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THE BARBERING AND COSMETOLOGY ACT
(CHAPTER 10 OF DIVISION 3 OF THE BUSINESS AND PROFESSIONS CODE)

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DENIAL, SUSPENSION AND REVOCATION OF LICENSES
(DIVISION 1.5 OF THE BUSINESS AND PROFESSIONS CODE)

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Article 1. Administration

7301. Citation of Chapter

This chapter constitutes the chapter on hair, skin, nail care, and electrolysis and may be known and cited as the Barbering and Cosmetology Act.

7302. Definitions

The following definitions shall apply for purposes of this chapter:

- (a) "Department" means the Department of Consumer Affairs.
- (b) "Director" means the Director of Consumer Affairs.
- (c) "Board" or "bureau" means the State Board of Barbering and Cosmetology.
- (d) "Executive officer" means executive officer of the State Board of Barbering and Cosmetology.

7303. Control of Director

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

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

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

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

(e) This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed.

7303.1 Public Protection

Protection of the public shall be the highest priority for the Board of Barbering and Cosmetology in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

7303.2 Board Studies and Review

The board shall conduct the following studies and reviews, and shall report its findings and recommendations to the department and the Joint Legislative Sunset Review Committee no later than September 1, 2005:

(a) The board pursuant to Section 139 and in conjunction with the Office of Examination Resources if the department, shall review the 1600 hour training requirement for cosmetologists.

(b) The board, in conjunction with the Office of Examination Resources of the department, shall evaluate the equivalency of the national exam.

(c) The board, shall conduct a study to assess the costs and benefits associated with requiring all applicants to submit fingerprint cards for background investigations.

(d) The board, in coordination with the Department of Industrial Relations, shall review all components of the apprenticeship program, including but not limited to, the following:

- (1) Apprenticeship curriculum requirements.

- (2) The standards for the preapprentice trainers, program sponsors, trainers, and placement establishments. The board shall pay particular attention to ways to eliminate duplicative regulations.
- (e) The board shall review all components of the externship program. In addition to structural changes, the board shall address the following:
 - (1) Whether the program should be eliminated.
 - (2) Whether the program should be available to all students, not just cosmetology students attending private schools.
 - (3) Whether the students should be paid.
- (f) The board shall assess the costs and benefits associated with same day licensing. If the board determines that the benefits of same day licensing outweigh the costs, the board shall immediately plan and implement safety measures to protect site staff and undispersed licenses.
- (g) The board, in conjunction with the Office of Examination Resources of the department, shall assess the validity of aggregate scoring for board applicants.

7304. Per Diem and Expenses

The board shall be subject to review pursuant to Division 1.2 (commencing with Section 473).

7309. Principal Office and Branch Offices

The board shall establish a principal office, and may establish branch offices and examination facilities in the state as may be deemed necessary for the board to conduct its business.

7311. Seal

The board shall adopt and use a common seal for the authentication of the board's records.

7312. Powers and Duties of Director

The board shall do all of the following:

- (a) Make rules and regulations in aid or furtherance of this chapter in accordance with the Administrative Procedure Act.
- (b) Conduct and administer examinations of applicants for licensure.
- (c) Issue licenses to those applicants that may be entitled thereto.
- (d) Discipline persons who have been determined to be in violation of this chapter or the regulations adopted pursuant to this chapter.
- (e) Adopt rules governing sanitary conditions and precautions to be employed as are reasonably necessary to protect the public health and safety in establishments, schools approved by the board, and in the practice of any profession provided for in this chapter. The rules shall be adopted in accordance with the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Title 2 of the Government Code, and shall be submitted to the State Department of Health Services and approved by that department prior to filing with the Secretary of State. A written copy of all those rules shall be furnished to each licensee.

7313. Access to and Inspection of Establishments, Mobile Units, and Schools; Notices of Violation

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

(2) The board shall maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments. The board or its authorized representatives shall inspect establishments to reasonably determine compliance levels and to identify market conditions that require targeted enforcement. The board shall not reduce the number of employees assigned to perform random inspections, targeted inspections, and investigations relating to field operations below the level funded by the annual Budget Act and described in supporting budget documents,

and shall not re-direct funds or personnel-years allocated to those inspection and investigation purposes to other purposes.

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

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

7314. Recordkeeping

The board shall keep a record of its proceedings relating to its public meetings, meetings of committees, and records relating to the issuance, refusal, renewal, suspension and revocation of licenses.

The board shall keep a registration record of each licensee containing the name, address, license number and date issued. This record shall also contain any facts as the applicants may have stated in their application for examination for licensure.

7315. Quorum

A majority of the board may, in any meeting properly noticed in accordance with the Bagley-Keene Open Meeting Act, exercise all the duties and powers devolving upon the board.

Article 2. Application of Chapter

7316. Practice of Barbering; Practice of Cosmetology

(a) The practice of barbering is all or any combination of the following practices:

(1) Shaving or trimming the beard or cutting the hair.

(2) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.

(3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.

(4) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

(5) Hairstyling of all textures of hair by standard methods which are current at the time of the hairstyling.

(b) The practice of cosmetology is all or any combination of the following practices:

(1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means the hair of any person.

(2) Massaging, cleaning or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(4) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.

(5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person.

(6) Massaging, cleansing, treating, or beautifying the hands or feet of any person.

(c) Within the practice of cosmetology there exist the specialty branches of skin care, and nail care.

(1) Skin care is any one or more of the following practices:

(A) Giving facials, applying makeup, giving skin care, removing superfluous hair from the body of any person by the use of depilatories, tweezers or waxing, or applying eyelashes to any person.

(B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(C) Massaging, cleaning, or stimulating the face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(2) Nail care is the practice of cutting, trimming, polishing, coloring, tinting, cleansing, or manicuring the nails of any person or massaging, cleansing, or beautifying the hands or feet of any person.

(d) The practice of barbering and the practice of cosmetology do not include any of the following:

(1) The mere sale, fitting, or styling of wigs or hairpieces.

(2) Natural hair braiding. Natural hair braiding is a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device, provided that the service does not include hair cutting or the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

(e) Notwithstanding paragraph (2) of subdivision (d), a person who engages in natural hair styling, which is defined as the provision of natural hair braiding services together with any of the services or procedures defined within the regulated practices of barbering or cosmetology, is subject to regulation pursuant to this chapter and shall obtain and maintain a barbering or cosmetology license as applicable to the services respectively offered or performed.

(f) Electrolysis is the practice of removing hair from, or destroying hair on, the human body by use of an electric needle only.

"Electrolysis" as used in this chapter includes electrolysis or thermolysis.

7317. Practice of Barbering, Cosmetology, or Electrolysis for Compensation Without License

Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the bureau, or in an establishment or mobile unit other than one licensed by the bureau, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are licensed. Any violation of this section is a misdemeanor.

7318. Exception for Practice Outside Licensed Establishment Due to Illness or Incapacitation

This chapter does not prohibit the administration of any practice subject to this chapter outside of a licensed establishment, when necessary due to the illness or other physical or mental incapacitation of the recipient of the service, and when performed by a licensee obtained for the purpose from a licensed establishment.

7319. Persons Exempt From Chapter

The following persons are exempt from this chapter:

(a) All persons authorized by the laws of this state to practice medicine, surgery, dentistry, pharmacy, osteopathic medicine, chiropractic, naturopathy, podiatry, or nursing and acting within the scope of practice for which they are licensed.

(b) Commissioned officers of the United States Army, Navy, Air Force, or Marine Corps, members of the United States Public Health Service, and attendants attached to those services when engaged in the actual performance of their official duties.

(c) Persons employed to render barbering, cosmetology, or electrolysis services in the course of and incidental to the business of employers engaged in the theatrical, radio, television or motion picture production industry.

(d) Persons engaged in any practice within its scope when done outside of a licensed establishment, without compensation.

(e) Persons engaged in the administration of hair, skin, or nail products for the exclusive purpose of recommending, demonstrating, or selling those products.

(f) Persons who render barbering and cosmetology services in an institutional program during the course of and incidental to the incarceration or confinement of inmates, prisoners, or persons charged with a crime. However, all of the following conditions shall apply:

(1) Those persons shall complete a barbering training course, developed by the Department of Corrections and approved by the Department of Consumer Affairs, in the proper care of instruments and the prevention of infectious diseases.

(2) Those persons shall successfully pass an examination, developed and administered by the Department of Corrections, on the proper care of instruments and the prevention of infectious diseases.

(3) All barbering facilities located in correctional institutions shall be subject to all appropriate health and safety sanitation standards, as determined by the Department of Corrections.

7319.5 Exemption for Students

Students engaged in performing services on the public while enrolled in a school approved by the bureau shall not be required to be licensed under this chapter if they perform those services at the approved school in which they are enrolled.

7320. Authority to Practice Medicine or Surgery

This chapter confers no authority to practice medicine or surgery.

7320.1 Use of Metal Instruments in Providing Manicure or Pedicure

When providing a manicure or pedicure, no metal instruments shall be used except those metal instruments necessary for the cutting, trimming, manicuring, or pedicuring of nails or cuticles.

7320.2 Illegal Use of X-ray Appliance

Any licensee who uses an X-ray appliance, apparatus or machine in the treatment of any human being or for the purpose of or with the intent to remove superfluous hair from the face or body of any human being, or who applies to any human being a solution of phenol greater than 10 percent, or corrosive sublimate (mercury) or any of its preparations, derivatives, or compounds in a solution greater than one in five hundred, is guilty of a misdemeanor.

7320.3 Representation as Cosmetologist

Persons who are not licensed to perform all of the practices of a cosmetologist may not represent themselves as a cosmetologist.

7320.4 Representation as Barbers

Persons who are not licensed as barbers in this state may not represent themselves as barbers.

Article 3. Qualifications for Examination

7321. Cosmetologists Admitted to Examination

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

- (a) Is not less than 17 years of age.
- (b) Has completed the 10th grade in the public schools of this state or its equivalent.
- (c) Is not subject to denial pursuant to Section 480.
- (d) Has done any of the following:

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

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

(3) Holds a license as a barber in this state and has completed a cosmetology crossover course in a school approved by the board.

(4) Completed a barbering course in a school approved by the bureau and has completed a cosmetology crossover course in a school approved by the bureau.

(5) Completed the apprenticeship program in cosmetology specified in Article 4 (commencing with Section 7332).

7321.5 Barbers Admitted to Examination

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

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

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

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

(d) Has done any of the following:

(1) Completed a course in barbering from a school approved by the bureau.

(2) Completed an apprenticeship program in barbering approved by the bureau as conducted under the provisions of the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code.

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

(4) Holds a license as a cosmetologist in this state and has completed a barber crossover course in a school approved by the bureau.

(5) Completed a cosmetology course in a school approved by the bureau and has completed a barber crossover course in a school approved by the bureau.

(6) Completed comparable military training as documented by submission of Verification of Military Experience and Training (V-MET) records.

7324. Estheticians Admitted to Examination

The bureau shall admit to examination for a license as an esthetician to practice skin care, any person who has made application to the bureau in proper form, paid the fee required by this chapter, and is qualified as follows:

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

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

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

(d) Has done any of the following:

(1) Completed a course in skin care from a school approved by the bureau.

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

(3) Completed the apprenticeship program in skin care specified in Article 4 (commencing with Section 7332).

7326. Manicurists Admitted to Examination

The bureau shall admit to examination for a license as a manicurist to practice nail care, any person who has made application to the bureau in proper form, paid the fee required by this chapter, and is qualified as follows:

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

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

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

(d) Has done any of the following:

(1) Completed a course in nail care from a school approved by the bureau.

(2) Practiced nail care, as defined in this chapter, outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in nail care from a school the curriculum of

which complied with requirements adopted by the bureau. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

(3) Completed the apprenticeship program in nail care specified in Article 4 (commencing with Section 7332).

7330. Electrologists Admitted to Examination

The bureau shall admit to examination for a license as an electrologist to practice electrolysis, any person who has made application to the bureau in proper form, paid the fee required by this chapter, and is qualified as follows:

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

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

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

(d) Has done any of the following:

(1) Completed a course of training in electrolysis from a school approved by the bureau.

(2) Practiced electrolysis, as defined in this chapter, for a period of 18 months outside of this state within the time equivalent to the study and training of a qualified person who has completed a course in electrolysis from a school the curriculum of which complied with requirements adopted by the bureau. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

(3) Completed the apprenticeship program in electrology specified in Article 4 (commencing with Section 7332).

7331. Credit for Out-of-State Practice, Study, or Training

Any person who fails to qualify for admission to an examination because the person's practice outside this state does not fulfill the requirements of this chapter shall receive credit for that practice or study and training outside this state, or for the number of hours of study and training completed outside this state, which is substantially equivalent to the study and training required in this state, as determined by the bureau.

Those persons shall be qualified for examination upon completion of supplementary study and training in an approved school in this state.

7331.5 Legislative Intent

It is the intent of the Legislature that no law which may hereafter be enacted increasing the number of hours of training in a school approved by the bureau or the length of training in an apprenticeship program approved by the bureau which are required for eligibility for any examination shall apply to a person who on the effective date of the law is a student in, or has completed the prescribed course of study in, a school or is an apprentice in an apprenticeship program. This section shall not apply to a person who does not apply for and take the first examination for which he or she is eligible occurring after the effective date of the law, unless compliance with this requirement is waived by the bureau for good cause as defined in regulations.

Article 4. Apprenticeship

7332. "Apprentice"

An apprentice is any person who is licensed by the bureau to engage in learning or acquiring a knowledge of barbering, cosmetology, skin care, nail care, or electrology, in a licensed establishment under the supervision of a licensee approved by the bureau.

7333. Conduct of Apprentice Training Program

The apprentice training program shall be conducted in compliance with the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code, according to apprenticeship standards approved by the administrator of apprenticeship. A copy of the act shall be maintained on file with the bureau.

7334. Persons Licensed as Apprentices in Barbering, Cosmetology, Skin or Nail Care, or Electrolysis

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

- (1) Is over 16 years of age.
- (2) Has completed the 10th grade in the public schools of this state or its equivalent.
- (3) Is not subject to denial pursuant to Section 480.
- (4) Has submitted evidence acceptable to the bureau that any training the apprentice is required by law to obtain shall be conducted in a licensed establishment and under the supervision of a licensee approved by the bureau.

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

- (1) Is not less than 17 years of age.
- (2) Has completed the 12th grade or an accredited senior high school course of study in schools of this state or its equivalent.
- (3) Is not subject to denial pursuant to Section 480.
- (4) Has submitted evidence acceptable to the bureau that any training the apprentice is required by law to obtain shall be conducted in a licensed establishment and under the supervision of a licensee approved by the bureau.

(c) All persons making application as an apprentice in barbering shall also complete a minimum of 39 hours of preapprentice training in a facility approved by the bureau prior to serving the general public.

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

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

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

7335. Expiration of Apprentice's License

(a) The license of an apprentice shall expire two years from the date the license was issued, or on the date the apprentice is issued a license following the license examination, or if the apprentice fails the license examination twice, on the date the results of the second examination are issued, whichever occurs first.

(b) No person holding a license as an apprentice shall work more than three months after completing the required training without applying for and taking the examination for licensure.

(c) The bureau may extend the two-year or three-month period described in subdivisions (a) and (b) upon a showing of good cause which shall include, but not be limited to, delays in applying for and taking the examination caused by an illness of, or accident to, the apprentice, or service in the armed forces of the United States.

7336. Conditions Under Which Apprentice May Practice

An apprentice may do any or all of the acts for which he or she is licensed only in the licensed establishment and under the supervision and employment of a licensee approved by the bureau.

Article 5. Examinations

7337. Formal Requirements of Application; Fee

Every application for admission to examination and licensure shall be in writing, on forms prepared and furnished by the bureau.

Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination and licensure. It shall be verified by the oath of the applicant. Every applicant shall, as a condition of admittance to the examination facility, present satisfactory proof of identification. Satisfactory proof of identification shall be in the form of a valid, unexpired driver's license or identification card, containing the photograph of the person to whom it was issued, issued by any state, federal, or other government entity.

7337.5 Adoption of Regulations; "Preapplication"; Licensing Examination

(a) The bureau shall adopt regulations providing for the submittal of applications for admission to examination of students of approved cosmetology, electrology, or barbering schools who have completed at least 75 percent of the required course clock hours and curriculum requirements (60 percent for students of the manicurist course). The regulations shall include provisions that ensure that all proof of qualifications of the applicant are received by the bureau before the applicant is examined.

(b) An application for examination submitted under this section shall be known as a "preapplication" and an additional preapplication fee may be required.

(c) This section shall become operative on July 1, 1992.

(d) The bureau shall administer the licensing examination not later than 10 working days after graduation from an approved cosmetology, electrology, or barbering school to students who have submitted an application for admission for examination under the preapplication procedure.

7338. Contents of Examination

The examination of applicants for a license shall include both a practical demonstration and a written test and shall embrace the subjects typically taught in a program approved by the bureau.

The examination shall not be confined to any particular system or method. It shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the bureau as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a license is sought.

In the conduct and grading of examinations, practical demonstrations shall prevail over written tests.

The scope of examinations shall be consistent with the definition of the activities licensed under this chapter, and shall be as the bureau, by regulation, may require to protect the health and safety of consumers of the services provided by licensees.

The bureau's examinations shall be limited to clearly job-related questions, activities, and practical services. Examinations shall also include written tests in antisepsis, disinfection, sanitation, the use of mechanical apparatus and electricity as applicable to the practice of barbering, cosmetology, or electrolysis. They may include other demonstrations and tests as the bureau, in its discretion, may require.

7340. Preparation, Administration, and Grading of Examinations

All examinations shall be prepared by or under the direction of the bureau. The bureau shall establish standards and procedures governing administration and grading and shall exercise supervision as may be necessary to assure compliance therewith.

7340.5 Monitoring of Examination Process; Report to the Legislature

The department shall monitor the examination process and, in association with the board, shall report to the Legislature by July 1, 1994, on the efficiency of the examination process pursuant to Sections 7338 and 7340.

7341. Mailing of Total Grade Received on Failed Examinations

The bureau shall mail or deliver to every person failing any examination provided for in this chapter the total grade received on the examination.

An unsuccessful applicant for licensure, after taking an examination and within 90 days after the results thereof have been declared, shall have the right to inspect his or her examination paper in the city in which the examination was taken.

7342. Issuance of Licenses

Licenses in the practice of the occupation for which the license was sought shall be issued by the bureau to any applicant who satisfactorily passes an examination, who possesses the other qualifications required by law and who has remitted the license fee required by this chapter. The license shall entitle the holder to engage in the practice of that occupation in a licensed establishment.

7344. Contract for Examination Facilities

The bureau may contract or otherwise arrange for reasonably required physical accommodations and facilities to conduct examinations.

7345. Abandonment of Application and Forfeiture of Fee

If an applicant fails to complete his or her application within one year after it has been filed, or fails to take the examination within one year after becoming eligible therefor, the application shall be considered abandoned and the fee forfeited. An application submitted after the abandonment of a former application shall be treated as a new application and shall be required to meet all of the requirements for an initial license.

Article 6. Establishments

7346. "Establishment"

(a) For purposes of this chapter, "establishment" means any premises, building or part of a building where any activity licensed under this chapter is practiced.

(b) "Establishment also includes any premises, building, or part of a building in which natural hair styling is practiced for compensation.

7347. Application for License to Operate Establishment

Any person, firm or corporation desiring to operate an establishment shall make an application to the bureau for a license accompanied by the fee prescribed by this chapter. The application shall be required whether the person, firm, or corporation is operating a new establishment or obtaining ownership of an existing establishment. If the applicant is obtaining ownership of an existing establishment, the bureau may establish the fee in an amount less than the fee prescribed by this chapter. The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the establishment only at the location for which the license is issued. Operation of the establishment at any other location shall be unlawful unless a license for the new location has been obtained upon compliance with this section, applicable to the issuance of a license in the first instance.

7348. Establishment to be in Charge of Licensee

An establishment shall at all times be in the charge of a person licensed pursuant to this chapter except an apprentice.

7349. Employment of Unlicensed Persons

It is unlawful for any person, firm, or corporation to hire, employ, or allow to be employed, or permit to work, in or about an establishment, any person who performs or practices any occupation regulated under this chapter and is not duly licensed by the bureau, except that a licensed cosmetology establishment may utilize a student extern, as described in Section 7395.1.

Any person violating this section is subject to citation and fine pursuant to Section 7406 and is also guilty of a misdemeanor.

7349.1 Misleading Use of Barber Pole as Unfair Business Practice

It is an unfair business practice to any person, firm, or corporation who engages in a practice regulated under this chapter to use the traditional symbol known as the barber pole, which comprises a striped vertical cylinder with a ball on top, with the intent to mislead the public in any manner that would make the public believe that barbering was being practiced in, or that a licensed barber is employed in, an establishment that does not employ licensed barbers.

7350. Use of Portion of Establishment for Residential Purposes

No person having charge of an establishment, whether as an owner or an employee, shall permit any room or part thereof in which any occupation regulated under this chapter is conducted or practiced to be used for residential

purposes or for any other purpose that would tend to make the room unsanitary, unhealthy, or unsafe, or endanger the health and safety of the consuming public.

An establishment shall have a direct entrance separate and distinct from any entrance in connection with private quarters.

A violation of this section is a misdemeanor.

7351. Provision and Maintenance of Adequate Facilities

Every establishment shall provide at least one public toilet room located on or near the premises for its patrons. Any toilet room installed on or after July 1, 1992, shall be not less than 18 square feet in area. The entrance to the room shall be effectively screened so that no toilet compartment is visible from any workroom. The room shall be kept in a clean condition and in good repair, well lighted and ventilated to the outside air, and effectively screened against insects and free from rodents. The floor shall be of concrete, tile laid in cement, vitrified brick, or other nonabsorbent material. All sewer drains shall be connected to an approved disposal system, and shall be properly trapped. No restroom shall be used for storage.

7352. Handwashing Facilities

Every establishment shall provide adequate and convenient handwashing facilities, including running water, soap and approved sanitary towels.

7353. Inspections

Within 90 days after issuance of the establishment license, the bureau or its agents or assistants shall inspect the establishment for compliance with the applicable requirements of this chapter and the applicable rules and regulations of the bureau adopted pursuant to this chapter. The bureau shall maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments. The bureau or its authorized representatives shall inspect establishments to reasonably determine compliance levels and to identify market conditions that require targeted enforcement. The bureau shall not reduce the number of employees assigned to perform random inspections, targeted inspections, and investigations relating to field operations below the level funded by the annual Budget Act and described in supporting budget documents, and shall not redirect funds or personnel-years allocated to those inspection and investigation purposes to other purposes.

Article 7. Mobile Units

7354. "Mobile Unit"

For purposes of this article, "mobile unit" means any self-contained, self-supporting, enclosed mobile unit which is at least 24 feet in length which is licensed as an establishment for the practice of any occupation licensed by the bureau and which complies with this article and all health and safety regulations established by the bureau.

7355. Application for License

(a) Any person, firm, or corporation desiring to operate a mobile unit shall make an application to the bureau for a license containing the information and data set forth in subdivision (b). The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the unit only within those geographical boundaries designated by the bureau. Operation of the unit outside of the geographical boundaries for which the license is issued shall be unlawful, unless a license for the expanded geographic area has been obtained upon compliance with this article applicable to the issuance of a license in the first instance.

(b) Each application shall include the following:

- (1) A detailed floor plan showing the location of doors, windows, restroom facilities, sinks, lift or ramps, ventilation, equipment, and dimensions of the mobile unit in compliance with this article.
- (2) Proof of purchase or lease of the mobile unit and shop equipment.
- (3) The required fee.

(4) Copies of applicable county and city licenses or permits to provide the mobile barbering, cosmetology, or electrolysis services in each county and city of operation and the locations therein where the services will be offered.

(5) Proof of compliance with applicable city, county, and state plumbing, electrical, and fire laws.

(6) Proof of a valid California driver's license issued to an officer or employee responsible for driving the mobile unit.

(7) A permanent base address from which the mobile unit shall operate.

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

7356. Application to Transfer Ownership or Control

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

(a) A detailed floor plan showing the location of doors, windows, restroom facilities, sinks, lift or ramps, ventilation, equipment, and dimensions of the mobile unit.

(b) Bills of sale or lease documents proving purchase or lease of existing equipment and the mobile unit.

(c) The existing mobile unit license.

(d) The required fee.

(e) Copies of applicable city and county licenses or permits to provide the mobile services in each county and city of operation issued in the new owner's name.

(f) Proof of compliance with applicable city, county, and state plumbing, electrical, and fire laws.

(g) Proof of a valid California driver's license issued to an officer or employee responsible for driving the mobile unit.

7357. Compliance with Regulations

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

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

(1) A self-contained, potable water supply. The potable water tanks shall be not less than 100 gallons, and the holding tanks shall be of adequate capacity. In the event of depletion of potable water, operation shall cease until the supply is replenished.

(2) Continuous, on-demand hot water tanks which shall be not less than six-gallon capacity.

(3) Self-contained, recirculating, flush chemical toilet with holding tank.

(4) A covered galvanized, stainless steel, or other noncorrosive metal container for purposes of depositing hair clippings, refuse, and other waste materials.

(5) A split-lead generator with a remote starter, muffler, and a vent to the outside.

(6) A sealed combustible heater with an outside vent.

7358. Mobile Unit to be in Charge of Licensee

A mobile unit shall at all times be in the charge of a person licensed pursuant to this chapter except an apprentice.

7359. Employment of Unlicensed Persons

It is unlawful for any person, firm or corporation to hire, employ, allow to be employed, or permit to work, in or about a mobile unit, any person who performs or practices any occupation regulated under this chapter who is not duly licensed by the bureau.

Any person violating this section is guilty of a misdemeanor.

7360. Use of Portion of Mobile Unit for Residential Purposes

No person having charge of a mobile unit, whether as an owner or an employee, shall permit any room, or part thereof, in which any occupation regulated under this chapter is conducted or practiced, to be used for residential

purposes or for any other purpose that would tend to make the unit unsanitary, unhealthy, or unsafe, or endanger the health and safety of the consuming public.

This section shall not apply when the mobile unit is used for purposes other than the practice of any occupation regulated under this chapter outside of the designated geographical boundaries for which it is licensed.

7361. Application of Provisions of Chapter

All laws governing establishments under this chapter, except Article 6 (commencing with Section 7346), apply to mobile units, unless otherwise provided.

Article 8. Schools, Instructors, and Curricula

7362. "School Approved by Bureau"

(a) A school approved by the bureau is one which is licensed by the Council for Private Postsecondary and Vocational Education, or a public school in this state, and provides a course of instruction approved by the bureau.

(b) The bureau shall determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum number of practical operations for each subject, and shall determine how much training is required before a student may begin performing services on paying patrons.

7362.1. Requirements of School of Cosmetology Approved by Bureau

A school of cosmetology approved by the bureau shall also meet all of the following:

(a) Possess the equipment and floor space necessary for comprehensive instruction of 25 cosmetology students or the number of students enrolled in the course, whichever is greater.

(b) Have entered on the roll of a proposed school of cosmetology at least 25 bona fide, full-time students for the cosmetology course. For purposes of this section, a bona fide, full-time student is a person who has been entered on the roll of a proposed school of cosmetology and has committed to attend a full course in cosmetology.

(c) Maintain a course of practical training and technical instruction for the full cosmetology course as specified in this chapter and in bureau regulations. A course of instruction in any branch of cosmetology shall be taught in a school of cosmetology.

7362.2. Requirements of School of Barbering Approved by Bureau

A school of barbering approved by the bureau shall also do all of the following:

(a) Possess the equipment and floor space necessary for comprehensive instruction of 15 barber students or the number of students enrolled in the course, whichever is greater.

(b) Have entered on the roll of a proposed school of barbering at least 15 bona fide, full-time students for the barbering course. For purposes of this section, a bona fide, full-time student is a person who has been entered on the roll of a proposed school of barbering and has committed to attend a full course in barbering.

(c) Maintain a course of practical training and technical instruction for the full barbering course as specified in this chapter and in bureau regulations.

7362.3 Requirements of School of Electrology Approved by Bureau

A school of electrology approved by the bureau shall also do all of the following:

(a) Possess the equipment and floor space necessary for comprehensive instruction of five electrology students or the number of students enrolled in the course, whichever is greater.

(b) Have entered on the roll of a proposed school of electrology at least five bona fide, full-time students for the electrology course. For purposes of this section, a bona fide, full-time student is a person who has been entered on the roll of a proposed school of electrology and has committed to attend a full course in electrology.

(c) Maintain a course of practical training and technical instruction for the full electrology course as specified in this chapter and in bureau regulations.

7362.5 Hours of Practical Training and Technical Instruction

(a) A course in barbering established by a school shall consist of not less than 1,500 hours of practical training and technical instruction in the practice of barbering as defined in Section 7316.

(b) A course in cosmetology established by a school shall consist of not less than 1,600 hours of practical training and technical instruction in the practice of cosmetology as defined in Section 7316, except as provided in this chapter.

7364. Skin Care Course; Hours of Practical Training

A skin care course established by a school shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by bureau regulation.

7365. Nail Care Course; Hours of Practical Training

A nail care course established by a school shall consist of not less than 350 hours of practical training and technical instruction in accordance with a curriculum established by bureau regulation.

7366. Electrolysis Course; Hours of Practical Training

An electrolysis course established by a school shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by bureau regulation.

7367. Transfer of Credits

For students who change from one program of instruction to another, the bureau shall grant credit for training obtained in one course that is identical to training required in another course.

7368. Designation of Service Offered by School as Student Work

No school shall advertise barbering, cosmetology or electrolysis services to the public through any medium unless those services are expressly designated as student work.

7389. Health and Safety Course on Hazardous Substances

The bureau shall develop or adopt a health and safety course on hazardous substances which shall be taught in schools approved by the bureau. Course development shall include pilot testing of the course and training classes to prepare instructors to effectively use the course.

7389.5. Barbering or Cosmetology Course Established by Federal or State Correctional Institutions in State

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

7390. Cosmetology or Barbering Instructor Training Course; Hours of Practical Training

A cosmetology or barbering instructor training course shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by bureau regulation.

7391. Cosmetology or Barbering Instructor Admitted to Examination

The bureau shall admit to examination for license as a cosmetology or barbering instructor any person who has made application to the bureau in the proper form, who has paid the fee required by this chapter, and who meets the following qualifications:

- (a) Has completed the 12th grade or an accredited senior high school course of study in public schools of this state or its equivalent.
- (b) Is not subject to denial pursuant to Section 480.
- (c) Holds a valid license to practice cosmetology or barbering in this state.
- (d) Has done at least one of the following:
 - (1) Completed a cosmetology or barbering instructor training course in an approved school in this state or equivalent training in an approved school in another state.
 - (2) Completed not less than the equivalent of 10 months of practice as a teacher assistant or teacher aide in a school approved by the bureau.

(3) Practiced cosmetology or barbering in a licensed establishment in this state for a period of one year within the three years immediately preceding application, or its equivalent in another state. An applicant using practical experience to qualify under this section shall submit an affidavit signed by his or her employers attesting to the qualifying experience.

7392. Hours of Continuing Education to be Completed by Licensed Instructors

Each licensed instructor shall complete at least 30 clock hours of continuing education in the teaching of vocational education during each two-year licensing period. This section does not apply to an instructor who holds a credential to teach vocational education full time in a public school in this state.

For purposes of this section, programs designed for continuing education in the teaching of vocational education may include, but not be limited to, development of understanding and competency in the learning process, instructional techniques, curriculum and media, instructional evaluation, counseling and guidance, and the special needs of students.

The bureau shall adopt regulations establishing standards for the approval of continuing education courses and for the effective administration and enforcement of its continuing education requirements.

7393. Condition of Renewal of Instructor's License

As a condition of the renewal of the license of an instructor, the bureau may periodically require instructors to demonstrate current competence through continuing education as provided for in this chapter.

7394. Application of Continuing Education Requirements to Instructors on Inactive Status

The bureau's continuing education requirements shall not apply to instructors whose licenses are on inactive status according to the records maintained by the bureau.

Instructors whose licenses are on inactive status may not be employed as instructors in schools approved by the bureau.

Instructors whose licenses are on inactive status must complete at least 30 hours of continuing education in the teaching of vocational education as a condition of reinstatement to active status.

7395. Failure to Comply with Continuing Education Requirements

If an instructor with an active license status does not provide proof of compliance with the continuing education requirements provided for in this chapter within 45 days of a request from the bureau, the instructor's license shall revert to inactive status until proof of compliance is provided to the bureau.

7395.1. Students as Externs in Cosmetology Establishments

(a) A student who is enrolled in a school of cosmetology approved by the Council for Private Postsecondary and Vocational Education in a course approved by the bureau may, upon completion of a minimum of 60 percent of the clock hours required for graduation in the course, work as an unpaid extern in a cosmetology establishment participating in the educational program of the school of cosmetology.

(b) A person working as an extern shall receive clock hour credit toward graduation, but that credit shall not exceed eight hours per week and shall not exceed 10 percent of the total clock hours required for completion of the course.

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

(1) The establishment is licensed by the bureau.

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

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

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

(5) No more than one extern shall work in an establishment for every four licensees working in the establishment. No regularly employed licensee shall be displaced or have his or her work hours reduced or altered to accommodate the placement of an extern in an establishment. Prior to placement of the extern, the establishment shall agree in writing sent to the school and all affected licensees that no reduction or alteration of any licensee's

current work schedule shall occur. This shall not prevent a licensee from voluntarily reducing or altering his or her work schedule.

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

(d) (1) A school participating in the externship program shall provide the participating establishment and the extern with a syllabus containing applicable information specified in Section 73880 of Title 5 of the California Code of Regulations. The extern, the school, and the establishment shall agree to the terms of and sign the syllabus prior to the extern beginning work at the establishment. No less than 90 percent of the responsibilities and duties of the extern shall consist of the acts included within the practice of cosmetology as defined in Section 7316.

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

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

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

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

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

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

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

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

Article 10. Licenses

7396. Form and Content of License

The form and content of a license issued by the bureau shall be determined in accordance with Section 164.

The license shall prominently state that the holder is licensed as a barber, cosmetologist, esthetician, manicurist, electrologist, apprentice, barber instructor, or cosmetology instructor.

7397. Display of License

Every licensee shall display the license in a conspicuous place in his or her place of business or place of employment.

7398. Duplicate License

A duplicate license shall be issued upon the filing of a statement explaining the loss, verified by the oath of the applicant, and accompanied by the fee required by this chapter.

7399. Temporary License

Under no circumstances shall a temporary license be issued.

7400. Notification of New Address

Every licensee of the bureau, except establishments shall, within 30 days after a change of address, notify the bureau of the new address, and, upon receipt of the notification, the bureau shall make the necessary changes in the register.

7402. Violation of Chapter

Any person, firm, association or corporation violating this chapter, for which violation there is no specific penalty otherwise provided, is guilty of a misdemeanor and subject to a fine not to exceed two thousand five hundred dollars (\$2,500), or imprisonment in the county jail not to exceed six months, or both a fine and imprisonment.

Article 11. Disciplinary Proceedings

7403. Revocation, Suspension, or Denial of License

(a) The bureau may revoke, suspend, or deny at any time any license required by this chapter on any of the grounds for disciplinary action provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the bureau shall have all the powers granted therein.

(b) In any case in which the administrative law judge recommends that the bureau revoke, suspend or deny a license, the administrative law judge may, upon presentation of suitable proof, order the licensee to pay the bureau the reasonable costs of the investigation and adjudication of the case. For the purposes of this section, "costs" include charges by the bureau for investigating the case, charges incurred by the office of the Attorney General for investigating and presenting the case, and charges incurred by the Office of Administrative Hearings for hearing the case and issuing a proposed decision.

(c) The costs to be assessed shall be fixed by the administrative law judge and shall not, in any event, be increased by the bureau. When the bureau does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of any costs assessed in the proposed decision.

(d) The bureau may enforce the order for payment in the superior court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the bureau may have as to any licensee directed to pay costs.

(e) In any judicial action for the recovery of costs, proof of the bureau's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(f) Notwithstanding any other provision of law, all costs recovered under this section shall be deposited in the bureau's contingent fund as a scheduled reimbursement in the fiscal year in which the costs are actually recovered.

7404. Grounds for Disciplinary Action

The grounds for disciplinary action are as follows:

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

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

(2) Repeated similar negligent acts.

(3) Conviction of any crime substantially related to the qualifications, functions, or duties of the license holder, in which case, the records of conviction or a certified copy shall be conclusive evidence thereof.

(4) Advertising by means of knowingly false or deceptive statements.

(b) Failure to comply with the requirements of this chapter.

(c) Failure to comply with the rules governing health and safety adopted by the bureau and approved by the State Department of Health Services, for the regulation of establishments, or any practice licensed and regulated under this chapter.

(d) Failure to comply with the rules adopted by the bureau for the regulation of establishments, or any practice licensed and regulated under this chapter.

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

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

- (g) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.
- (h) Failure to display the license or health and safety rules and regulations in a conspicuous place.
- (i) Engaging, outside of a licensed establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when such service is provided because of illness or other physical or mental incapacitation of the recipient of the service and when performed by a licensee obtained for the purpose from a licensed establishment.
- (j) Permitting a license to be used where the holder is not personally, actively, and continuously engaged in business.
- (k) The making of any false statement as to a material matter in any oath or affidavit, which is required by the provisions of this chapter.
- (l) Refusal to permit or interference with an inspection authorized under this chapter.
- (m) Any action or conduct which would have warranted the denial of a license.
- (n) Failure to surrender a license that was issued in error or by mistake.

7404.1 Violation of Chapter

Any person, firm, association, or corporation violating this chapter is guilty of a misdemeanor unless a specific penalty is otherwise provided.

7405. "Conviction"; Effect on License

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The bureau may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

Article 12. Administrative Fines and Citations

7406. Assessment of Administrative Fines for Violations

In addition to the authority to conduct disciplinary proceedings under this chapter, the bureau, through its duly authorized representatives, shall have authority to assess administrative fines for the violation of any section of this chapter or the violation of any rules and regulations adopted by the bureau under this chapter.

7407. Schedule of Administrative Fines

The bureau shall establish by regulation a schedule of administrative fines for violations of this chapter. All moneys collected under this section shall be deposited in the bureau's contingent fund.

The schedule shall indicate for each type of violation whether, in the bureau's discretion, the violation can be corrected.

7408. Citations

The bureau, through its duly authorized representatives, shall issue a citation with respect to any violation for which an administrative fine may be assessed. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the specific provision alleged to have been violated. The administrative fine, if any, shall attach at the time the citation is written. The citation shall include an order to correct any condition or violation which lends itself to correction, as determined by the bureau pursuant to Section 7406.

7409. Correction of Violation

Any licensee served with a citation may avoid the payment of the associated administrative fine by presentation of written proof satisfactory to the bureau, or its bureau chief, that the violation has been corrected. This provision

applies only to a licensee's first violation in any three-year period of any single provision of this chapter or the rules and regulations adopted pursuant to this chapter. Proof of correction shall be presented to the bureau, through its bureau chief, in a time and manner prescribed by the bureau. The bureau may, in its discretion, extend for a reasonable period the time within which to correct the violation upon the showing of good cause. Notices of correction filed after the prescribed date shall not be acceptable and the administrative fine shall be paid.

7410. Appeal to Disciplinary Review Committee

Persons to whom a notice of violation or a citation is issued and an administrative fine assessed may appeal the citation to a disciplinary review committee established by regulation by the director. All appeals shall be submitted in writing to the program within 30 days of the date the citation was issued. Appeals of citations that are not submitted in a timely manner shall be rejected.

After a timely appeal has been filed with the program, the administrative fine, if any, shall be stayed until the appeal has been adjudicated.

Persons appealing a citation, or their appointed representatives, shall appear in person before the disciplinary review committee. The appellant may present written or oral evidence relating to the facts and circumstances relating to the citation that was issued. Following an appeal before a disciplinary review committee, the disciplinary review committee shall issue a decision, based on findings of fact, which may affirm, reduce, dismiss, or alter any charges filed in the citation. In no event shall the administrative fine be increased. The appellant shall be provided with a written copy of the disciplinary review committee's decision relating to the appeal.

7411. Appeal of Decision by Disciplinary Review Committee

Persons receiving a decision from a disciplinary review committee may appeal the decision by filing a written request, within 30 days after receipt of the decision, to the program administrator. Following a hearing to appeal the decision of a disciplinary review committee, the director shall thereafter issue a decision, based on findings of fact, affirming, modifying or vacating the citation or penalty, or directing other appropriate relief. In no event shall the administrative fine be increased. The hearing to contest the decision of a disciplinary review committee shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all powers granted therein.

7413. Timeliness of Appeal; Finality of Decision

Appeals of citations not filed in a timely manner or failure of the appellant or the appellant's representative to appear before the disciplinary review committee at the appointed time except when good cause is shown, shall cause the citation to become final and there shall be no administrative appeal except as otherwise provided by law.

7414. Effect of Failure to Pay Administrative Fines

Persons who fail to pay administrative fines that were not contested or were contested but the appeal has been adjudicated, shall not be issued a license or allowed to renew any licenses issued to them until all fines are paid in addition to any application, renewal, or delinquency fees which are required.

Article 12.5. Tanning Facilities

7414.1 Inspection of Records Required to be Kept Under Filante Tanning Facility Act of 1988

All records required by law to be kept by tanning facilities subject to the Filante Tanning Facility Act of 1988 (Chapter 23 (commencing with Section 22700) of Division 8), including, but not limited to, records relating to written warning statements, the sign required to be posted, the qualifications of facility operators, statements of acknowledgment, parental consent forms, and injury reports, shall be open to inspection by the bureau, or its authorized representatives, during any inspection, or during any investigation initiated in response to a complaint that the tanning facility has violated any provision of the Filante Tanning Facility Act of 1988. A copy of any or all of those records shall be provided to the bureau, or its authorized representatives, immediately upon request.

7414.2 Circumstances Under Which Violation of Filante Tanning Facility Act of 1998 is Infraction; Punishment

(a) Notwithstanding any other provision of law, a violation of the Filante Tanning Facility Act of 1988 (Chapter 23 (commencing with Section 22700) of Division 8), is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code when:

(1) A complaint or written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code is filed in court charging the offense as an infraction, or

(2) The court, with the consent of the defendant and the prosecution, determines that the offense is an infraction in which event the case shall proceed as if the defendant has been arraigned on an infraction complaint.

(b) Notwithstanding any other provision of law, a violation of any of the provisions of the Filante Tanning Facility Act of 1988, which is an infraction, is punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000).

(c) This section shall become effective July 1, 1994.

7414.3 Authority to Issue Notice of Appear; Liability for Issuance

(a) Any representative of the bureau designated by the director shall have the authority to issue a written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. Representatives so designated are not peace officers and are not entitled to safety member retirement benefits, as a result of that designation. Except as otherwise provided, the representative's authority is limited to the issuance of written notices to appear for infraction violations of the Filante Tanning Facility Act of 1988 and only when the violation is committed in the presence of the representative.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any representative, acting pursuant to subdivision (a) and within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the representative, at the time of that arrest, had reasonable cause to believe was lawful.

(c) This section shall become effective July 1, 1994.

7414.4 Dissemination of Information to Facilities Regarding Compliance with Filante Tanning Facility Act of 1988

The bureau, and its authorized representatives, may disseminate information to tanning facilities regarding compliance with the Filante Tanning Facility Act of 1988.

7414.5 Applicability of Article

This article shall be applicable only to those tanning facilities operated in conjunction with, or at the same location as, an establishment licensed under this chapter.

7414.6 Adoption of Regulations

The bureau may adopt regulations concerning the operation of tanning facilities in licensed establishments.

Article 13. Revenue

7415. Expiration of Licenses

Licenses issued under this chapter, unless specifically excepted, shall be issued for a two-year period and shall expire at midnight on the last day of the month of issuance by the bureau.

7416. Modification of License Renewal Application

The bureau shall, with the cooperation of the department, modify its license renewal applications to all licensees to designate whether or not they are currently employed in the occupation for which they are licensed.

7417. Renewal Period for Expired License

Except as otherwise provided in this article, a license that has expired for failure of the licensee to renew within the time fixed by this article may be renewed at any time within five years following its expiration upon application and payment of all accrued and unpaid renewal fees and delinquency fees. If the license is renewed after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee and meet current continuing education requirements, if applicable, prescribed by this chapter. Renewal under this section shall be

effective on the date on which the application is filed, or on the date on which the accrued renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever occurs last. If so renewed, the license shall continue in effect through the expiration date provided in this article which next occurs following the effective date of the renewal, when it shall expire if it is not again renewed.

7418. Cancelled License

Except as otherwise provided in this article, a license which has not been renewed within five years following its expiration shall be deemed canceled and may not be renewed, restored, reinstated, or reissued thereafter. The holder of the canceled license may obtain a new license only by submitting an application, paying all required fees, and qualifying for and passing the examination that would be required if the holder were applying for the license for the first time.

7419. Renewal of Suspended License

A suspended license is subject to expiration and shall be renewed by the licensee as provided in this article, but that renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

7420. Expiration of Revoked License

A revoked license is subject to expiration as provided in this article, but may not be renewed. If it is reinstated pursuant to the Administrative Procedure Act after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the current renewal fee.

7421. Fees

The fees shall be set by the bureau, within the limits set forth in this article, in amounts necessary to cover the expenses of the bureau in performing its duties under this chapter.

7422. Report to Controller Regarding Fees

All fees collected on behalf of the bureau and all receipts of every kind and nature, shall be reported to the Controller at the beginning of each month for the month preceding. At the same time the entire amount of collections shall be paid into the State Treasury, and shall be credited to the Barbering and Cosmetology Contingent Fund, which fund is hereby created.

The moneys in the contingent fund shall be appropriated to the bureau pursuant to the annual Budget Act and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect this chapter.

7423. Fee Schedule Relating to Individual Practice

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

- (a) Cosmetologist application, examination and initial license fee shall be not more than fifty dollars (\$50).
- (b) Esthetician application, examination and initial license fee shall be not more than forty dollars (\$40).
- (c) Manicurist application, examination and initial license fee shall be not more than thirty-five dollars (\$35).
- (d) Barber application, examination and initial license fee shall be not more than fifty dollars (\$50).
- (e) Electrologist application, examination and initial license fee shall be not more than fifty dollars (\$50).
- (f) Apprentice application and license fee shall be not more than twenty-five dollars (\$25).
- (g) The license renewal fee for individual practitioner licenses that are subject to renewal shall be not more than fifty dollars (\$50).
- (h) The license renewal delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal, notwithstanding Section 163.5.
- (i) Any preapplication fee shall be established by the board in an amount sufficient to cover the costs of processing and administration of the preapplication.
- (j) This section shall become operative on July 1, 1992.

7423.5 Fee for Instructor Application, Examination and License

The amounts of the fees payable under this chapter relating to licenses for instructor are as follows:

- (a) The fee for instructor application, examination, and initial license shall be not more than fifty dollars (\$50).
- (b) The license renewal fee shall be not more than fifty dollars (\$50).
- (c) The license renewal delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal, notwithstanding Section 163.5.

7424. Fee Schedule Relating to Operation of Establishment

The amounts of the fees payable under this chapter relating to licenses to operate an establishment are as follows:

- (a) The application and initial license fee shall be not more than eighty dollars (\$80).
- (b) The renewal fee shall be not more than forty dollars (\$40).
- (c) The delinquency fee is 50 percent of the renewal fee in effect on the date of renewal.
- (d) Any application and initial license fee for the change of ownership of an existing establishment may be established by the board in an amount less than the fee prescribed for a new establishment, but sufficient to cover the costs of processing the application and issuing the license.

7425. Fee Schedule Relating to Operation of Mobile Unit

The amounts of the fees payable under this chapter relating to licenses to operate a mobile unit are as follows:

- (a) The application fee shall be not more than fifty dollars (\$50).
- (b) The initial inspection and license fee shall not be more than one hundred dollars (\$100).
- (c) The renewal fee shall be not more than forty dollars (\$40).
- (d) The delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal, notwithstanding Section 163.5.

7426. Fee For Duplicate License

The fee for a duplicate license as provided for in Section 7398 shall be ten dollars (\$10).

7426.5 Division of Fees into Categories Based on Processing Functions; Forfeiture of all or Part of Fee

The board may, by regulation, divide the fees payable under this chapter relating to licenses into separate categories based upon processing functions, such as application review, examination administration, or license issuance, provided that the combined fees for those processing functions do not exceed the maximum amount prescribed by the license category.

The board may, by regulation, establish procedures whereby some or all of a fee submitted in connection with an application for licensure would be forfeited by an applicant who has withdrawn his or her application, fails to appear for an examination, or is required to retake an examination.

7427. Sunset Review

[Section repealed 2000.]

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DIVISION 1.5 DENIAL, SUSPENSION AND REVOCATION OF LICENSES

Chapter 1. General Provisions

475. Applicability of Division

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

- (1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.
- (2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

476. Exemptions

Nothing in this division shall apply to the licensure or registration of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3, or pursuant to Division 9 (commencing with Section 23000) or pursuant to Chapter 5 (commencing with Section 19800) of Division 8.

477. "Board"; "License"

As used in this division:

(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

478. "Application"; "Material"

(a) As used in this division, "application" includes the original documents or writings filed and any other supporting documents or writings including supporting documents provided or filed contemporaneously, or later, in support of the application whether provided or filed by the applicant or by any other person in support of the application.

(b) As used in this division, "material" includes a statement or omission substantially related to the qualifications, functions, or duties of the business or profession.

Chapter 2. Denial of Licenses

§ 480. Grounds for denial; Effect of obtaining certificate of rehabilitation

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license.

481. Crime and Job-Fitness Criteria

Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

482. Rehabilitation Criteria

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

484. Attestation to Good Moral Character of Applicant

No person applying for licensure under this code shall be required to submit to any licensing board any attestation by other persons to his good moral character.

485. Procedure Upon Denial

Upon denial of an application for a license under this chapter or Section 496, the board shall do either of the following:

- (a) File and serve a statement of issues in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (b) Notify the applicant that the application is denied, stating (1) the reason for the denial, and (2) that the applicant has the right to a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived.

Service of the notice of denial may be made in the manner authorized for service of summons in civil actions, or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his or her application or otherwise. Service by mail is complete on the date of mailing.

486. Contents of Decision or Notice

Where the board has denied an application for a license under this chapter or Section 496, it shall, in its decision, or in its notice under subdivision (b) of Section 485, inform the applicant of the following:

- (a) The earliest date on which the applicant may reapply for a license which shall be one year from the effective date of the decision, or service of the notice under subdivision (b) of Section 485, unless the board prescribes an earlier date or a later date is prescribed by another statute.
- (b) That all competent evidence of rehabilitation presented will be considered upon a reapplication.

Along with the decision, or the notice under subdivision (b) of Section 485, the board shall serve a copy of the criteria relating to rehabilitation formulated under Section 482.

487. Hearing; Time

If a hearing is requested by the applicant, the board shall conduct such hearing within 90 days from the date the hearing is requested unless the applicant shall request or agree in writing to a postponement or continuance of the hearing. Notwithstanding the above, the Office of Administrative Hearings may order, or on a showing of good cause, grant a request for, up to 45 additional days within which to conduct a hearing, except in cases involving alleged examination or licensing fraud, in which cases the period may be up to 180 days. In no case shall more than two such orders be made or requests be granted.

488. Hearing request

Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

- (a) Grant the license effective upon completion of all licensing requirements by the applicant.
- (b) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include

suspension.

(c) Deny the license.

(d) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

489. Denial of Application Without a Hearing

Any agency in the department which is authorized by law to deny an application for a license upon the grounds specified in Section 480 or 496, may without a hearing deny an application upon any of those grounds, if within one year previously, and after proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that agency has denied an application from the same applicant upon the same ground.

Chapter 3. Suspension and Revocation of Licenses

490. Grounds for Suspension or Revocation

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

490.5. Suspension of License for Failure to Comply with Child Support Order

A board may suspend a license pursuant to Section 11350.6 of the Welfare and Institutions Code if a licensee is not in compliance with a child support order or judgment.

491. Procedure Upon Suspension or Revocation

Upon suspension or revocation of a license by a board on one or more of the grounds specified in Section 490, the board shall:

(a) Send a copy of the provisions of Section 11522 of the Government Code to the ex-licensee.

(b) Send a copy of the criteria relating to rehabilitation formulated under Section 482 to the ex-licensee.

492. Effect of Completion of Drug Diversion Program on Disciplinary Action or Denial of License

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

493. Evidentiary Effect of Record of Conviction of Crime Involving Moral Turpitude

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

494. Interim Suspension or Restriction Order

(a) A board or an administrative law judge sitting alone, as provided in subdivision (h), may, upon petition, issue an interim order suspending any licentiate or imposing license restrictions, including, but not limited to, mandatory biological fluid testing, supervision, or remedial training. The petition shall include affidavits that demonstrate, to the satisfaction of the board, both of the following:

(1) The licentiate has engaged in acts or omissions constituting a violation of this code or has been convicted of a crime substantially related to the licensed activity.

(2) Permitting the licentiate to continue to engage in the licensed activity, or permitting the licentiate to continue in the licensed activity without restrictions, would endanger the public health, safety, or welfare.

(b) No interim order provided for in this section shall be issued without notice to the licentiate unless it appears from the petition and supporting documents that serious injury would result to the public before the matter could be heard on notice.

(c) Except as provided in subdivision (b), the licentiate shall be given at least 15 days' notice of the hearing on the petition for an interim order. The notice shall include documents submitted to the board in support of the petition. If the order was initially issued without notice as provided in subdivision (b), the licentiate shall be entitled to a hearing on the petition within 20 days of the issuance of the interim order without notice. The licentiate shall be given notice of the hearing within two days after issuance of the initial interim order, and shall receive all documents in support of the petition. The failure of the board to provide a hearing within 20 days following the issuance of the interim order without notice, unless the licentiate waives his or her right to the hearing, shall result in the dissolution of the interim order by operation of law.

(d) At the hearing on the petition for an interim order, the licentiate may:

(1) Be represented by counsel.

(2) Have a record made of the proceedings, copies of which shall be available to the licentiate upon payment of costs computed in accordance with the provisions for transcript costs for judicial review contained in Section 11523 of the Government Code.

(3) Present affidavits and other documentary evidence.

(4) Present oral argument.

(e) The board, or an administrative law judge sitting alone as provided in subdivision (h), shall issue a decision on the petition for interim order within five business days following submission of the matter. The standard of proof required to obtain an interim order pursuant to this section shall be a preponderance of the evidence standard. If the interim order was previously issued without notice, the board shall determine whether the order shall remain in effect, be dissolved, or modified.

(f) The board shall file an accusation within 15 days of the issuance of an interim order. In the case of an interim order issued without notice, the time shall run from the date of the order issued after the noticed hearing. If the licentiate files a Notice of Defense, the hearing shall be held within 30 days of the agency's receipt of the Notice of Defense. A decision shall be rendered on the accusation no later than 30 days after submission of the matter. Failure to comply with any of the requirements in this subdivision shall dissolve the interim order by operation of law.

(g) Interim orders shall be subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure and shall be heard only in the superior court in and for the Counties of Sacramento, San Francisco, Los Angeles, or San Diego. The review of an interim order shall be limited to a determination of whether the board abused its discretion in the issuance of the interim order. Abuse of discretion is established if the respondent board has not proceeded in the manner required by law, or if the court determines that the interim order is not supported by substantial evidence in light of the whole record.

(h) The board may, in its sole discretion, delegate the hearing on any petition for an interim order to an administrative law judge in the Office of Administrative Hearings. If the board hears the noticed petition itself, an administrative law judge shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the board on matters of law. The board shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the administrative law judge. When the petition has been delegated to an administrative law judge, he or she shall sit alone and exercise all of the powers of the board relating to the conduct of the hearing. A decision issued by an administrative law judge sitting alone shall be final when it is filed with the board. If the administrative law judge issues an interim order without notice, he or she shall preside at the noticed hearing, unless unavailable, in which case another administrative law judge may hear the matter. The decision of the administrative law judge sitting alone on the petition for an interim order is final, subject only to judicial review in

accordance with subdivision (g).

(i) Failure to comply with an interim order issued pursuant to subdivision (a) or (b) shall constitute a separate cause for disciplinary action against any licensee, and may be heard at, and as a part of, the noticed hearing provided for in subdivision (f). Allegations of noncompliance with the interim order may be filed at any time prior to the rendering of a decision on the accusation. Violation of the interim order is established upon proof that the licensee was on notice of the interim order and its terms, and that the order was in effect at the time of the violation. The finding of a violation of an interim order made at the hearing on the accusation shall be reviewed as a part of any review of a final decision of the agency.

If the interim order issued by the agency provides for anything less than a complete suspension of the licensee from his or her business or profession, and the licensee violates the interim order prior to the hearing on the accusation provided for in subdivision (f), the agency may, upon notice to the licensee and proof of violation, modify or expand the interim order.

(j) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section. A certified record of the conviction shall be conclusive evidence of the fact that the conviction occurred. A board may take action under this section notwithstanding the fact that an appeal of the conviction may be taken.

(k) The interim orders provided for by this section shall be in addition to, and not a limitation on, the authority to seek injunctive relief provided in any other provision of law.

(l) In the case of a board, a petition for an interim order may be filed by the executive officer. In the case of a bureau or program, a petition may be filed by the chief or program administrator, as the case may be.

(m) "Board," as used in this section, shall include any agency described in Section 22, and any allied health agency within the jurisdiction of the Medical Board of California. Board shall also include the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners. The provisions of this section shall not be applicable to the Medical Board of California, the Board of Podiatric Medicine, or the State Athletic Commission.

Chapter 4. Public Reprovals

495. Public Reproval of Licensee or Certificate Holder for Act Constituting Grounds for Suspension or Revocation of License or Certificate; Proceedings

Notwithstanding any other provision of law, any entity authorized to issue a license or certificate pursuant to this code may publicly reprove a licensee or certificate holder thereof, for any act that would constitute grounds to suspend or revoke a license or certificate. Any proceedings for public reproval, public reproval and suspension, or public reproval and revocation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, or, in the case of a licensee or certificate holder under the jurisdiction of the State Department of Health Services, in accordance with Section 100171 of the Health and Safety Code.

Chapter 5. Examination Security

496. Grounds for Denial, Suspension, or Revocation of License

A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.

498. Fraud, Deceit or Misrepresentation as Grounds for Action Against License

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

499. Action Against License Based on Licensee's Actions Regarding Application of Another

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee, in support of another person's application for license, knowingly made a false statement of a material fact or knowingly omitted to state a material fact to the board regarding the application.

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Article 1. Administration

901. Processing Times for Examination Applications and Licenses

(a) Evaluation and Scheduling. The board shall inform every person applying for licensure as a barber, cosmetologist, esthetician, manicurist, electrologist, or instructor, in writing, within sixty (60) days of receipt of the application (Form # F-34555-BOC, Application for Examination, Rev 7/92), whether the application is complete and has been referred for examination or is deficient and what specific information is required.

(1) When the supplemental information regarding a deficient application is returned to the board, the board shall decide, within five (5) days of receipt, whether the application is complete.

(2) If the application remains deficient, the board shall inform the applicant, in writing, within five (5) days of receipt, of what specific information is required.

(b) Examination. The Board shall decide within fifteen (15) working days from the date the applicant is examined whether the applicant meets the requirements for licensure.

(c) License Issuance. The Board shall issue the license to the applicant within fifteen (15) working days from the date the applicant passes the examination.

(d) Processing Times. The minimum, median and maximum times for processing an application requiring examination for licensure as a barber, cosmetologist, esthetician, manicurist, electrologist or instructor, from the time of receipt of the application until the Board of Barber Examiners and Board of Cosmetology decided to issue licenses based upon actual performance of the boards during the two years preceding the proposal of this section, were as follows:

- (1) Minimum: 4 days
- (2) Median: 49 days
- (3) Maximum: 397 days

NOTE: Authority cited: Section 15376, Government Code; and Section 7312, Business and Professions Code.
Reference: Section 15376, Government Code; and Sections 7321, 7321.5, 7324, 7326, 7330, 7337, 7342, and 7391, Business and Professions Code.

902. Processing Times for Apprentice Applications

(a) Evaluation. The Board shall inform every person applying for licensure as an apprentice, in writing, within ten (10) days of receipt of the application (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Rev 5/94), whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.

(A) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(b) Notification of Licensure. The Board shall notify the applicant, in writing, within thirty-five (35) days after the fee and completed application have been received, whether the applicant meets the requirements for licensure.

(c) Processing Times. The minimum, median and maximum times for processing an application for licensure as an apprentice, from the time of receipt of the application until the Board of Barber Examiners decided to issue the license based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

- (1) Minimum: 1 day
- (2) Median: 15 days
- (3) Maximum: 48 days

NOTE: Authority cited: Section 15376, Government Code; and Section 7312, Business and Professions Code.
Reference: Section 15376, Government Code; and Sections 7334 and, Business and Professions Code.

903. Processing Times for Establishment Applications

(a) Evaluation. The Board shall inform every person applying for an establishment license in writing, within thirty (30) days of receipt of the application (Form #03M-201, Application for Establishment License, Rev 7/92), whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide, within five (5) days of receipt, whether the application is complete.

(A) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(b) Processing Times. The minimum, median and maximum times for processing an application for an establishment, from the time of receipt of the application until the Board of Barber Examiners and Board of Cosmetology decided to issue the license based upon the actual performances of the boards during the two years preceding the proposal of this section, were as follows:

- (1) Minimum: 11 days
- (2) Median: 52 days
- (3) Maximum: 265 days

NOTE: Authority cited: Section 15376, Government Code; and Section 7312, Business and Professions Code.
Reference: Section 15376, Government Code; and Section 7347, Business and Professions Code.

904. Enforcement

(a) A copy of the board's Health and Safety Rules, as specified in Article 12 of the Rules and Regulations, shall be conspicuously posted in:

- (1) Reception areas of both schools and establishments, and
- (2) Theory rooms of schools.

(b) The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall be responsible for implementing and maintaining the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

(c) All licensed barbers, cosmetologists, estheticians, manicurists, electrologists, instructors, or apprentices shall be held individually responsible for implementation and maintenance of the Health and Safety Rules.

(d) All persons performing acts of a barber, cosmetologist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the board, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

(e) Failure to present valid proof of identification shall be grounds for disciplinary action.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312, 7313, 7317 and 7404, Business and Professions Code.

905. Posting of Consumer Information Message

(a) The following consumer information message shall be included at the bottom of the front page of the copy of the Health and Safety Rules, which must be conspicuously posted in accordance with Section 904, in all establishments:

MESSAGE TO THE CONSUMER

This establishment is licensed by the California State Board of Barbering and Cosmetology. The board can address the following problems:

- Health and Safety (including unsanitary conditions and failure to disinfect instruments after each use)
- Incompetence and Negligence
- Misrepresentation or False Advertising of Services
- Unlicensed Practice of Barbering, Cosmetology or Electrology

If you would like to receive a Consumer Complaint Guide or if you have any unresolved questions regarding services provided in this establishment, please call or write the Board of Barbering and Cosmetology at (916) 445-7061; P.O. Box 944226, Sacramento, California 94244-2260.

(b) The heading of the consumer information message, "Message to the Consumer," shall be printed in at least 36 point boldface type. The body of the consumer information message must be printed in at least 14 point boldface type.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 129(e), and 7404(b), Business and Professions Code.

Article 2. Qualifications for Examination

909. Proof of Training

(a) Every application for examination in which the applicant is using training received in a school in this state approved by the board in order to qualify for examination must be accompanied by proof of that training.

(b) Proof of training shall be a document, prepared by the school where the applicant completed the qualifying training, that includes all of the following:

- (1) The course title.
- (2) The student's name, address, and date of birth.
- (3) The school's name, address, and school code issued by the board.
- (4) The date training started and the date training was completed at the school completing the training.
- (5) The total number of hours of training the student received.
- (6) If the applicant has done any one of the following, the document shall also include the information as specified for each:
 - (A) If the applicant has received any of the training at another school, the document must specify, for each school attended, the school's name and school code, the number of hours of training received, the date training started, and the last date of attendance.
 - (B) If the applicant has received credit from a course transfer, the document must specify the course and the number of hours of training received, the date training started and the last date of attendance before transferring, and the number of hours of credit received.
 - (C) If the applicant has received credit for holding a manicurist or cosmetician license issued by the board, the document must specify the type of license, the license number, its date of expiration, and the number of hours of credit received.
 - (D) If the applicant has received credit for out-of-state training and/or experience, a copy of the letter from the board granting that credit shall be attached to the document.
- (7) A statement confirming that the student has met the course curriculum requirements as specified by regulation.
- (8) A statement, dated and signed under penalty of perjury by the school and the student, that all the information on the document is true and correct. The statement shall be worded as follows:

"We, the undersigned, certify under penalty of perjury under the laws of the state of California, that all the information contained herein is true and correct."
- (9) The document must include the name and title of the individual signing for the school clearly printed or typed.
- (c) The information contained in any proof of training document prepared by an approved school in this state must be clearly identified by the number and presented in the order specified in subdivision (b).

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7321, 7321.5, 7324, 7326, 7330, 7331, 7337, and 7391, Business and Professions Code.

910. Out-of-State Applicants

- (a) An applicant who desires to establish eligibility for examination for a license in this state upon the basis of practice, study or training outside this state, or supplementary training in a licensed school in this state, or any combination thereof, shall furnish proof of his or her qualifications to the board as follows:
 - (1) An applicant who desires credit for practices in another state or country shall file with the board, on the form prescribed by it (Form #03E-145, Affidavit of Experience-Form C, Rev 1/91), an affidavit from a disinterested person verifying such practice, together with an authenticated statement from the licensing agency in the state or country where such practice took place showing that the applicant was licensed to engage in such practice, if a license was required therefor.
 - (2) An applicant who has completed any number of hours of study and training in a school in another state or country, and who desires credit for such hours toward study and training in this state, shall file with the board, on the form prescribed by it (Form #03B-144, Out-of-State Beauty School Training Record-Form B, Rev 8/94), an authenticated statement from the school or the training took place showing the number of hours of study and training completed in each subject and when such study and training occurred.
 - (3) An applicant who desires credit for supplementary training completed in a licensed school in this State shall file with the board an authenticated statement from such school showing the number of hours of such training successfully completed in each subject.
- (b) An applicant for examination who is employed on a military reservation to practice any profession licensed under Chapter 10 of Division 3 of the Business and Professions Code must present an authenticated statement from the military reservation verifying the employment and may use the practice obtained to qualify for examination.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7321, 7321.5, 7324, 7326, 7330, 7331, 7337 and 7391, Business and Professions Code.

Article 3. Apprenticeship

913. Approval of Apprentice Training Programs

- (a) A joint apprenticeship committee, unilateral management or labor apprenticeship committee, or an individual employer wishing to conduct apprenticeships in barbering, cosmetology, electrology, skin care, or nail care shall be known as apprenticeship program sponsors.
- (b) An applicant seeking board approval as an apprenticeship program sponsor to conduct apprenticeships in barbering, cosmetology, skin care, nail care, or electrology shall:

(1) Submit a written request for board approval of its apprenticeship program and identify the subject matter of the apprenticeship. The request for apprenticeship approval shall be signed by the individual employer or, where the program sponsor is not an individual, by a responsible officer of the organization.

(2) Submit proof that the program sponsor is approved by the California Apprenticeship Council to offer the apprenticeship.

(3) Submit a detailed outline of the proposed training program which demonstrates compliance with the apprenticeship regulations contained in this article.

(4) Submit a copy of the agreement between the program sponsor and the apprentice (hereafter known as the "apprenticeship agreement"). The apprenticeship agreement shall comply with the provisions of the Shelley-Maloney Apprenticeship Labor Standards Act of 1939 (Labor Code section 3070 et seq.) and the regulations adopted pursuant thereto.

(c) An apprenticeship program sponsor shall notify the board within 10 days of any changes to the information filed with the board in accordance with subsection (b) of this section for board approval.

(d) The board shall inform every person applying for approval to act as an apprenticeship program sponsor in writing, within ten (10) days of receipt of their request for approval whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.

(2) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(e) The board shall notify the applicant, in writing, within thirty-five (35) days after the completed application has been received, whether the applicant meets the requirements for approval.

(f) The minimum, median and maximum times for processing a request for approval of an apprentice training program, from the time of receipt of the application until the Board of Barber Examiners decided to issue the approval based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

- (1) Minimum: 1 day
- (2) Median: 15 days
- (3) Maximum: 48 days

NOTE: Authority cited: Section 7312, Business and Professions Code and Section 15376, Government Code.
Reference: Section 7333, Business and Professions Code; Sections 3070 and 3078, Labor Code and Section 15376, Government Code.

913.1 Withdrawal of Approval: Apprenticeship Program Sponsor

(a) The board may withdraw or otherwise limit its approval of an apprenticeship program sponsor who is not conducting its apprenticeship program in compliance with the provisions of the laws and regulations of the Barbering and Cosmetology Act (Business and Professions Code sections 7301 et seq.)

(b) (1) A proceeding to withdraw or limit the board's approval of an apprenticeship program sponsor shall be initiated by serving the apprenticeship program sponsor with a notice to show cause. The notice to show cause shall be in writing, shall describe with particularity the nature of the violations, including specific reference to the provisions of law or regulations determined to be violated, and shall contain a proposed order to withdraw or limit the board's approval of the apprenticeship program sponsor.

(2) Where appropriate, a notice to show cause may contain an order of abatement fixing a reasonable time for the abatement of the violations. Where a program sponsor complies with the order of abatement within the time specified, the board shall withdraw its notice to show cause.

(3) In fixing the disciplinary order or order of abatement for a notice to show cause, the board shall give due consideration to the appropriateness of the order with respect to such factors as the gravity of the violations, its impact upon the apprentices participating in the apprenticeship program sponsor's apprenticeship program, its impact on the public, the good faith of the apprenticeship program sponsor, and the history of previous violations.

(c) A notice to show cause shall inform the apprenticeship program sponsor that if it desires a hearing to contest any portion of the notice to show cause, a hearing shall be requested by written notice to the board's executive officer within 30 days of the date of service of the notice to show cause. If a hearing is not requested pursuant to this subsection, the order contained in the notice to show cause shall go into effect on the date specified in the notice to show cause.

(d) A hearing to contest a notice to show cause shall be conducted within 60 days of the board's receipt of the program sponsor's written request for a hearing. Such a hearing shall be before a committee selected by the board. At the conclusion of the hearing, the committee shall prepare or have prepared a written decision of its findings, determinations and order. Such a decision shall be mailed to the program sponsor within 45 days after the conclusion of the hearing.

NOTE: Authority cited: Section 7312, Business and Professions. Reference: Section 7333, Business and Professions

Code

914. Filing of Apprenticeship Application; Processing Time

(a) A prospective apprentice must file with the board an application for apprenticeship. Application shall be made on Form 35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Revised 5/94.

(b) The board shall inform every person applying for licensure as an apprentice, in writing, within ten (10) days of receipt of the application (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Revised 5/94), whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.

(2) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(c) The board shall notify the applicant, in writing, within thirty-five (35) days after the completed application has been received, whether the applicant meets the requirements for approval.

(d) The minimum, median and maximum times for processing an application for licensure as an apprentice, from the time of receipt of the application until the Board of Barber Examiners decided to issue the license based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

(1) Minimum: 1 day

(2) Median: 15 days

(3) Maximum: 48 days

NOTE: Authority cited: Section 7312, Business and Professions Code and Section 15376, Government Code.
Reference: Section 7334, Business and Professions Code; and Section 15376, Government Code.

915. Related Training

(a) Every apprenticeship approved by the board shall consist of an on-the-job training component and a classroom component of related training.

(b) Related training for barber apprentices must provide a minimum of 216 hours of instruction over a two year period. A minimum of 144 of those hours shall cover the theory of barbering and a maximum of 72 hours may be elective training. The 72 hours of elective training may be conducted by classroom instruction or by a seminar or by demonstrations relating to barbering. The elective training shall be verified by course completion certificates or registration records.

(c) Related training for cosmetology, skin care, nail care or electrology apprenticeships must provide a minimum of 220 hours of classroom instruction over a two year period. These hours shall cover the following subjects:

(1) The related training for a cosmetology apprenticeship shall cover the following subjects as they relate to cosmetology: cosmetology chemistry, health and safety and hazardous substances, theory of electricity, disinfection and sanitation, bacteriology, anatomy and physiology, wet hair styling, thermal hair styling, permanent waving, chemical straightening, haircutting, hair coloring and bleaching, scalp and hair treatment, facials, eyebrow arching and hair removal, makeup, manicuring and pedicuring.

(2) The related training for skin care shall cover the following subjects as they relate to skin care: cosmetology chemistry, health and safety and hazardous substances, theory of electricity, disinfection and sanitation, bacteriology, anatomy, physiology, skin analysis and conditions, facials, eyebrow arching and hair removal, and make-up.

(3) The related training for nail care shall cover the following subjects as they relate to nail care: cosmetology chemistry, health and safety and hazardous substances, disinfection and sanitation, bacteriology, anatomy and physiology, water and oil manicures, including hand and arm massage, complete pedicure, and application of artificial nails.

(4) The related training for electrolysis shall cover the following subjects as they relate to electrolysis: health and safety and hazardous substances, disinfection and sanitation and sterilization, bacteriology, anatomy and physiology, electricity, electrolysis, thermolysis, and high frequency and galvanic currents.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333 and 7334, Business and Professions Code.

916. Training Hours and Schedule

(a) The two years referred to in Section 7335 of the Business and Professions Code means a minimum of thirty-two hundred (3,200) hours of apprenticeship. Full-time apprenticeship means employment and training in an approved program for at least 32 hours per week. No more than eight and one-half hours credit will be allowed for any one

work day nor will credit be allowed for more than five days in one week. The maximum training hours shall not exceed 42-1/2 hours per week.

(b) The two year apprenticeship program begins with the issuance of an apprenticeship license by the board.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333, 7334, and 7345, Business and Professions Code.

917. Pre-apprentice Training

The minimum hours of pre-apprentice training referred to in Section 7334 of the Business and Professions Code shall be thirty-nine (39) hours of instruction in the laws and regulations of the board, basic patron protection and sanitation and disinfection procedures. An applicant for licensure as an apprentice shall complete the pre-apprenticeship training prior to being licensed as an apprentice.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7334, Business and Professions Code.

918. Trainer's Scope of Practice

No licensee shall train an apprentice unless his or her license includes the scope of practice of the apprentice's license.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7332 and 7336, Business and Professions Code.

919. Board Approved Trainers and Establishments

(a) A licensee who wishes to train an apprentice shall obtain board approval before employing or training an apprentice. Application for approval of trainers shall be made on a form provided by the board (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Rev. 5/94).

(b) Qualifications for apprentice trainer approval:

(1) Licensee shall possess a current, valid license issued by the board.

(2) Licensee shall have no disciplinary actions pending against him/her nor be on probation resulting from a board disciplinary action nor have completed probation resulting from past disciplinary action within the two year period immediately preceding his or her application to serve as an apprentice trainer.

(3) Licensee is not subject to denial pursuant to Section 480.

(4) The licensee has no unpaid fine issued pursuant to Article 12 of Chapter 10 of Division 3 of the Business and Professions Code.

(c) No apprentice shall work or train in an establishment until it has been approved by the board. Application for establishment approval shall be made on the same form specified in subdivision (a).

(d) Qualifications for establishment approval are:

(1) Establishment shall possess a current, valid license issued by the board.

(2) Establishment shall have no disciplinary actions pending against it nor be on probation resulting from a board disciplinary action nor have completed probation resulting from past disciplinary action within the two year period immediately preceding its application for establishment approval.

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

(4) The licensee has no unpaid fine issued pursuant to Article 12 of Chapter 10 of Division 3 of the Business and Professions Code.

(e) The board shall inform every person applying for approval to act as an apprentice trainer or an apprentice establishment in writing, within ten (10) days of receipt of the application (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Revised 5/94), whether the application is complete or deficient and what specific information is required.

(1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.

(2) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.

(f) The board shall notify the applicant, in writing, within thirty-five (35) days after the completed application has been received, whether the applicant meets the requirements for approval.

(g) The minimum, median and maximum times for processing a request for approval, from the time of receipt of the application until the Board of Barber Examiners decided to issue the license based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

(1) Minimum: 1 day

(2) Median: 15 days

(3) Maximum: 48 days

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7332, 7333, 7334, 7336, Business and Professions Code.

920. Record of Apprentice Training

The apprentice trainer shall present a copy of apprentice daily work records to the board or its representatives upon demand. These work records shall include the name of the apprentice employed, the dates the apprentice worked, the number of hours worked and the work processes performed on those dates, and the trainer's name.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333 and 7334, Business and Professions Code.

921. Curriculum for Barber Apprentice Course

(a) The curriculum for an apprentice enrolled in a barber apprentice course shall consist of at least thirty-two hundred (3200) clock hours of technical instruction and practical operations covering all practices constituting the art of barbering pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin.

(c) The course of instruction in the practical phases of barbering required for an apprentice enrolled in a 3200 hour course shall cover not less than 2600 hours including training in basic haircutting and in hairstyling of all textures of hair. The practical training shall include performance of the following minimum practical operations:

Subject	Minimum Practical Operations
(1) Haircuts and Hairstyles	1500
(2) Shaves	40
(3) Rest Facials	48
(4) Shampoos	160
(5) Scalp Manipulations	80
(6) Hair Waving and Curling	120
(7) Hair Coloring and Tinting	20
(8) Hair Processing and Relaxing	20
(9) Application of chemicals used on the hair; hairpieces; measuring, fitting and servicing of hairpieces and rolling cream massages.	10

All students shall receive sufficient instruction and training in the subjects listed in this section to prepare them to apply for and take the state barber licensing examination and to provide barber services in an establishment.

(d) Technical Instruction 100 Hours

The course of instruction in the theory of barbering required for an apprentice enrolled in a 3,200-hour course shall cover not less than 80 hours of instruction in the subjects listed in Section 7316(a) of the code, including razor cutting, hair processing, blow waving and sales techniques. The theory instruction shall include training in sales techniques which may be completed in theory training or practical training at the discretion of the apprentice trainer.

(e) Health and Safety/Hazardous Substances 20 Hours

The course of instruction shall also include 20 hours of technical instruction in the area of hazardous substances (shall be the course developed by the Board of Barbering and Cosmetology as provided by Section 7389).

(f) Individual Instruction 120 Hours

The course of instruction required for an apprentice enrolled in a 3,200-hour course shall cover not less than 120 hours allotted to the practical and/or the theoretical phases of the course in such manner as the apprentice trainer considers necessary in the individual case.

(g) Additional Instruction 1102 Hours

(h) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.

(i) A student shall be properly instructed to cut the hair of and render barber services to all patrons.

NOTE: Authority cited: Sections 7312 and 7334(f), Business and Professions Code. Reference: Sections 7316(a), 7321.5(d)(1), 7362.5(a) and 7389, Business and Professions Code; Section 3078, Labor Code.

921.1 Curriculum for Cosmetology Apprenticeship Course

(a) The curriculum for an apprentice enrolled in a cosmetology apprenticeship course shall consist of thirty-two hundred (3200) clock hours of technical instruction and practical operations covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the apprentice of a complete service on another person or on a mannequin. Such technical instruction and practical operations shall include:

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations	20	
(2) Cosmetology Chemistry (Shall include the chemical composition and purpose of cosmetic, nail, hair and skin care preparations, elementary chemical makeup, chemical skin peels, physical and chemical changes of matter.)	20	
(3) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	20	
(4) Theory of Electricity in Cosmetology (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.)	5	
(5) Disinfection and sanitation (Shall include procedures to protect the health and safety of the consumer as well as the technician. The thirty required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection shall be emphasized throughout the entire training period and shall be performed before use of all instruments and equipment.)	20	30
(6) Bacteriology, anatomy and physiology.	15	
(7) Wet Hair Styling (Shall include hair analysis, shampooing, fingerwaving, pin curling and comb-outs.)	25	300
(8) Thermal Hair Styling (Shall include hair analysis, straightening, waving, curling with hot combs and hot curling irons, and blower styling.)		
(A) Thermal styling	20	150
(B) Press and curl	50	
(9) Permanent Waving (Shall include hair analysis, chemical and heat permanent waving.)	20	160
(10) Chemical Straightening (Shall include hair analysis and the use of sodium hydroxide and other base solutions.)	20	50
(11) Haircutting (Shall include hair analysis and the use of the razor, scissors, electric clippers, and thinning shears, for wet and dry cutting.)	20	300
(12) Haircoloring and Bleaching (Shall include hair analysis, predisposition tests, safety precautions, formula mixing, tinting, bleaching, and the use of dye removers. Shall not include any credit for color rinses.)		
(A) Haircoloring	40	150
(B) Bleaching	20	50
(13) Scalp and Hair Treatments (Shall include hair and scalp analysis, scientific brushing, electric and manual scalp manipulation, and other hair treatments.)	5	15
(14) Facials		
(A) Manual (Shall include cleansing, scientific manipulations, packs, and masks.)	5	15
(B) Electrical (Shall include the use of electrical modalities, including dermal lights and electrical apparatus,		

for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face)	10	25
(C) Chemicals (Shall include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations shall be performed in accordance with Section 992 regarding skin peeling.)	10	25
(15) Eyebrow Arching and Hair Removal (Shall include the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.)	10	30
(16) Makeup (Shall include skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.)	15	25
(17) Manicuring and Pedicuring		
(A) Water and oil manicure, including nail analysis, and hand and arm massage.	5	20
(B) Complete pedicure, including nail analysis, and foot and ankle massage.	5	14
(C) Artificial nails		
1. Acrylic: Liquid and powder brush-ons	10	50 Nails
2. Artificial nail tips	10	50 Nails
3. Nail wraps and repairs	5	20 Nails
(c) Additional Instruction		819 hours
(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.		

NOTE: Authority cited: Sections 7312 and 7334(f), Business and Professions Code. Reference: Sections 7316(b), 7321(d)(1) and 7389, Business and Professions Code; Section 3078, Labor Code.

921.2. Curriculum for Electrolysis Apprenticeship Course

(a) The curriculum for an apprentice enrolled in an electrolysis apprenticeship course shall consist of thirty-two hundred (3200) clock hours of technical instruction and practical operations covering all practices of an electrologist pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person. Such technical instruction and practical operations shall include:

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	10	
(2) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	10	
(3) Sanitation, disinfection and sterilization (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection shall be emphasized throughout the entire training period and shall be performed before use of all instruments and equipment.)	25	10
(4) Bacteriology, anatomy and physiology.	25	

(5) Electricity (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.)	15	
(6) Electrolysis (Shall include the use and study of galvanic current.)	25	90
(7) Thermolysis (Shall include the use and study of high frequency current automatic and manual.)	25	120
(8) A combination of high frequency and galvanic currents	25	120
(c) Additional Instruction		2,340 Hours
(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.		

NOTE: Authority cited: Sections 7312 and 7334(f), Business and Professions Code. Reference: Sections 7316(d), 7330(d)(1) and 7389, Business and Professions Code; Section 3078, Labor Code.

922. Transfers

An apprentice may request from the program sponsor, a transfer from one approved related training class to another or from one approved establishment and trainer to another. The apprentice and the program sponsor shall notify the board within five days of any transfer.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333 and 7336, Business and Professions Code.

923. Surrender of License

Apprentices who successfully pass the licensing examination or terminate their enrollment in the apprentice training program or whose apprentice enrollment expires shall return to the board any apprentice license and identification photograph previously issued to them.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7335, Business and Professions Code.

924. Completion of Apprentice Training Program

(a) Upon successful completion or discontinuance of an apprenticeship program, the apprenticeship program sponsor shall issue to the apprentice a certificate of apprenticeship completion or discontinuance. The certificate of apprenticeship completion or discontinuance shall be signed by the instructor, the apprentice and the apprenticeship program sponsor.

(b) The certificate of apprenticeship completion or discontinuance shall be a document prepared by the program sponsor that contains all of the following:

- (1) Course title.
- (2) The apprentice's name, address, telephone number and date of birth.
- (3) The apprentice license number and social security number.
- (4) The program sponsor name and sponsor code issued by the board.
- (5) The total number of related training hours completed.
- (6) The date the apprentice training was completed or discontinued.
- (7) The total number of hours of on-the-job training the apprentice has completed designated by subject matter.
- (8) Any training received in a prior board-approved apprenticeship program.
- (9) A statement confirming that the apprentice has or has not met the course curriculum requirements.
- (10) A statement, dated and signed under penalty of perjury that all the information on the document is true and correct. The statement shall be worded as follows:

"We, the undersigned, certify under penalty of perjury under the laws of the state of California, that all the information contained herein is true and correct."

(c) Apprentices shall submit the certificate of apprenticeship completion and all other qualifying documents with their application to take the licensing examination.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7321, 7321.5, 7324, 7326, 7330, 7333 and 7337, Business and Professions Code.

925. Statement of Trainer Responsibilities

The owner of the establishment where the apprenticeship is being conducted shall inform, in writing, an employee who is an apprentice trainer of the employee's responsibilities as a trainer. The statement of trainer responsibilities shall include, but not be limited to, those provisions specified in subdivisions (a), (b), (c), (d) and (e) of Section

3078 of the Labor Code. The statement of trainer responsibilities shall be signed by the establishment owner and the apprentice trainer and maintained on the premises of the establishment. The statement of trainer responsibilities shall be presented to the board or its representative upon request.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7332, 7333 and 7336, Business and Professions Code.

926. Apprenticeship Credit for Prior Training

(a) An apprentice who desires to establish eligibility for examination pursuant to Sections 7321 through 7330 of the Business and Professions Code for a license in this state based in part on training received in a prior California apprenticeship program shall furnish proof of his or her qualifications as follows:

(1) The prior training must have taken place in an apprenticeship program approved by the board.

(2) The prior training must have taken place within three years immediately preceding re-enrollment in an apprenticeship program approved by the board.

(3) A valid Certificate of Completion or Discontinuance signed by the apprentice, trainer, school representative and program sponsor must be presented to the enrolling program sponsor before prior credit can be granted.

(4) Upon completion of the thirty-two hundred (3,200) hour apprenticeship training course, a valid Certificate of Completion or Discontinuance for each enrollment period must accompany the application for examination.

(b) An apprentice must leave the approved program in good standing to obtain credit for the training received.

Good standing is defined as:

(1) Has not been terminated from employment for inappropriate activity.

(2) Has returned the apprentice license to the program sponsor for forwarding to the board.

(3) Has attended related and supplemental training classes pursuant to section 915 CCR.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7333, 7334 and 7345 Business and Professions Code.

Article 4. Examinations

928. Preapplication for Examination

(a) A preapplication for examination must be submitted to the board postmarked within 7 calendar days from the day the applicant completed 75 percent of the required course hours and curriculum requirements (60 percent for students of the manicurist course) from an approved barbering, cosmetology or electrology school.

(b) A preapplication for examination shall be in writing, on a form prepared by the board (Form #03A-257, Request for Pre-Application, Rev 1/93).

(c) The preapplication form shall be submitted with the following:

(1) The required preapplication fee specified in Section 998;

(2) The application for examination, including the required fee and all proof of qualifications of the applicant for examination, except the proof of training document specified in Section 909.

(3) A stamped envelope, addressed to the school from which the applicant completed training.

(d) The preapplication form shall include an anticipated date that the student shall complete his/her course of study, and a statement, signed by the student and the school and certified to under penalty of perjury, that the student has completed the curriculum requirements and number of clock hours required to submit a preapplication.

(e) Within 15 calendar days of receipt of the preapplication the board shall notify the applicant in writing, at the school from which the applicant completed training, that the preapplication is either complete or is deficient and what information or documentation is required to complete the application.

(1) If the application is complete, the notification (that portion of form 03A-257 filled out by the board) shall also contain the applicant's scheduled examination date.

(2) If a preapplication is deficient, the applicant shall not be scheduled for examination until after the proof of training document is submitted to the board.

(f) The proof of training document and the portion of form 03A-257 filled out by the board must be mailed to the board, postmarked within three working days after the applicant's anticipated date of course completion. If this requirement is not met, the applicant will not be permitted to be examined on the scheduled date and will be rescheduled for examination.

(g) Within five working days of receipt of the proof of training document the board shall notify the applicant in writing that it is either complete or is deficient and what information or documentation is required to complete the document.

(1) If the proof of training document is complete, the board will mail an examination admission card to the applicant.

(2) If the proof of training document is deficient, the applicant will not be permitted to be examined on the scheduled date and will be rescheduled for examination at the time of receipt of a complete proof of training document.

NOTE: Authority cited: Section 7312, 7337.5, Business and Professions Code. Reference: 7337.5, Business and Professions Code.

929. Good Cause for Failure to Appear for Examination

The board defined "good cause" for the purpose of Section 7343 of the Business and Professions Code as follows: Personal illness, auto accident, death or severe illness in the immediate family or other severe physical or emotional hardship. Any condition to be considered good cause by the board must be verified in writing (i.e., letter from a physician, official accident report, obituary notice).

NOTE: Authority cited: Section 7312 and 7343, Business and Professions Code. Reference: Section 7343, Business and Professions Code.

931. Interpreter and Interpreter/Model

(a) An applicant for the barber, cosmetologist, esthetician, manicurist, or electrologist examination may use an Interpreter or an Interpreter/Model during examination if the applicant is unable to speak, read, or write in the English language at a 10th grade level.

(b) The applicant shall file with the application for examination, or not later than thirty (30) days prior to the date of the examination, a notice of permission to use an Interpreter or Interpreter/Model on a form prescribed by the board (Form #03B-125, Form G, Request for Use of an Interpreter or Interpreter/Model, Rev 8/94) and executed by the applicant under penalty of perjury.

(c) The person designated by the applicant to act as an Interpreter or an Interpreter/Model shall file with the board, not later than fifteen (15) days prior to the date of the examination and on a form prescribed by the board (Form #03A-126, Form H, Rev 8/94) and executed by the person under oath or penalty of perjury, a request to act as an interpreter or an interpreter/model, along with two 1 1/2 x 1 1/2 inch signed photographs of himself or herself.

(d) The Interpreter or Interpreter/Model shall be a person who is fluent both in English and in the native language of the applicant and must certify to this fact in writing under penalty of perjury.

(e) An Interpreter may interpret only for the written portion of the examination.

(f) An Interpreter/Model may interpret for the written and practical portions of the examination and shall serve as the model for the practical examination.

(g) Male models may only be used for the barber, manicurist, and electrologist examinations.

(h) A person shall be allowed to act as an Interpreter or Interpreter/Model only once in two (2) years in any examination.

(i) An Interpreter shall not be used in the barber or cosmetology instructor examinations.

(j) Disabled persons are entitled to access to examination activities in a manner that is equal to that offered non-disabled persons and reasonable accommodation will be provided all such persons with medically-certified documentation.

(k) The following persons are prohibited from acting as Interpreter or Interpreter/Models:

(1) Persons less than 15 years of age.

(2) Persons who are current or former students in barbering or any of the branches of cosmetology.

(3) Persons who are currently or have been formerly licensed as an operator or an instructor by this state or any other state in barbering or any of the branches of cosmetology.

(4) Persons who are currently or have been formerly enrolled in a barber apprentice training program.

(5) Persons who are currently or have been formerly enrolled in a cosmetologist apprentice training program.

(6) Persons who have been formerly Junior Operators or Junior Electrologists.

(7) Persons who are currently or have been formerly owners or employees of any school of barbering, cosmetology or electrology.

(l) For a period of one (1) year from the date that any person served as an Interpreter or Interpreter/Model, that person shall be ineligible to apply to the Board of Barbering and Cosmetology for a license in barbering or any of the branches of cosmetology from which he or she provided Interpreter or Model services.

(m) If the board determines that any of the information furnished pursuant to this section is false in a material respect, it may void the applicant's examination, if any.

(n) Persons who are only reading the examination to the applicant, but not interpreting to another language, will not be permitted.

(o) If the board determines that an Interpreter or Interpreter/Model is providing answers during the examination or any other material assistance to the applicant other than translating during the conduct of the examination, it shall disqualify the Interpreter or Interpreter/Model and void the applicant's examination.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7338 and 7340, Business and Professions Code.

932. Passing Grades in Examinations

An overall average of 75 percent shall be the passing grade for examinations.

- (a) Examinations consist of two parts: a practical part and a written part.
- (b) If the applicant fails to receive a passing grade for the barbering examination, the applicant will be required to be reexamined in the practical part and the written part of the examination.
- (c) The total possible examination score for the barbering exam consists of 100 points: The practical part is valued at 80 points and the written portion is valued at 20 points.
- (d) If the applicant fails to receive a passing grade but only fails one part of any cosmetology or electrology examination, the applicant will be required to be re-examined only in the part failed, provided the re-examination takes place within one year after the notice of the results of the examination in which the applicant failed one part has been delivered.
- (e) The total possible examination score for any cosmetology or electrology exam consists of 400 points: The practical part is valued at 300 points and the written portion is valued at 100 points.
- (f) To pass any of the cosmetology or electrology examinations, the applicant must achieve at least 300 points overall including a score of at least 225 in the practical part and at least 70 in the written part.

NOTE: Authority cited: Sections 7312 and 7340, Business and Professions Code. Reference: Sections 7338, 7340, 7341, and 7342, Business and Professions Code.

933. Inspection of Examination Papers

(a) An applicant who has failed the written examination may inspect his or her answer sheet for that examination by making a written request to the board within ninety (90) days after notification of the examination result. Such an inspection shall be conducted in the city where the examination was taken or, at the election of the applicant, in the board office.

(b) At the time of such inspection, no one other than the applicant and a representative of the board shall have access to the written examination papers. Only the applicant's answer sheet for the written examination shall be available for inspection to an applicant.

NOTE: Authority cited: Sections 7312 and 7340, Business and Professions Code. Reference: Sections 496 and 7341, Business and Professions Code.

934. Examination Appeal

(a) An applicant who has received a fail score on the written or practical examination shall be eligible to appeal to the board for a review of his or her examination results.

(b) The appeal shall be filed with the board within fifteen (15) days after the date of notification of his or her examination results. The appeal shall be made in writing, and it shall state the reason for appeal. The board shall only consider appeals regarding significant procedural error in or adverse environmental conditions during the test administration.

(c) The review of the appeal shall be conducted by one or more board members, or the board's designee, to determine if there is clear and convincing evidence to sustain the applicant's appeal. Such findings shall be subject to the approval of the board.

(d) Within thirty (30) days after the board has approved the determination on appeal, the applicant shall be notified in writing of the results of his or her appeal. In acting on appeals, the board may take such action as it deems appropriate, including the issuance of a license where the board has determined that the applicant has demonstrated the required competence.

NOTE: Authority cited: Sections 7312 and 7340, Business and Professions Code. Reference: Sections 7340 and 7341, Business and Professions Code.

Article 5. Mobile Units

937. Licensing and Operation

(a) An application for a license to operate a mobile unit shall be on a form prescribed and provided by the board (Form #03A-202, Application for License to Operate A Mobile Unit, Rev 1/93), accompanied by such evidence, statements, or documents as required by Section 7355(b) of the Business and Professions Code.

(b) The geographical boundaries within which the mobile unit is licensed to operate shall include only the cities and counties within which the mobile unit has permits to provide services, and shall extend no further than a 50 mile radius from the permanent base address from which the mobile unit operates.

(c) All Health and Safety Rules governing barbering and cosmetology establishments (as contained in Article 12 of these regulations) shall apply to mobile units unless otherwise specified.

(d) All storage cabinet doors shall have safety catches.

- (e) All equipment which is not stored in storage cabinets shall be securely anchored to the mobile unit.
- (f) No services shall be performed while the mobile unit is in motion.
- (g) A ramp or lift shall be provided for access to the mobile unit if providing services for disabled individuals.
- (h) The owners of mobile units shall be responsible for adherence to all local, state and federal laws and regulations regarding the operation of vehicles to be used as mobile units.
- (i) An itinerary showing dates, locations, and times of service shall be made available, upon request, to an authorized representative of the board.
- (j) The board shall inform the applicant in writing that the application is either complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application within 10 calendar days of receipt of an application for a license to operate a mobile unit.
- (k) The board shall inform the applicant in writing of its decision regarding an application within 21 calendar days from the date of filing of a completed application. The decision is contingent upon the applicant scheduling an appointment with the board, or its representative, for an inspection of the mobile unit for final approval, pursuant to Section 7355(a) of the Business and Professions Code, within seven calendar days of receipt of the notice of a completed application.
- (l) The inspection for final approval shall be conducted to ensure compliance with Sections 7354 and 7357(b) of the Business and Professions Code.

NOTE: Authority cited: Sections 7312 and 7357, Business and Professions Code. Reference: Sections 7354, 7355 and 7357, Business and Professions Code.

Article 6. Schools

940. Equipment for Schools of Cosmetology

The minimum equipment for a school of cosmetology shall be as follows:

- (a) Sufficient electrical equipment and dermal lights for giving instruction in skin care and electrical facials.
Note: Equipment shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face.
- (b) Mannequins, with full head of hair 10
- (c) Time clocks 1
- (d) Shampoo bowls 5
(When the average daily attendance exceeds 50 students, additional shampoo bowls shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50)
- (e) Dryers..... 12
(When the average daily attendance exceeds 50 students, additional dryers shall be added at the ratio of one for each 10 students in average daily attendance in excess of 50)
- (f) Facial chairs or facial couches 4
(When the average daily attendance exceeds 50 students, additional facial chairs or facial couches shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50)
- (g) Manicure stations 6
(When the average daily attendance exceeds 50 students, additional manicure tables shall be added at the ratio of one for each 10 students in average daily attendance in excess of 50)
- (h) Electrical cap 1
(When the average daily attendance exceeds 50 students, additional electrical caps shall be added at the ratio of one for each 25 students in average daily attendance in excess of 50)
- (i) Thermal hair straighteners
 - (1) Electric comb 1
 - (2) Non-electric comb..... 3
 - (3) Stove (for non-electric combs)..... 1
 - (4) Electric curling iron..... 1
 - (5) Non-electric curling iron (at least two sizes)..... 3
 - (6) Stove (for non-electric curling irons) 1

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7362.1(a), Business and Professions Code.

941. Approval of Schools

- (a) To obtain board approval, a private post secondary school shall submit to the board a request for approval that shall consist of the following:
 - (1) A document, signed by the owner or owners of the school and certified under penalty of perjury, stating that the school will provide a course of instruction approved by the board and, for cosmetology schools, that all requirements of section 7362.1 of the Business and Professions Code relative to school approval have been met.

(2) A copy of the valid, current Institutional Approval Certificate issued to the school by the Council for Private Post Secondary and Vocational Education.

(b) Within ten working days after receipt of the request for approval as specified in subdivision (a), the board shall notify the school in writing that either the approval is granted or that the request for approval is deficient and what information is required to make the request for approval complete.

(c) The provisions of subdivision (a) must be met for all new schools and schools that have changed ownership or location.

(d) If an approved school no longer meets the requirements of sections 7362 or 7362.1 of the Business and Professions Code, it must notify the board in writing within seven calendar days of what provisions it does not meet.

NOTE: Authority cited: Sections 7312, Business and Professions Code. Reference: Sections 7362 and 7362.1, Business and Professions Code.

Article 7. Continuing Education

942. Requirements for Instructors

(a) All instructors shall retain for at least four years:

(1) Certificates of completion of the continuing education courses obtained through a recognized provider.

(2) Information regarding the completion of continuing education courses obtained through an approved provider, including name of provider, course title and number, date completed, and number of units or hours.

(b) Any licensee who knowingly furnishes false or misleading information to the board regarding continuing education hours shall be subject to disciplinary action.

(c) Of the 30 hours of approved continuing education in the teaching of vocational education required during each two-year licensing period, a maximum of 15 hours may be in teaching methods relative to barbering and cosmetology practical operations.

NOTE: Authority cited: Sections 7312 and 7392, Business and Professions Code. Reference: Sections 7392, 7393 and 7394, Business and Professions Code.

943. Approved Providers

(a) The following continuing education providers have been approved by the board to provide continuing education:

(1) Any local education agency, currently approved by the California Commission on Teacher Credentialing, which offers a program of personalized preparation for a vocational education teaching credential.

(2) Public and private postsecondary schools accredited by the Western Association of Schools and Colleges.

(b) A person or organization may request approval to act as a continuing education provider by submitting the request in writing to the board.

(c) An approved continuing education provider may request course approval from the board by submitting a course approval request which includes course description of the proposed course. The content of the course or program shall be designed for continuing education in the teaching of vocational education and may include, but not be limited to, development of understanding and competency in the learning process, instructional techniques, curriculum and media, instructional evaluation, counseling and guidance, and the special needs of students. All continuing education course work shall be based upon stated educational objectives. Continuing education course work shall not be designed to promote the commercial products of the provider or of any persons giving financial assistance to the provider.

NOTE: Authority cited: Sections 7312 and 7392, Business and Professions Code. Reference: Section 7392, Business and Professions Code.

944. Course Provider Responsibilities

(a) Approved providers shall issue a document of proof, e.g., gradeslip or transcript, to each licensee to show that he or she has met the established criteria for successful completion of a course. The certificate of proof documenting successful completion shall contain the following information:

(1) Name of student and license number.

(2) Course title.

(3) Provider name (as approved by the board), address, and provider number.

(4) Date of course.

(5) Number of continuing education hours completed.

(6) Signature of instructor and/or provider, or provider designee.

(b) Course verification shall be issued by the provider within ninety (90) days after the completion of the course, not to exceed ninety days.

(c) Approved providers shall maintain course verification certificates for at least four years from the date the course was completed.

(d) Approved providers shall have a written and published policy, available on request, which provides information on:

- (1) Refunds in cases of non-attendance.
- (2) Time period for return of fees.
- (3) Notification if course is canceled.

(e) Approved providers may not grant partial credit for continuing education courses.

(f) Approved providers shall notify the board within thirty (30) days of any changes in organizational structure of a provider and of a change in the person(s) responsible for the provider's continuing education course(s).

(g) (1) Within seven (7) calendar days of receipt of an application for approval as an approved provider, the board shall inform the applicant in writing that the application is either complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

(2) Within seven (7) calendar days from the date of filing of a completed application for approval as an approved provider, the board shall inform the applicant in writing of its decision regarding an application.

(h) (1) Within ten (10) calendar days of receipt of an application for approval of a continuing education course, the board shall inform the applicant in writing that the application is either complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

(2) Within forty-two (42) calendar days from the date of filing of a completed application for approval of a continuing education course, the board shall inform the applicant in writing of its decision regarding an application.

NOTE: Authority cited: Sections 7312 and 7392, Business and Professions Code; Section 15376, Government Code. Reference: Section 7392, Business and Professions Code; Section 15376, Government Code.

945. Course Approval

(a) An approved provider shall submit to the board all material deemed necessary to judge the quality of the program on the basis of the factors stated in subdivision (b). The board shall grant or deny approval on the basis of educational quality and compliance with all requirements of law and regulation.

(b) For a course to be granted approval, it must:

- (1) Be sponsored by an approved provider.
- (2) Include a certificate of completion.
- (3) Include some mechanism (test, self-administered or otherwise) whereby participants can evaluate comprehension of material.
- (4) Include stated goals and specific instructional objectives.
- (5) Include a complete and sound syllabus.
- (6) Consist of material which is accurate, orderly, complete, and applicable to the teaching of vocational education.

NOTE: Authority cited: Sections 7312 and 7392, Business and Professions Code. Reference: Section 7392, Business and Professions Code.

946. Provider Advertising

Information disseminated by a recognized provider publicizing continuing education shall be true and not misleading and shall include the following:

- (a) The statement "Provider recognized by the Calif. Board of Barbering and Cosmetology, Provider Number ____ for ____ hours."
- (b) Provider's policy on refunds in cases of non-attendance by the registrant.
- (c) A clear, concise description of the course content and/or objectives.
- (d) Provider name as officially on file with the board.

NOTE: Authority cited: Sections 7312 and 7392, Business and Professions Code. Reference: Section 7392, Business and Professions Code.

947. Continuing Education Hours

- (a) Each hour of theory shall be accepted as one clock hour of continuing education.
- (b) One academic quarter unit is equal to 10 clock hours of continuing education.
- (c) One academic semester unit is equal to 15 clock hours of education.

NOTE: Authority cited: Sections 7312 and 7392, Business and Professions Code. Reference: Section 7392, Business and Professions Code.

948. Provider Instructor Qualifications

Instructors teaching approved continuing education courses shall either hold a baccalaureate or higher degree from an accredited college or university and validated experience in the subject matter; or holds a credential to teach vocational education full time in a public school in this state.

NOTE: Authority cited: Section 7392, Business and Professions Code. Reference: Section 7392, Business and Professions Code.

949. Authority to Audit Records and Rescind Provider Status

- (a) The board retains the right and authority to audit records or monitor courses given by any recognized provider.
- (b) The board shall audit licensee records regarding continuing education hours completed as it deems necessary to assure that the continuing education requirements are met.
- (c) The board may rescind recognized provider status if the provider has disseminated any false or misleading information in connection with the continuing education program, or if the provider has failed to conform to the provisions of this Article.

NOTE: Authority cited: Sections 7312 and 7392, Business and Professions Code. Reference: Sections 7392 and 7395, Business and Professions Code.

Curricula

950.1. Curriculum for Barbering Course

- (a) The curriculum for students enrolled in a barbering course shall consist of fifteen hundred (1500) clock hours of technical instruction and practical operations covering all practices constituting the art of barbering pursuant to Section 7316 of the Barbering and Cosmetology Act.
- (b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin.
- (c) The course of instruction in the practical phases of barbering required for a student enrolled in a 1,500-hour course shall cover not less than 1,300 hours including training in basic haircutting and in hairstyling of all textures of hair at the discretion of the school owner or instructor. The practical training shall include performance of the following minimum practical operations:

Subject	Minimum Practical Operations
(1) Haircuts and Hairstyles	750
(2) Shaves	40
(3) Rest Facials	20
(4) Shampoos	25
(5) Scalp Manipulations	20
(6) Hair Waving and Curling	20
(7) Hair Coloring and Tinting	5
(8) Hair Processing and Relaxing	5
(9) Application of chemicals used on the hair; hairpieces; measuring, fitting and servicing of hairpieces and rolling cream massages.	

All students shall receive sufficient instruction and training in the subjects listed in this section to properly prepare them to apply for and take the examination given by the board and to provide barber services in an establishment.

- (d) The course of instruction in the theory of barbering required for a student enrolled in a 1,500-hour course shall cover not less than 80 hours of instruction in the subjects listed in Section 7316(a) of the code, including razor cutting, hair processing, blow waving and sales techniques. The theory instruction shall include training in sales techniques which may be completed in theory training or practical training at the discretion of the school owner or instructor. The course of instruction shall also include 20 hours of technical instruction in the area of hazardous substances (shall be the course developed by the Board of Barbering and Cosmetology as provided by Section 7389).
- (e) The course of instruction required for a student enrolled in a 1,500-hour course shall cover not less than 120 hours allotted to the practical and/or the theoretical phases of the course in such manner as the owner or instructor considers necessary in the individual case.
- (f) A student shall be properly instructed to cut the hair of and render barber services to all patrons.

NOTE: Authority cited: Sections 7312 and 7362(b), Business and Professions Code. Reference: Sections 7316(a), 7321.5(d)(1), 7362.5(a) and 7389, Business and Professions Code.

950.2. Curriculum for Cosmetology Course.

- (a) The curriculum for students enrolled in a cosmetologist course shall consist of sixteen hundred (1600) clock hours of technical instruction and practical operations covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Such technical instruction and practical operations shall include:

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	20	
(2) Cosmetology Chemistry (Shall include the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Shall also include the elementary chemical makeup, chemical skin peels, physical and chemical changes of matter.)	20	
(3) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	20	
(4) Theory of Electricity in Cosmetology (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.)	5	
(5) Disinfection and sanitation (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection should be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.)	20	10
(6) Bacteriology, anatomy and physiology.	15	
(7) Wet Hair Styling (Shall include hair analysis, shampooing, fingerwaving, pin curling and comb-outs.)	25	200
(8) Thermal Hair Styling (Shall include hair analysis, straightening, waving, curling with hot combs and hot curling irons, and blower styling.)		
(A) Thermal styling	20	40
(B) Press and curl		20
(9) Permanent Waving (Shall include hair analysis, chemical and heat permanent waving.)	20	80
(10) Chemical Straightening (Shall include hair analysis and the use of sodium hydroxide and other base solutions.)	20	25
(11) Haircutting (Shall include hair analysis and the use of the razor, scissors, electric clippers, and thinning shears, for wet and dry cutting.)	20	80
(12) Haircoloring and Bleaching (Shall include hair analysis, predisposition		

tests, safety precautions, formula mixing, tinting, bleaching, and the use of dye removers. Shall not include any credit for color rinses.)		
(A) Haircoloring	40	50
(B) Bleaching		20
(13) Scalp and Hair Treatments (Shall include hair and scalp analysis, scientific brushing, electric and manual scalp manipulation, and other hair treatments.)	5	20
(14) Facials (A) Manual (Shall include cleansing, scientific manipulations, packs, and masks.)	5	10
(B) Electrical (Shall include the use of electrical modalities, including dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face.)	10	15
(C) Chemicals (Shall include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling.)	10	15
(15) Eyebrow Arching and Hair Removal (Shall include the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.)	10	20
(16) Makeup (Shall include skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.)	15	10
(17) Manicuring and Pedicuring (A) Water and oil manicure, including nail analysis, and hand and arm massage.	5	15
(B) Complete pedicure, including nail analysis, and foot and ankle massage.	5	10
(C) Artificial nails		
1. Acrylic: Liquid and powder brush-ons	10	50 Nails
2. Artificial nail tips	10	50 Nails
3. Nail wraps and repairs	5	20 Nails
(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service record cards.		
(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.		

NOTE: Authority cited: Sections 7312, 7362 and 7362.1(c), Business and Professions Code. Reference: Sections 7316(b), 7321(d)(1), 7362, 7362.5(b) and 7389, Business and Professions Code.

950.3. Curriculum for Skin Care Course

(a) The curriculum for students enrolled in a skin care course shall consist of six hundred (600) clock hours of technical instruction and practical operations covering all practices of an esthetician, pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person. Such technical instruction and practical operations shall include:

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	10	
(2) Chemistry pertaining to the practices of an esthetician. (Shall include the chemical composition and purpose of cosmetic and skin care preparation. Shall also include the elementary chemical makeup, chemical skin peels, physical and chemical changes of matter.)	10	
(3) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	20	
(4) Electricity (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.)	10	
(5) Disinfection and sanitation (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection should be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.)	10	10
(6) Bacteriology, anatomy, physiology, skin analysis and conditions.	15	
(7) Facials (A) Manual (Shall include cleansing, scientific manipulations, packs and masks.)	20	40
(B) Electrical (Shall include the use of electrical modalities, including dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face.)	30	60
(C) Chemicals (Shall include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beauti-		

fication. All practical operations must be performed in accordance with Section 992 regarding skin peeling.)	20	40
(8) Eyebrow Arching and Hair Removal (Shall include the use of wax, tweezers, manual or electrical, and depilatories for the removal of superfluous hair.)		
(A) Tweezers	5	10
(B) Wax and depilatories	20	40
(9) Make-up (Shall include skin analysis, complete and corrective make-up, and the application of false eyelashes.)	20	40
(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service record cards.		
(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.		

NOTE: Authority cited: Sections 7312, 7362 and 7364, Business and Professions Code. Reference: Sections 7316(c)(1), 7324(d)(1), 7362, 7364 and 7389, Business and Professions Code.

950.4. Curriculum for Nail Care Course

(a) The curriculum for students enrolled in a nail care course shall consist of four hundred (400) clock hours of technical instruction and practical operations covering all practices of a manicurist, pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Such technical instruction and practical operations shall include:

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	10	
(2) Cosmetology Chemistry related to manicuring practices. (Shall include the chemical composition and purpose of nail care preparations.)	10	
(3) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	15	
(4) Disinfection and sanitation (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection should be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.)	10	10
(5) Bacteriology, anatomy and physiology.	10	
(6) Water and oil manicures, including hand and arm massage.	15	40
(7) Complete pedicure, including foot and		

ankle massage.	10	20
(8) Application of Artificial Nails		
(A) Acrylic: Liquid and powder brush-ons	15	80 Nails
(B) Nail tips	10	60 Nails
(C) Nail wraps and repairs	5	40 Nails
(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service record cards.		
(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.		

NOTE: Authority cited: Sections 7312, 7362 and 7365, Business and Professions Code. Reference: Sections 7316(c)(2), 7326(d)(1), 7362, 7365 and 7389, Business and Professions Code.

950.5. Curriculum for Electrolysis Course

(a) The curriculum for students enrolled in an electrolysis course shall consist of six hundred (600) clock hours of technical instruction and practical operations covering all practices of an electrologist pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person. Such technical instruction and practical operations shall include:

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	10	
(2) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	10	
(3) Sanitation, disinfection and sterilization (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection should be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.)	25	10
(4) Bacteriology, anatomy and physiology.	25	
(5) Electricity (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.)	15	
(6) Electrolysis (Shall include the use and study of galvanic current.)	25	45
(7) Thermolysis (Shall include the use and study of high frequency current automatic and manual.)	25	60
(8) A combination of high frequency and galvanic currents	25	60
(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service record cards.		

(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.

NOTE: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7316(d), 7330(d)(1), 7362, 7366, and 7389, Business and Professions Code.

950.6. Curriculum for Barber Instructor Course

(a) The curriculum for students enrolled in a barber instructor course shall consist of six hundred (600) clock hours of technical instruction and practical operations in teaching the art of barbering, as defined in section 7316 of the Barbering and Cosmetology Act.

(b) Technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the instructor trainee of teaching techniques and principles.

(c) The course of instruction shall include:

Subject	Minimum Hours of Technical Instruction
(1) Teaching Techniques	40
(2) Theory of Barbering	110
(3) Practical Phases of Barbering	110

NOTE: Authority cited: Sections 7312, 7362 and 7390, Business and Professions Code. Reference: Sections 7362, 7390 and 7391(d)(1), Business and Professions Code.

950.7. Curriculum for Cosmetology Instructor Course

(a) The curriculum for students enrolled in a cosmetology instructor course shall consist of six hundred (600) clock hours of technical instruction and practical operations in teaching the art of cosmetology, as defined in section 7316 of the Barbering and Cosmetology Act.

(b) Technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the instructor trainee of teaching techniques and principles.

Subject	Minimum Hours of Technical Instruction	Minimum Hours of Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	10	
(2) Preparatory Instruction.		
(A) Instructional techniques: method of instruction; lecture; demonstration; performance; communication skills; instructional aids; and use of questions to promote learning.	40	
(B) Organization techniques: 4 step teaching method; performance objectives; and learning domains, etc.	30	50
(C) Lesson planning: subject; title; outlines; development; and visual aids, etc.	60	50
(D) Techniques of evaluation: purpose of tests; types of test; test administration; scoring; and grading, etc.	10	
(3) Conducting classroom and technical instruction and demonstrations for three (3) or more students on all practices of cosmetology, including the Barbering and Cosmetology Act and Rules and Regulations. (Shall be conducted under supervision of a licensed instructor.)	140	
(4) Supervising and Training of students while they are practicing the art of cosmetology on a live person or mannequin		

in a classroom or laboratory.

100

(c) A student enrolled in the six hundred (600) hour instructor training course may not engage in the school in a complete service connected with any practice or combination of practices of cosmetology upon a patron who is paying for services or materials and shall not be permitted to enroll in a second course except following examination failure after the preceding course.

(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.

NOTE: Authority cited: Sections 7312, 7362 and 7390, Business and Professions Code. Reference: Sections 7362, 7390 and 7391(d)(1), Business and Professions Code.

950.8. Curriculum for Barber Crossover Course for Cosmetologists

(a) The curriculum for students enrolled in a barber crossover course for cosmetologists shall consist of a minimum of four hundred (400) clock hours of technical instruction and practical operations covering those barber practices that are not a part of the required training or practice of a cosmetologist.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin.

(c) A barber school desiring to teach a barber crossover course as prescribed in Section 7321.5 of the code shall apply to the board for approval of such program. Such barber school shall include with its request for approval a copy of the curriculum it proposes to offer. Such curriculum shall include sufficient training in the various aspects of barbering to prepare the student properly for the barber examination and to provide barber services in an establishment. Hazardous substances shall be the course developed by the Board of Barbering and Cosmetology as provided by Section 7389.

(d) A barber school which offers a 400-hour course shall provide a completion notice to each student who completes that course. Such notice shall be included with a proof of training document pursuant to Section 909.

NOTE: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7316(a), 7321.5(d)(5) and 7362, Business and Professions Code.

950.9. Curriculum for Cosmetology Crossover Course for Barbers

(a) The curriculum for students enrolled in a cosmetology crossover course for barbers shall consist of a minimum of four hundred (400) clock hours of technical instruction and practical operations covering those cosmetological practices that are not a part of the required training or practice of a barber.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Such instruction shall include:

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	10	
(2) Cosmetology Chemistry (Shall include the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Shall also include the elementary chemical makeup, chemical skin peels, physical and chemical changes of matter.)	5	
(3) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	20	
(4) Theory of Electricity in Cosmetology (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions		

used when operating electrical equipment.)	5	
(5) Disinfection and sanitation (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection should be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.)	10	10
(6) Bacteriology, anatomy and physiology.	5	
(7) Wet Hair Styling (Shall include hair analysis, fingerwaving, pin curling and comb-outs.)	10	35
(8) Thermal Hair Styling (Shall include hair analysis, straightening, waving, curling with hot combs and hot curling irons.)	5	15
(9) Permanent Waving (Shall include hair analysis, sectioning patterns, chemical and heat permanent waving.)	10	35
(10) Chemical Straightening (Shall include hair analysis and the use of sodium hydroxide and other base solutions.)	5	10
(11) Haircutting (Shall include hair analysis, basic guideline and sectioning, the use of the razor, scissors for wet and dry cutting.)	2	10
(12) Haircoloring and Bleaching (Shall include hair analysis, predisposition tests, safety precautions, formula mixing, tinting, bleaching, and the use of dye removers. Shall not include any credit for color rinses.)		
(A) Haircoloring	20	15
(B) Bleaching		5
(13) Scalp and Hair Treatments (Shall include hair analysis, scientific brushing.)	2	5
(14) Facials		
(A) Manual (Shall include cleansing, scientific manipulations, packs, and masks.)	2	5
(B) Electrical (Shall include the use of all electrical modalities, including dermal lights and electrical apparatus for facials and skin care purposes.)	7	5
(C) Chemicals (Shall include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be		

removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling.)	10	15
(15) Eyebrow Arching and Hair Removal (Shall include the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.)	5	5
(16) Makeup (Shall include skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.)	5	10
(17) Manicuring and Pedicuring		
(A) Water and oil manicure, including nail analysis, and hand and arm massage.	5	15
(B) Complete pedicure, including nail analysis, and foot and ankle massage.	1	3
(C) Artificial nails		
1. Acrylic: Liquid and powder brush-ons	5	10 Nails
2. Artificial nail tips	3	10 Nails
3. Nail wraps and repairs	2	5 Nails
(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service record cards.		
(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.		

NOTE: Authority cited: Sections 7312, 7362 and 7390, Business and Professions Code. Reference: Sections 7316(b), 7321(d)(4), 7362, 7389 and 7390, Business and Professions Code.

950.10. Credit for Special License and Transfer of Training

(a) A student transferring from one course of study to another, or a holder of a special license (e.g., manicurist or esthetician) who enrolls in a general course of study (e.g., cosmetologist), shall receive credit for total clock hours completed and credit for and a balance of the minimum hours of technical instruction and the minimum practical operations required in each applicable subject as follows:

(1) Total Clock Hours Credit.

(A) Cosmetologist course to esthetician course. A student transferring from the cosmetologist course to the esthetician course shall receive a credit of 35 percent of the total clock hours earned while enrolled in the cosmetologist course.

(B) Cosmetologist course to manicurist course. A student transferring from the cosmetologist course to the manicurist course shall receive a credit of 20 percent of the total clock hours earned while enrolled in the cosmetologist course.

(C) Esthetician course to cosmetologist course. A student transferring from the esthetician course to the cosmetologist course shall receive a credit of 65 percent of the total clock hours earned while enrolled in the esthetician course. A holder of a esthetician license enrolling in the cosmetologist course shall receive a credit of 65 percent of the total clock hours required for the esthetician course.

(D) Manicurist course to cosmetologist course. A student transferring from the manicurist course to the cosmetologist course shall receive a credit of 70 percent of the total clock hours earned while enrolled in the

manicurist course. A holder of a manicurist license enrolling in the cosmetologist course shall receive a credit of 70 percent of the total clock hours required for the manicurist course.

(2) Credit and balance for the minimum hours of technical instruction and minimum practical operations required. A student transferring from one course of study to another, or a holder of a special license who enrolls in a general course of study, shall receive a credit and balance for the minimum hours of technical instruction and minimum practical operations required by subtracting the number of hours and operations earned by the student or licensee while enrolled in the prior course from the minimum hours of technical instruction and minimum practical operations required for the new course in each applicable subject. If the student has earned more hours or operations in the prior course than are required in a specific subject of the new course, then that student's balance of hours and operations required in that subject shall be zero.

(b) Credit for a special course shall not be given to a student in the cosmetologist course until completion of the number of hours of instruction and training in a school of cosmetology which, when added to the number of hours for which the student is entitled to credit for the special course, will equal the minimum number of hours required for completion of the cosmetologist course.

(c) Training received as an apprentice shall not be credited toward a course of training in a school. Training received in a school shall not be credited toward training in an apprenticeship program.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7367, Business and Professions Code.

950.12. Work upon Paying Patrons

(a) A student enrolled in a school shall not be permitted to work upon a patron paying for services until he or she has completed the freshman period of training and instruction. The freshman period shall be 10 percent of the total training hours specified for each course.

(b) A student enrolled in a school shall not be permitted to work upon a patron paying for a service until the student has completed technical instruction and practical training in the service for which a patron is paying.

(c) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical training shall mean the actual performance by the student of a complete service on another person or on a mannequin.

NOTE: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7362(b), 7362.5, 7364, 7365, and 7366, Business and Professions Code.

961. Text and Reference Books for Students

(a) In teaching, schools shall use text and reference books approved by the board. They may use other teaching material to supplement the approved text and reference books.

(b) Each student shall possess the following:

(1) At least one (1) of the textbooks approved by the board.

(2) The Performance Criteria developed by the board.

(3) The Barbering and Cosmetology Act and the Rules and Regulations of the Board of Barbering and Cosmetology.

(c) There shall be available for the use of students in the school:

(1) A list of the text and reference books approved by the board.

(2) Any two approved texts other than the one text possessed by the student. (Shall not apply to barber schools if there are less than three approved texts.)

NOTE: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Section 7362, Business and Professions Code.

Article 8.5 Externship

962. Definitions

(a) For purposes of Section 7395.1 as specified in subdivision(c)(3) of the Business and Professions Code, the term "good standing" means the following:

(1) The licensee maintains a valid, current barber, cosmetology, esthetician, or manicurist license issued by the Board of Barbering and Cosmetology.

(2) There is no current or pending discipline against the license pursuant to Article 11 of the Barbering and Cosmetology Act.

(3) The licensee has no unpaid fine issued pursuant to Article 12 of the Barbering and Cosmetology Act.

(b) For purposes of Section 7395.1 as specified in subdivision(g)(3) of the Business and Professions Code, the term "appropriate training" means the student extern has completed 60% of the required minimum practical operations and minimum hours of technical instruction set forth in Sections 950.2-950.4 of this division.

(c) For purposes of Section 7395.1 as specified in subdivision(g)(3) of the Business and Professions Code, the term "chemical treatment" means any product or procedure, including the preparation and/or application of the product, that alters or changes the molecular structure of the hair, skin or nails through the chemical treatments. These treatments may include, but are not limited to the following:

(1) permanent waving

(2) soft permanent waving

(3) chemical straightening

(4) sodium hydroxide and other base solutions

(5) hair coloring and bleaching (semi-permanent and permanent)

(6) chemical skin peel products

(7) depilatory products

(8) lash and brow tinting products

(d) For purposes of Section 7395.1 subdivision(g)(3) of the Business and Professions Code, the term "direct and immediate supervision" means the student extern may work on a paying client, only in an assisting capacity, when a

designated licensee is present to oversee the work process. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

(e) For purposes of Section 7395.1 subdivision(g)(3) of the Business and Professions Code, the term "directly supervised" means the student extern may not use or apply chemical treatments unless a designated licensee is present to oversee the work process. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

962.1 Notification of Participation in the Cosmetology Externship Program

(a) 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 as defined in Section 962. Any change in "good standing" status of a participating establishment or licensee will require the establishment or licensee to withdraw from the program.

(b) Board notification by schools and establishments participating in the Cosmetology Externship Program shall be submitted to the board in writing. Notification of participation shall be updated annually to allow for continued participation in the program. The notification shall be prepared by the school and shall include the following information:

(1) The school's name, address, telephone number, and school code issued by the board.

(2) The establishment's name, address, telephone number, and license number issued by the Board.

(3) The establishment owner's name.

(4) A statement, dated and signed under penalty of perjury by the school, and the establishment that all information on the document is true and correct and that the school and establishment have complied with all requirements of this Article and Section 7395.1 of the Business and Professions Code. The statement shall be worded as follows: "We the undersigned, certify under penalty of perjury under the laws of the State of California, that all the information contained herein is true and correct. We have complied with all requirements of Article 8.5 of Division 9 of Title 16 of the California Code of Regulations and Section 7395.1 of the Business and Professions Code".

(5) The document must include the name and title of the individual signing for the school clearly printed or typed.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

962.2 Laminated School Identification

(a) While working in an approved establishment, all students participating in the externship program shall have in their possession a school laminated photographic identification card.

(b) The school laminated photographic identification card shall be at least 2½" x 3½" in size and contain the following information: the student extern's full name (first, middle initial, last); a current, color, full face photograph of the extern at least 1½" x 1½" in size; the term "STUDENT EXTERN" in type at least 14 point; and the name of the school of cosmetology where the student extern is enrolled.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

962.3 Externship Curriculum for Cosmetology Students

(a) Total clock hour credit toward graduation for a student extern participating in a cosmetology externship program is limited to 160 hours.

(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for cosmetology student externs, as well as the maximum credit to be gained in each area, include:

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	2	1
Wet Hair Styling	10	20
Thermal Hair Styling	10	10
Press and Curl	0	3
Permanent Waving	10	10
Chemical Straightening	4	5

Haircutting	10	10
Haircoloring and Bleaching	10	8
Scalp and Hair Treatments	0	2
Facials (Manual)	1	1
Facials (Electrical)	1	2
Facials (Chemical)	1	2
Eyebrow Arching and Hair Removal	1	2
Makeup	2	1
Manicuring (Water and Oil)	1	2
Pedicure	1	2
Acrylic Nails	2 nails	5 nails
Artificial Nail Tips	2 nails	5 nails
Nail Wraps and Repair	1 nail	2 nails

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

962.4 Externship Curriculum for Skin Care Students

(a) Total clock hour credit toward graduation for a student extern participating in a skin care externship program is limited to 60 hours.

(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for skin care student externs, as well as the maximum credit to be gained in each area, include:

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	2	2
Facials - Manual	8	8
Facials - Electrical	4	6
Facials - Chemical	4	4
Eyebrow Arching & Hair Removal (Tweezers)	4	5
(Wax and Depilatories)	8	6
Make up	8	6

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

962.5 Externship Curriculum for Nail Care Students

(a) Total clock hour credit toward graduation for a student extern participating in a nail care externship program is limited to 40 hours.

(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for nail care student externs, as well as the maximum credit to be gained in each area, include:

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	1	2
Water and Oil Manicures	3	6
Pedicures	3	3
Acrylic Nails	4 nails	8 nails
Artificial Nail Tips	4 nails	6 nails
Nail Wraps and Repair	3 nails	4 nails

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

962.6 Externship Curriculum for Cosmetology Crossover Course for Barber Students

(a) Total clock hour credit toward graduation for a student extern participating in a cosmetology crossover course externship program is limited to 40 hours.

(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for nail care student externs, as well as the maximum credit to be gained in each area, include:

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	2	1
Wet Hair Styling	1	4
Thermal Hair Styling	1	2
Press and Curl	1	3
Permanent Waving	1	2
Chemical Straightening	1	2
Haircutting	0	1
Haircoloring and Bleaching	2	2
Facials (Chemical)	1	2

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

Article 9. Licenses**965. Display of Licenses**

- (a) All operators' licenses shall be conspicuously posted at their primary work stations.
- (b) All establishment licenses shall be conspicuously posted in the reception areas.
- (c) No license which has expired or become invalid for any reason whatever shall be displayed by any person in connection with the practices as defined in Section 7316 of the Business and Professions Code. Any license so displayed shall be surrendered to the board upon its request.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7316, 7317, 7332, 7342, 7397, 7414, 7415, 7417, 7418, 7419, and 7420, Business and Professions Code.

966. Inactive Barber and Cosmetology Instructor License Status

- (a) Licensed barber and cosmetology instructors shall be given the opportunity, during the license renewal process, to be designated "Inactive."
- (b) A licensee's active status shall be restored upon notification from the board confirming the receipt of the licensee's request for restoration to active status and verification of compliance with continuing education requirements.
- (c) An inactive license status shall not bar any disciplinary action by the board against a licensee for any of the causes stated in the Business and Professions Code, Division 3, Chapter 10, Section 7301-7426, inclusive.

NOTE: Authority cited: Sections 7312, Business and Professions Code. Reference: Sections 7392, 7393, and 7394, Business and Professions Code.

Article 10. Disciplinary Proceedings**969. Delegation of Certain Functions**

The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in the executive officer's absence from the office of the board, the acting executive officer.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7310 and 7403, Business and Professions Code.

970. Substantial Relationship Criteria

For the purpose of denial, suspension, or revocation of a license issued under Chapter 10 of Division 3 of the Business and Professions Code pursuant to Division 1.5 (commencing with Section 475) of that same code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of the licensee if to a substantial degree it evidences present or potential unfitness of the licensee to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. The crimes or acts shall include, but not be limited to, those involving the following:

- (a) Any violation of the provisions of Chapter 10 of Division 3 of the Business and Professions Code.
- (b) Criminal offenses, including but not limited to, lewd conduct, or use or sale of drugs or narcotics, committed in the course of or in association with the performance of the functions or duties authorized by such license.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 135, 163.5, Division 1.5 (Section 475, et seq.), 7321, 7321.5, 7324, 7326, 7330, 7333 and 7404, Business and Professions Code.

971. Criteria for Rehabilitation

(a) When considering the denial of a license, pursuant to Section 480 of the Business and Professions Code, for which application has been made under Chapter 10, Division 3 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, shall consider the following criteria:

- (1) The nature and the severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license, issued under Chapter 10, Division 3 of the Business and Professions Code under Section 490 of that same code, the board, in evaluating the rehabilitation of such person and his or her present eligibility for a license, shall consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a license, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Division 1.5 (Sections 475, et seq.), 7321, 7321.5, 7324, 7326, 7330, 7333 and 7404, Business and Professions Code.

972. Disciplinary Guidelines

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" (September, 1998 Edition) which are hereby incorporated by reference. Deviation from these guidelines, including the standard terms of probation, is appropriate where the board in its sole discretion determines the facts of the particular case warrant such a deviation -- for example: the presence of mitigating factors; the age of the case; evidentiary problems.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7404, Business and Professions Code.

Article 11. Administrative Fines and Citations

974. Schedule of Administrative Fines

(a) An administrative fine may be assessed for the first, second, and third violations of the specified sections of the Business and Professions Code and Title 16 of Division 9 of the California Code of Regulations as follows:

Section	1st Violation	2nd Violation	3rd Violation	Correctable
*7317	500	750	1,000	Yes
7320	100	250	500	No
7320.1	100	250	500	No
7320.2	100	250	500	No
7336	25	50	150	No
7347	500	750	1,000	Yes
7348	25	50	150	Yes
*7349	500	750	1,000	No/Yes**
7349.1	25	50	150	Yes
7350	25	50	150	Yes
7351	25	50	150	Yes
7352	25	50	150	Yes
7358	25	50	150	Yes
*7359	500	750	1,000	No/Yes**
7360	25	50	150	Yes
904(d)	50	150	300	No
905	25	50	150	Yes
920	25	50	150	Yes
965(a)	25	50	150	Yes
965(b)	25	50	150	Yes
965(c)	25	50	150	Yes
978(a)(4)	25	50	150	Yes
978(a)(5)	25	50	150	Yes
978(a)(6)	50	150	300	Yes
978(b)	25	50	150	Yes
978(c)	25	50	150	Yes
979(a)	100	250	500	No
979(b)	25	50	150	Yes
979(c)	25	50	150	Yes
979(d)	25	50	150	Yes
980(a)	25	50	150	Yes
980(b)	25	50	150	Yes
980.1	100	250	500	No
981(a)	25	50	150	Yes
981(b)	25	50	150	Yes
982	100	250	500	No
983(a)	25	50	150	Yes
983(b)	25	50	150	Yes
984	100	250	500	No
988(a)	25	50	150	No
988(b)	25	50	150	No
988(c)	25	50	150	No
988(d)	25	50	150	No
989	25	50	150	Yes
993	25	150	300	No
995(b)	25	150	300	Yes
995(c)	25	50	150	Yes
995(d)	25	150	300	Yes
995(e)	25	150	300	Yes

*Fines for these violations shall be assessed at one-half the established amount when the violation results from a licensee working with an expired license or when an establishment owner allows an employee (including booth renters/independent contractors) to work with an expired license.

**When this violation occurs as a result of an establishment owner allowing an employee (including booth renters/independent contractors) to work with an expired license, the fine for a first offense can be avoided as provided for in Section 7409 of the Business and Professions Code.

(b) A violation indicated in subdivision (a) as not correctable means that the fine for the first violation may not be avoided as provided for in Section 7409 of the Business and Professions Code.

NOTE: Authority cited: Sections 7312 and 7407, Business and Professions Code. Reference: Sections 7406 and 7409, Business and Professions Code.

974.1 Disciplinary Review Committee

- (a) The disciplinary review committee of the Board shall be composed of three (3) members of the board.
- (b) The board president, in his or her discretion, may appoint multiple disciplinary review committees.
- (c) The board president shall annually appoint members of the disciplinary review committee; the appointment will be made concurrently with the annual election of the Board President.
- (d) The board president shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee.

NOTE: Authority cited: Sections 7312 and 7410, Business and Professions Code. Reference: Section 7410, Business and Professions Code.

974.2 Appeal to Disciplinary Review Committee

- (a) In addition to requesting a hearing provided for in Section 7411 of the Business and Professions Code, the cited person may within thirty (30) days of the date the notice of violation or citation was issued, notify the Board in writing of his or her request for an informal citation review hearing before the disciplinary review committee.
- (b) Upon receipt of a timely written request, the board staff shall schedule the cited person for the next hearing to be held in the general vicinity of the cited person's address of record and which is at least forty five (45) days after the board's receipt of the request for the hearing. The board staff shall, at least thirty (30) days before the date of the hearing, mail written notice to the cited person of the date, time, and location of the hearing.
- (c) The cited person shall appear and may bring legal counsel or an authorized representative to the hearing and may present written information and/or oral testimony to the disciplinary review committee.
- (d) The cited person may contest or appeal any of the following aspects of the citation or notice of violation:
 - (1) The occurrence of a violation of the Barbering and Cosmetology Act or the regulations adopted by the board;
 - (2) The period of time for correction, if any; and/or
 - (3) The amount of the fine.
- (e) At the conclusion of the informal citation review hearing, the disciplinary review committee may elect to continue the hearing or to hold the record open for the cited person to present additional information to the committee. If the disciplinary review committee elects to continue the hearing, it will be continued until the next scheduled hearing to be held in the general vicinity of the cited person's address of record. Board staff shall give notice to the cited person of the date, time, and location of the continued hearing in accordance with subsection(b). If the disciplinary review committee elects to hold the record open for submission of additional written information, the cited person must provide the additional written information to the same disciplinary review committee prior to its next scheduled meeting, and the committee shall close the record and consider the matter at its next scheduled meeting.
- (f) The disciplinary review committee may affirm, modify or dismiss the citation, including any fine. In no event shall the violations recorded on the citation or notice of violation or the administrative fines be increased. The disciplinary review committee may consider the history of previous violations of the same or similar nature in determining its decision in the matter. A written decision based on findings of fact shall be mailed to the cited person and his or her legal counsel, if any, within thirty (30) days from the date of the informal citation review hearing. The effective date of the decision shall be thirty (30) days after it is mailed to the cited person, and the effective date shall be written in the decision. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied.
- (g) If the cited person fails to appear at the informal citation review hearing and fails to show good cause, as defined in Section 975 for the failure to appear, the administrative fine shall become final and there shall be no administrative appeal except as otherwise provided by law.
- (h) If the disciplinary review committee affirms or modifies the citation or notice of violation, including any fine, the cited person may, prior to the effective date of the decision of the disciplinary review committee, request in writing a hearing before an administrative law judge pursuant to section 7411 of the Business and Professions Code. If the disciplinary review committee dismisses the citation or notice of violation in its entirety, any request for a hearing before an administrative law judge shall be deemed to be withdrawn.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7410, 7412 and 7413, Business and Professions Code.

975. Good Cause for Failure to Appear for Hearing

The board defines "good cause" for the purpose of Business and Professions Code Section 7413 as follows: Personal illness, auto accident, death or severe illness in the immediate family or other severe physical or emotional

hardship. Any condition to be considered good cause by the board must be verified in writing (i.e., letter from a physician, official accident report, obituary notice).

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7413, Business and Professions Code.

976. Citations: Unlicensed Activity

A citation containing an order of abatement or an order to pay an administrative fine may be assessed against any person, firm, or corporation who is engaged in barbering, cosmetology or any of its branches, or electrolysis for compensation without a valid, unexpired license issued by the board.

All citations issued pursuant to this section shall meet the requirements of section 125.9 of the Code.

NOTE: Authority cited: Section 7312 Business and Professions Code. Reference: Sections 125.9, 148, and 7317, Business and Professions Code.

Article 12. Health and Safety

978. Minimum Equipment and Supplies

(a) Establishments and schools shall have and maintain the following minimum equipment and supplies:

- (1) At least one covered waste receptacle for the disposal of hair.
 - (2) Closed receptacles to hold all soiled towels, gowns and sheets in public areas.
 - (3) Closed, clean cabinets to hold all clean towels.
 - (4) Containers for disinfectant solution for instruments and equipment to be disinfected.
 - (5) Each container shall contain sufficient disinfectant solution to allow for the total immersion of tools and instruments.
 - (6) If electrolysis is performed, a steam or dry heat sterilizer that meets the requirements of Section 982.
- (b) Establishments and schools shall have disinfectant solution mixed according to manufacturer's directions, available for use at all times.
- (c) A manufacturer-labeled container for the disinfectant used must be available at all times in the establishment or school.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

979. Disinfecting Non-Electrical Instruments and Equipment

- (a) Before use upon a patron, all non-electrical instruments shall be disinfected in the following manner:
- (1) Clean with soap or detergent and water.
 - (2) Then totally immerse in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's instructions.
- (b) The disinfectant solutions specified in subdivision (a) shall:
- (1) Remain covered at all times.
 - (2) Be changed at least once per week or whenever visibly cloudy or dirty.
- (c) All instruments that have been used on a patron or soiled in any manner shall be placed in a properly labeled receptacle.
- (d) All disinfected instruments shall be stored in a clean, covered place which is labeled as such.
- (e) If instruments and equipment specified in this section are sterilized in accordance with the requirements outlined in Section 982, the requirements of this section will be deemed to have been met.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

980. Disinfecting Electrical Instruments

- (a) Clippers, vibrators, and other electrical instruments shall be disinfected prior to each use by:
- (1) First removing all foreign matter; and
 - (2) Disinfecting with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions.
- (b) All disinfected electrical instruments, excluding curling irons and hot combs, shall be stored in a clean, covered place.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

980.1 Cleaning and Disinfecting Whirlpool Footspas

- (a) As used in this section, "whirlpool footspa" or "spa" is defined as any basin using circulating water.
- (b) After use upon each patron, each whirlpool footspa shall be cleaned and disinfected in the following manner:
- (1) All water shall be drained and all debris shall be removed from the spa basin.
 - (2) The spa basin must be cleaned with soap or detergent and water.
 - (3) The spa basin must be disinfected with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to manufacturer's instructions.
 - (4) The spa basin must be wiped dry with a clean towel.
- (c) At the end of each day, each whirlpool footspa shall be cleaned and disinfected in the following manner:
- (1) The screen shall be removed, all debris trapped behind the screen shall be removed, and the screen and the inlet shall be washed with soap or detergent and water.
 - (2) Before replacing the screen the screen shall be totally immersed in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer's instructions.
 - (3) The spa system shall be flushed with low sudsing soap and warm water for at least 10 minutes, after which the spa shall be rinsed and drained.
- (d) Every other week (bi-weekly), after cleaning and disinfecting as provided in subsection (c) above, each whirlpool footspa shall be cleaned and disinfected in the following manner:
- (1) The spa basin shall be filled completely with water and 1 teaspoon of 5.25% bleach for each 1 gallon of water, or a solution of sodium hypochlorite of approximately 50 ppm used according to manufacturer's instructions.
 - (2) The spa system shall be flushed with the bleach and water solution, or sodium hypochlorite solution, for 5 to 10 minutes and allowed to sit for 6 to 10 hours.
 - (3) The spa system shall be drained and flushed with water before use upon a patron.
- (e) A record shall be made of the date and time of each cleaning and disinfecting as required by subdivisions (c) and (d), and indicate whether the cleaning was a daily or bi-weekly cleaning. This record shall be made at or near the time of cleaning and disinfecting. Cleaning and disinfecting records shall be made available upon request by either a patron or a bureau representative.
- (f) A violation of this section may result on an administrative fine and/or disciplinary action. Each footspa not in compliance with this section may result in a separate violation.

981. Instruments and Supplies

- (a) All instruments and supplies which come into direct contact with a patron and cannot be disinfected (for example, cotton pads, sponges, emery boards, and neck strips) shall be disposed of in a waste receptacle immediately after use.
- (b) No person working or training in an establishment or school shall be permitted to carry any instrument or supplies in or on a garment or uniform while practicing any of the acts as defined in Section 7316 of the Business and Professions Code.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

982. Sterilizing Electrolysis Instruments

- (a) Before use upon a patron in schools and establishments, each electrolysis needle or tweezers shall be first cleaned with detergent and water (which may include the use of ultrasonic equipment) and then be sterilized by one of the following methods:
- (1) Steam sterilizer, registered and listed with the federal Food and Drug Administration, used according to manufacturer's instructions.
 - (2) Dry heat sterilizer, registered and listed with the federal Food and Drug Administration, used according to manufacturer's instructions.
- (b) Sterilization equipment shall be checked weekly to ensure that it is reaching the temperature required by manufacturer's instructions.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

983. Personal Cleanliness

- (a) The person and attire of a licensee serving a patron shall at all times be clean.
- (b) Every licensee performing services shall thoroughly wash his or her hands with soap and water or any equally effective cleansing agent immediately before serving each patron.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

984. Disease and Infestation

(a) No establishment or school shall knowingly permit a person afflicted with an infection or parasitic infestation capable of being transmitted to a patron to serve patrons or train in the establishment or school.

(b) No establishment or school shall knowingly require or permit a licensee or student to work upon a person with an infection or parasitic infestation capable of being transmitted to the licensee or student.

(c) Infections or parasitic infestation capable of being transmitted between licensee or student and patron include, but are not limited to, the following:

- Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever.
- Streptococcal pharyngitis ("Strep throat"), until 24 hours after treatment has been initiated, and 24 hours after resolution of fever.
- Purulent conjunctivitis ("pink eye"), until examined by a physician and approved for return to work.
- Pertussis ("whooping cough"), until five days of antibiotic therapy has been completed.
- Varicella ("chicken pox"), until the sixth day after onset of rash or sooner if all lesions have dried and crusted.
- Mumps, until nine days after onset of parotid gland swelling.
- Tuberculosis, until a physician or local health department authority states that the individual is noninfectious.
- Impetigo (bacterial skin infection), until 24 hours after treatment has begun.
- Pediculosis (head lice), until the morning after first treatment.
- Scabies ("crabs"), until after treatment has been completed.

(d) Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this section.

(e) No person working or training in an establishment or school shall massage any person upon a surface of the skin or scalp where such skin is inflamed, broken (e.g., abraded, cut) or where a skin infection or eruption is present.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

985. Neck Strips

A sanitary neck strip or towel shall be used to keep the protective covering from coming in direct contact with a patron's neck.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

986. Neck Dusters and Brushes

Neck dusters and all other brushes used in an establishment or school on a patron shall be maintained in a clean and sanitary condition.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(d), Business and Professions Code.

987. Towels

(a) After a towel has once been used it shall be deposited in a closed receptacle and not used until properly laundered and sanitized.

(b) Towels shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at least 140°F for not less than fifteen (15) minutes during the washing or rinsing operation.

(c) All clean towels shall be stored in closed cabinets.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

988. Liquids, Creams, Powders and Cosmetics

(a) All liquids, creams, and other cosmetic preparations shall be kept in clean and closed containers. Powders may be kept in clean shakers.

(b) All bottles and containers shall be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances shall be additionally and distinctly marked as such.

(c) When only a portion of a cosmetic preparation is to be used on a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

(d) Pencil cosmetics shall be sharpened before each use.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

989. Prohibited Hazardous Substances/Use of Products

No establishment or school shall have on the premises cosmetic products containing hazardous substances which have been banned by the U. S. Food and Drug Administration for use in cosmetic products, including liquid methyl methacrylate monomer and methylene chloride. No product shall be used in a manner that is disapproved by the FDA.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

990. Headrests and Treatment Tables

- (a) The headrest of chairs shall be covered with a clean towel or paper sheet for each patron.
- (b) Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo, kept in good repair and in a sanitary condition at all times.
- (c) Treatment tables must be covered with a clean sheet of examination paper for each patron.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

991. Invasive Procedures

- (a) No licensee may perform any act which affects the structure or function of living tissue of the face or body. Any such act shall be considered an invasive procedure.
- (b) Invasive procedures include, but are not limited to, the following:
 - (1) Application of electricity which contracts the muscle.
 - (2) Application of topical lotions, creams, or other substances which affect living tissue.
 - (3) Penetration of the skin by metal needles, except electrolysis needles.
 - (4) Abrasion of the skin below the non-living, epidermal layers.
 - (5) Removal of skin by means of a razor-edged instrument.

NOTE: Authority cited: Sections 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, 7320, 7320.1, Business and Professions Code.

992. Skin Peeling

- (a) Only the non-living, uppermost layers of facial skin, known as the epidermis, may, by any method or means, be removed, and then only for the purpose of beautification.
- (b) Skin removal techniques and practices which affect the living layers of facial skin, known as the dermis, are prohibited and constitute the practice of medicine.
- (c) Only commercially-available products for the removal of facial skin for the purpose of beautification may be used. Mixing or combining skin removal products is prohibited except as it is required by manufacturer instructions.

NOTE: Authority cited: Sections 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, and 7320, Business and Professions Code.

993. Prohibited Instruments

- (a) No establishment or school shall have on the premises any razor-edged or other device or tool which is designed to remove calluses.
- (b) No establishment or school shall have on the premises any needle-like instrument which is used for the purpose of extracting skin blemishes and other similar procedures.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e), 7320, and 7320.1, Business and Professions Code.

994. Cleanliness and Repair

- (a) Establishments and schools shall keep the floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair.
- (b) No establishment or school shall permit an accumulation of waste or refuse.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7312(e), Business and Professions Code.

995. Building Standards

(a) Establishments and schools shall have a system of adequate ventilation in accordance with the provisions of Section 705 of the Uniform Building Code of 1982, as referenced in Part 2, Chapter 7 of the matrix adoption tables, Title 24, California Code of Regulations.

(b) A supply of hot and cold running water shall be provided in accordance with Part 5, Section 1001(d)(1), Title 24 of the California Code of Regulations.

(c) Establishments and schools shall supply potable drinking water in accordance with Part 5, Section 1001(d)(3), Title 24, California Code of Regulations.

(d) Establishments and schools shall provide hand washing facilities in accordance with Part 5, Section 1001(d)(2), Title 24, California Code of Regulations.

(e) Establishments and schools shall provide public toilet rooms in accordance with Part 5, Sections 910(b), 910(c), and Table No. C-1, Title 24, California Code of Regulations.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312(e) and 7352, Business and Professions Code.

Article 13. Revenue

998. Schedule of Fees

The following fees shall be charged by the board:

(a) Barbers:

(1) Preapplication fee	9
(2) Application, examination and initial license fee	50
(3) License renewal fee	40 ¹
(4) License renewal delinquency fee	20 ¹

(b) Cosmetologists:

(1) Preapplication fee	9
(2) Application, examination and initial license fee	50
(3) License renewal fee	40 ¹
(4) License renewal delinquency fee	20 ¹

(c) Estheticians:

(1) Preapplication fee	9
(2) Application, examination and initial license fee	40
(3) License renewal fee.....	40 ¹
(4) License renewal delinquency fee	20 ¹

(d) Manicurists:

(1) Preapplication fee	9
(2) Application, examination and initial license fee	35
(3) License renewal fee	40 ¹
(4) License renewal delinquency fee	20 ¹

(e) Electrologists:

(1) Preapplication fee	9
(2) Application, examination and initial license fee	50
(3) License renewal fee	40 ¹
(4) License renewal delinquency fee	20 ¹

(f) Barber Instructors:

(1) Application, examination and initial license fee	50
(2) License renewal fee.....	40 ¹
(3) License renewal delinquency fee	20 ¹

(g) Cosmetology Instructors:

(1) Application, examination and initial license fee	50
(2) License renewal fee.....	40 ¹
(3) License renewal delinquency fee	20 ¹

(h) Apprentice application and license fee ²	25
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(i) Establishments:

(1) Application and initial license fee	50
(2) License renewal fee.....	40 ¹
(3) License renewal delinquency fee	20 ¹
(j) Mobile Units:	
(1) Application fee.....	50
(2) Initial inspection and license fee	100
(3) License renewal fee.....	40 ¹
(4) License renewal delinquency fee	20 ¹

¹ Fees effective for all licenses expiring on or after July 31, 1993.

² Licenses of apprentices are not renewable.

NOTE: Authority cited: Sections 7312, 7337.5(b) and 7421, Business and Professions Code. Reference: Sections 7415, 7417, 7418, 7419, 7420, 7423, 7423.5, 7424, and 7425, Business and Professions Code.

999. Charge for Dishonored Check

The charge for the return of a personal check without payment is ten dollars (\$10). This charge is required in addition to the reimbursement of the dishonored check.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 6157, Government Code.