of license maintenance. Thirty-one programs within DCA are authorized to require fingerprints for these purposes (BPC § 144). However, the Act is one of seven practice acts within the DCA that does not require fingerprinting for its licensees. Instead, BPC § 480(f) authorizes BBC to require applicants for licensure to disclose criminal conviction history on an application for licensure. Essentially, BBC applicants are trusted to disclose their criminal histories.<sup>1</sup>

During this reporting period, the Board denied 15 applications based on the following criminal history that was self-disclosed and determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480.

<b>Substantially Related Convictions (BPC § 480)</b>	
<b>Year of Conviction</b>	<b>Conviction Description</b>
2013	Lewd or lascivious act with a child who is under the age of 14 years and 10 years older than the child
2019	Pimping
	Pandering by Encouraging
2013	Rape by force or fear
	Sodomy with person under 18-years
	Lewd act with child under 14 years
2002	Aiding and abetting health care fraud
2013	Sexual battery
2019	Possession of Child Pornography
2012	Sexual battery
2017	Lewd or lascivious act with a child who is under the age of 14 years
2015	Lewd or lascivious act with a child who is under the age of 14 years and 10 years older than the child
2017	Human trafficking
2010	Robbery
2014	Attempted murder
	Child endangerment
2012	Indecent exposure
2016	Prostitution
2010	Aggravated sexual assault

<sup>1</sup> Applicants for the Board’s Personal Service Permit, which was created by SB 803 (Roth, Chapter 648, Statutes of 2021), are required to submit fingerprints to check for substantially related convictions in California. One permit was denied for failure to self-disclose a conviction of Penal Code § 261.5 – sexual intercourse with a minor with special circumstances – a conviction that was confirmed by fingerprint submission.

According to Board regulations, a crime is substantially related if, “it evidences present or potential unfitness of the applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare.” (16 CCR § 970). Considering the size of the Board’s applicant pool, the Board’s and CDCR’s programs specifically designed to help inmates obtain a Board license, and the self-disclosure on the Board application, it is untenable to expect that the above 15 individuals capture all who have been convicted of substantially related crimes out of the 1,222,638 original applications and renewals received by the Board over the past four fiscal years.

***Staff Recommendation:*** *The Board should inform the Committees if allowing applicants to self-disclose under penalty of perjury is in the best interest of consumer protection and whether fingerprinting and criminal background check requirements would enhance the Board’s ability to protect consumers. The Board should also discuss any negative impacts that may be realized by requiring background checks of its applicants and whether it would prove to be a barrier to entry in the workforce. If so, would those barriers be offset by rehabilitation criteria and conviction aging limits enacted under AB 2138?*

**ISSUE #9: (SPANISH EXAMINATIONS PASS RATES.) Why do the pass rates for candidates who take Spanish examinations continue to remain low when compared to overall test pass rates and pass rates for Vietnamese, Korean, and Chinese?**

**Background:** The low pass rates for Spanish examination takers has been discussed during several consecutive sunset reviews, yet the problem persists. In the Board’s previous background paper, the following was cited as a completed report:

*BBC has experienced low passing rates for candidates who take the cosmetology written examination in Spanish. (AB 181, Bonilla, Chapter 430, Statutes of 2016) specifically addressed this issue by requiring BBC to review the Spanish language examination if, by January 1, 2016, the pass rate for Spanish speakers did not increase to the average pass rate for all other language examinations. The pass rates have significantly increased, therefore, in compliance with California Business and Professions Code, Section 7303.2 (b) BBC completed its review.*

The current sunset report examination data does not agree. While the examination pass rates for Spanish-speakers who take the esthetician, eletctrology, and manicurist exams are comparable to the overall pass rates, cosmetologist and barber examination pass rates continue to fall behind all others. Following are the examination pass rates for the first time barber and cosmetology examinations for the past two fiscal years for each language.

Examination Pass Rates by Language*		English		Spanish		Vietnamese		Korean		Chinese	
		Candidates	Pass								
FY 2023/24	Barber	3,465	56%	288	29%	54	37%	3	67%	5	40%
	Cosmetology	6,290	67%	653	26%	457	48%	63	33%	892	67%
FY 2024/25	Barber	3,611	60%	360	32%	44	32%	7	57%	6	33%
	Cosmetology	6,747	71%	769	26%	642	63%	70	56%	2,153	77%

\* The overall pass rate for the first time cosmetology examination is 66% and the first time barbering examination is 55%. A full accounting of examination data can be found in the Board’s sunset report on pages 39-43.

The Board has identified several potential causes for low pass rates, including deficiencies in the apprenticeship program, which has a large Spanish-speaking participation and lacks resources and

guardrails to ensure Spanish speakers are being properly trained. This may be demonstrated by the data. In FY 2024/25, there were 769 Spanish-speaking cosmetology candidates. Of those, 292 completed an apprenticeship program and 229 candidates failed the examination. For the 360 Spanish speaking barber candidates in FY 2024/25, 83 completed an apprenticeship program and 59 of them failed the examination. The apprenticeships in these cases may have failed these candidates, but it does not account for the overall low pass rate of 32% shown above for Spanish-speaking cosmetologist candidates and 26% for Spanish-speaking barbering candidates. Other factors are negatively influencing outcomes and it would serve the Board and its potential licensee population if the Board and Committees could work to eliminate these barriers.

**Staff Recommendation:** *The Board should discuss strategies to address inequities experienced by Spanish speakers that lead to low examination pass rates. Should there be a state examination for Spanish speakers? Aside from apprenticeship reform, which is discussed in Issue 10, what meaningful steps can be taken to improve outcomes for this population at the Board level?*

## **BBC ENFORCEMENT ISSUES**

**ISSUE #10: (APPRENTICESHIPS.) Should the Board have authority to take disciplinary action when an apprenticeship program does not comply with Division of Apprenticeship Standards (DAS) rules and regulations?**

**Background:** The Board offers apprenticeships as an alternative pathway toward licensure outside the traditional classroom education and training, which can be cost prohibitive for many students. The Legislature has evaluated multiple issues stemming from the apprenticeship program over previous sunset reviews, such as the quality of training received, the low examination pass rates of apprentices, and whether apprentices should be paid for their services while learning.

As noted in the Committees' previous background paper, the number of apprenticeship programs has increased significantly in the past number of years. A contributing factor is thought to be that apprenticeship programs do not have to be approved as schools and therefore, are not required to undergo the BPPE approval process. Instead, apprenticeships are approved by the Division of Apprenticeship Standards (DAS) and must comply with the Shelley-Maloney Apprentice Labor Standards Act of 1939 (LAB §§ 3070-3074.7). Additionally, the program sponsor must be approved by the Board. Those seeking approval as an apprenticeship program sponsor must submit : 1) a written request for board approval of its apprenticeship program and identifies the subject matter of the apprenticeship; 2) proof that the program sponsor is approved by the California Apprenticeship Council to offer the apprenticeship; 3) a detailed outline of the proposed training program which demonstrates compliance with the apprenticeship regulations contained in this article; and 4) a copy of the agreement between the program sponsor and the apprentice (16 CCR § 913(b)).

An apprentice commits to working a minimum of 32 hours and no more than 42 ½ hours per week of on-the-job training (OJT) hours and must complete a minimum of 3,200 OJT hours over a 2-year period. The individual also completes related supplemental instruction (RSI) classes, a minimum of 220 hours over a two-year period. An individual interested in becoming an apprentice contacts a program sponsor who charges a fee or fees that usually cover the individual's kit, textbooks, and any related supplemental classes taken at a school, in addition to other administrative fees for adding or changing trainers, transferring to a different establishment, or extending the term of the apprenticeship.

Apprentices complete a 39-hour pre-apprentice training class with the program sponsor which focuses on basic sanitation and health and safety laws. Upon completion, the individual finds a trainer and

establishment, both BBC licensed in good standing with no disciplinary actions in the prior two years. The individual also registers as an apprentice with DAS. Apprentices are paid at least minimum wage and cannot work for commission or rent a station in the establishment they are registered to work in. The training establishment obtains workers compensation for the individual. After completing at least 21 months of the apprenticeship program, the required OJT and RSI hours, the individual applies to take the same exam as individuals who completed the traditional school pathway.

LAB § 3075.1 states the position of the Legislature as a matter of a practical form of training when it serves public interest, “It is the public policy of this state to encourage the utilization of apprenticeship as a form of on-the-job training, when such training is cost-effective in developing skills needed to perform public services.” However, the Board has concerns about the current state of apprenticeships and the barriers that they are currently presenting.

Attachment E of the Board’s sunset report is a *Report on the Status of the Apprenticeship Program*. This report identifies several areas of concern, specifically:

- Tuition and Fees
- Low Passage Rates (Especially Spanish Pass Rates)
- Training Facilities/Academies
- On the Job Training Concerns
- Funding
- Wages and Workers Compensation
- Lack of Enforcement
- Overall Success of the Program
- Board Dedicated Resources

*Tuition and fee violations.* LAB § 3091 prescribes, “Acceptance of an application for entrance into an apprenticeship training program shall not be predicated on the payment of any fee. Reasonable costs for expense incurred may be charged after an applicant has been accepted into the program.” Typically, an apprentice might expect to pay for a kit of tools to train with, which the Board estimates should be reasonably priced at approximately \$500. Yet, of 115 apprentices who the Board spoke to in March 2025, all 115 reported having paid between \$2,500 and \$15,000 to participate in their program.

*Spanish-speaking pass rates.* Another barrier is the low passage rates on the examination for candidates who received education via the apprenticeship program. The low pass rates have been historically challenging for the program and could be attributable to multiple factors. The Board reports a primary contributing factor cited by the Board is that the apprentice program is often used by Spanish-speakers. Although pass rates are low overall for apprentice participants, they are significantly lower for Spanish-speakers. Data reported by the Board show pass rates for Spanish speakers to be significantly lower than those of all other languages.

<b>Apprentice Non-Spanish Examinations 2024</b>				
<b>License Type</b>	<b>Pass</b>	<b>Fail</b>	<b>Total</b>	<b>Pass %</b>
Barber	292	372	664	44%
Cosmetology	199	334	533	37%

<b>Apprentice Spanish Examinations 2024</b>				
<b>License Type</b>	<b>Pass</b>	<b>Fail</b>	<b>Total</b>	<b>Pass %</b>
Barber	24	59	83	29%
Cosmetology	63	229	292	22%

Among the potential causes, the Board suggests no instructor requirements, no requirement for Spanish speaking students to be provided education in Spanish, and there are no requirements for Spanish speaking students to have the Spanish approved textbooks, among others.

*On-the-job training requirements not being met.* BPC § 7332 requires an apprentice to learn or acquiring knowledge under the supervision of a licensee approved by the Board and defines “under the supervision of a licensee” as “the apprentice shall be supervised at all times by a licensee approved by the board while performing services in a licensed establishment. At no time shall an apprentice be the only individual working in the establishment.” Yet, Board staff find that apprentices are not receiving training and instead, are being used as a full-time employee and left alone to provide services, which the Act specifies is unlicensed activity.

Although there are supervision requirements, there are no requirements for the supervisor other than holding a valid license in good standing without any outstanding fines. The *Report* suggests the trainer often does not understand they are agreeing to provide training and simply sign off to bring the apprentice on board. Consequently, Board staff are finding there are no on-the-job training logs as required, on-the-job training logs are being pre-filled out, or they are being completed at the end of the program as opposed to throughout the program.

The above issues are examples of those provided in Attachment E, which demonstrate opportunities for improvement to the current apprentice program for each of the areas of concern as identified by the Board and its staff. The Board submitted multiple legislative requests to implement significant reforms to the apprenticeship program focused on enhancing enforcement to improve the learning experience for apprentices, decrease costs to apprentices, increase the likelihood of successful outcomes, and increase compliance with the Act and Labor Code.

***Staff Recommendation:*** *The Board should work with the Committees to identify workable solutions to apprenticeship issues negatively impacting outcomes. The Committees may wish to implement reforms to the apprenticeship program in order to establish standards that define apprenticeship responsibilities, guardrails to protect apprentices from exploitation, and ensure proper training, while providing the Board with enforcement capability.*

**ISSUE #11: (ENFORCEMENT DATA QUESTIONS.) Are there process changes that explain anomalies in the Board’s enforcement data? Does the Board need statutory changes to address anomalies and new trends affecting enforcement operations?**

**Background:** The Enforcement Division protects the health, safety, and welfare of California consumers by fielding and investigating complaints, conducting inspections, taking enforcement action (such as issuing citations), and pursuing disciplinary action against licensees who do not comply with the Act. The Board also enforces licensing requirements to ensure minimum standards are complied with to protect consumers from incompetent, negligent, or otherwise unfit practitioners.

While the majority of the Board’s enforcement activity seems to have remained consistent and/or improved from previous years based on reported data, review of Table 9. Enforcement Statistics on pages 48-51 of the Board’s sunset report reveal data suggesting potential issues. Under Complaints that were closed without referral for investigation, in FY 2021/22, there were 0 and in FY 2022/23 and FY 2023/24, there were 2 each. In FY 2024/25, 1,135 complaints were closed without referral for investigation. Complaints are typically closed without an investigation because the complaint is non-jurisdictional, the complainant fails to provide evidence to support their claims, or when there is

clearly no violation. However, given the trend, the Committees must question the cause of such a sudden escalation in complaint closures without investigation.

<b>Table 9. Enforcement Statistics</b>				
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
<b>COMPLAINTS</b>				
Intake				
Received	4,514	5,158	5,639	6,269
Closed without Referral for Investigation*	0	2	2	1,135
Referred to INV	4,559	5,135	5,642	5,082
Pending (close of FY)	25	46	43	121
Conviction / Arrest				
CONV Received	12	9	10	12
CONV Closed Without Referral for Investigation*	0	0	0	1
CONV Referred to INV	12	9	10	11
CONV Pending (close of FY)	0	0	0	0
Source of Complaint <sup>7</sup>				
Public	1,277	1,453	1,561	1,619
Licensee/Professional Groups	19	9	1	0
Governmental Agencies	15	30	6	1
Internal	671	443	315	816
Other	17	26	7	1
Anonymous	2,527	3,210	3,759	3,844

In the narrative about Enforcement, the Board reported that during the reporting period, there was a 39% increase in complaints received, from 4,514 in FY 2021/2022 to 6,269 in FY 2024/2025, i.e. at the same time the Board received the most complaints in a year, it closed more than ever without investigating. The Board reported it managed the workload by redirecting staff, but the average days for processing cases also spiked due to enforcement staff focusing on redirected work, neither of which is sustainable. The Committees would be interested in the cause of the sudden increase, especially if there were an opportunity to resolve the issue before complaint workload becomes unmanageable.

Also in the Complaints section of Table 9, under the internal source of complaints, there were 671 internal complaints generated in FY 2021/22, which then dropped to 443 in FY 2022/23, and 315 in FY 2023/24. Internally generated complaints then jumped to 816 in FY 2024/25. What prompted not only reversing the trendline of decreasing internally generated complaints, but more than doubling them in one year? Was there a legislative change that required this action, an internal policy or process change, staffing issues, or another cause?

Finally, the Board’s inspection program is essential to the success of the Board’s efficacy in enforcing the BBC’s health and safety regulations. Inspections may be directed, random, initial and/or targeted and can be conducted in the over 52,000 establishments and 248 schools of barbering, cosmetology, and electrology. Inspections can be the result of a complaint alleging consumer harm, random to ensure compliance with health and safety regulations, or targeted in the event of an outbreak. However, inspections data is not included in the data table and not discussed in the sunset report narrative. Advising the Committees of the scope and scale of the inspection work conducted by the Board would be valuable in assessing the Board’s efficacy and contributions to protecting the health and welfare of California’s consumers.

***Staff Recommendation: The Board should provide more information about its enforcement program, specifically why the number of complaints and complaints closed without investigation***

*suddenly increased in FY 2024/25. The Board should describe any correlation between the number of internally generated complaints, overall number of complaints, the number of complaints without investigations, and the backlog in issuing citations it experienced. The Board should also inform the Committees about its inspection program and provide data specific to the number of inspections conducted, how many inspections were in response to complaints versus random inspections, how many separate facilities were inspected, and how many inspections resulted in citations.*

**ISSUE #12: (EVOLUTION OF THE INDUSTRY.) The demand for beautification and wellness services has grown through increased consumer interest in anti-aging and cosmetic treatments, advancements in non-surgical technologies, as well as social media and online beauty culture.**

**Background:** According to the Board, the average consumer visits a barber or cosmetologist six to 24 times a year. The BBC notes that barbering and cosmetology establishments are trusted spaces, where high health and safety standards are monitored and maintained. When the Board was originally established, services were fairly basic according to BBC, including simple perms, basic facials, or manicures. In the 1950's, most chemical dye services were to cover gray hair. Today, individuals desire all types of colors added to their hair and, despite the proliferation of options for consumers to do this at home, BBC says that not applying the right formulation can damage hair and cause significant scalp burns and scarring. BBC advises that improper disinfection of hair tools can spread bacteria, fungus, and parasites. The skin care industry has evolved from basic skin care such as cleansing and moisturizing, to treatments that target anti-aging, skin firming, texture and pigment correction, and more. BBC states that the consumer's desire brings more and more options into the skin care world which leads to an increase of services performed by estheticians. According to the Board, skin care product manufacturers are always developing new products and machines to assist estheticians in their services but that many services can be significantly harmful to a consumer and go beyond what an esthetician can provide. The Board notes that pedicures continue to pose one of the highest risks to consumers in the beauty industry and that, while strict cleaning protocols have reduced the amount of harm, this service still poses a significant risk. BBC says if it does not investigate locations offering services, the public may be harmed cuts and puncture wounds; burns from hot tools; chemical burns; allergic reactions; eyes, hands and feet injuries and; improper disinfection injuries, among others.

According to the Board, while barbering and cosmetology services cannot be offered online, a substantial number of services are advertised online and outside licensed establishments (often at an individual's home). The Board established a process in 2020 for staff to work directly with local business licensing entities as this practice has resulted in demonstrable consumer harm and in one extreme case, an individual acquired a serious infection from a manicure in someone's home. The Board has benefitted from cooperation with many local business licensing entities that have ordinances prohibiting a business from operating at a residence or chemicals (often used in this industry) are not allowed to be disposed via residential drains.

Over the past decade, the United States has experienced a significant increase in consumer demand for wellness services and beautification enhancements. This demand has fueled rapid growth in a category of businesses often referred to as medical spas (med spas), which may combine elements of services with spa-style retail settings. These facilities are regulated in California based on the type of treatments and services offered and by the professional licenses required to perform them. A number of aesthetic procedures, such as injectable neuromodulators or laser treatments, must be performed or supervised by licensed medical professionals. Cosmetologists, estheticians, and electrologists, while licensed professionals and highly qualified in superficial treatments, may never inject the skin, use lasers, or perform certain invasive treatments. BPC §2400 generally prohibits corporations or non-physicians

from owning or controlling a medical practice and as a result, many businesses that offer services that are deemed to be invasive, even in a spa type setting where estheticians also provide services or a salon where barbers and cosmetologists practice, must still be owned and controlled by a licensed physician, often through a professional medical corporation with the physician maintaining majority ownership and authority over clinical decisions. Many California businesses offering various cosmetic services operate through a physician-directed clinical entity that works with a management services organization which handles non-medical business functions while the physician maintains legal responsibility for certain services and supervision of employees and other providers.

It would be helpful for the Committees to understand how BBC keeps pace with the evolution of beautification and wellness services and what education BBC does to ensure that small business owners are not cited for activities that they are not actually engaging in, just by virtue of various services being offered conveniently to consumers in one location. It would be helpful for BBC to describe advancements in education and training provided BBC licensees, modernization of BBC citation efforts, and any inspector training to ensure BBC is aware of how beautification services are safely provided today. It would be helpful to understand what surveys and workforce data BBC has captured to better understand the landscape of licensees who may work on the same premises, premises owned by licensed healthcare providers, as individuals authorized to perform more invasive procedures who provide those services.

**Staff Recommendation:** *BBC should update the Committees on efforts it takes to balance support of licensees legally providing beautification and wellness services, while new and not likely taught in school along with other minimum competencies given the expansion of the industry, with upholding safety for consumers. BBC should advise the Committees on education it provides its staff about FDA-approved devices and treatments, who is authorized to use those, and what BBC does to verify that the appropriate licensees are actually performing services that go beyond the scope of BBC licensees.*

## **TECHNICAL CHANGES**

**ISSUE #13: (TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF THE ACT AND BBC OPERATIONS.)** There are amendments to the Act that are technical in nature but may improve BBC operations and the enforcement of the Barbering and Cosmetology Act.

**Background:** There may be instances where non-substantive and technical changes to the Act are needed to correct deficiencies or other inconsistencies in the law. Because of numerous statutory changes and implementation delays, code sections can become confusing, contain provisions that are no longer applicable, make references to outdated report requirements, and cross-reference code sections that are no longer relevant. The Board's sunset review is an appropriate time to review, recommend, and make necessary statutory changes.

**Staff Recommendation:** *The Committees may wish to amend the Act to include technical clarifications.*

## **CONTINUED REGULATION OF INDIVIDUALS PROVIDING BEAUTIFICATION SERVICES AND BEAUTIFICATION SERVICES ESTABLISHMENTS BY THE BOARD OF BARBERING AND COSMETOLOGY**

**ISSUE #14: (CONTINUED REGULATION BY THE BOARD OF BARBERING AND COSMETOLOGY.) Should the licensing and regulation of individuals providing beautification services and beautification services establishments be continued and be regulated by the current BBC membership?**

**Background:** As an organization, the Board functions well, meets performance metrics used to evaluate regulatory agency effectiveness, and lacks many of the structural problems that other boards face, such as issues regarding fiscal solvency. The Board has longstanding complications with defining enforcement authority when other regulatory agencies also have jurisdiction, such as school approvals and apprenticeships.

The Board continued, largely unchanged, for decades, then went through extensive reforms during its previous sunset, all of which were implemented without significant issue. Meanwhile, industry continues to evolve and grow, especially with the proliferation of social media and med/spas. The Board is not able to begin to reconcile its mandatory curriculum and scope of practice framework to sync to the constant developments in this space yet every day, Californians enroll in school and start the myriad necessary steps required to gain entry in the field and to enjoy economic opportunity available to appearance professionals. The vast majority of BBC licensees are women. Huge numbers of licensees are minorities. Immigrants have a pathway to prosperity and viable career options as beautification services professionals. Licensing implies that members of the public who receive services from an individual face serious harm if that individual has not met certain requirements necessary for that license. Barriers to employment are real and, in the case of beautification services professionals in California, the risk to consumers and harm to the public does not appear to justify maintaining status quo.

**Staff Recommendation:** *BBC should be continued, to be reviewed again on a future date to be determined; however, the Committees should strongly consider modifications to the Act to enhance the Board's enforcement capability, modify apprenticeship requirements, and continue to reduce barriers to entry into the professions regulated by the Board.*