

AMENDED IN SENATE AUGUST 16, 2016

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2025

Introduced by Assembly Member Gonzalez
(Coauthors: Assembly Members Chiu and Ting)
(Coauthor: Senator Nguyen)

February 16, 2016

An act to amend Sections 7312, 7314, 7314.3, 7337, 7347, and 7389 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2025, as amended, Gonzalez. Barbering and cosmetology: labor law education requirements.

Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology for the licensure and regulation of barbers, cosmetologists, estheticians, manicurists, electrologists, and apprentices. Existing law requires the board to carry out a list of duties including making rules and regulations, conducting and administering license examinations, issuing licenses to qualified applicants, and disciplining persons who violate the act.

This bill would require that the board offer and make available all written materials provided to licensees and applicants in English, *Korean*, Spanish, and Vietnamese.

Existing law requires the board to establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board.

This bill would specify that the health and safety issues are those that impact licensees, including how to ensure licensees are aware of basic labor laws, as specified.

Existing law requires every application for admission to examination and licensure to be verified by the oath of the applicant.

This bill would additionally require every application for admission to examination and licensure *and every electronic application to renew a license* to include a signed acknowledgment that the applicant understands his or her rights as a licensee as outlined in informational materials on basic labor laws that the applicant is provided by the board with the *application or renewal* application.

Existing law requires the licensure of any person, firm, or corporation operating an establishment engaged in a practice regulated by the board. Existing law requires a separate license for each location where the establishment operates. Existing law requires applicants to submit an application, accompanied by a prescribed fee. Existing law prohibits the board from issuing a license to any applicant who has committed specified acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted.

This bill would require, as part of a complete application *for a license to operate an establishment, and an electronic application to renew a license to operate an establishment*, a signed acknowledgment that the applicant understands the informational materials on basic labor laws the applicant is provided by the board with the *application or renewal application* and that establishments are responsible for compliance with any applicable labor laws of the state.

Existing law requires the board to keep a registration record of each licensee containing the name, address, license number, date issued, and any facts that the applicant may have stated in the application for examination for licensure.

This bill would require the board, ~~beginning January 1, 2018, board to collect, through optional questions on the a written application to operate an establishment, demographic information of each applicant, including her or his preferred for a license and in an electronic application to renew a license, the language preference. preference of the applicant.~~

Existing law requires the board to admit to a licensing examination an applicant who meets certain qualifications, including having completed one or more courses, as specified, offered by a school approved by the board. Existing law requires the board to develop or adopt a health and safety course on hazardous substances that is required to be taught in schools approved by the board. Existing law requires course development to include pilot testing of the course and training classes to prepare instructors to effectively use the course.

This bill would require the health and safety course that the board is required to develop or adopt to additionally cover basic labor laws, as specified.

This bill's provisions would become operative on July 1, 2017.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7312 of the Business and Professions
2 Code is amended to read:
3 7312. (a) The board shall do all of the following:
4 (a)
5 (1) Make rules and regulations in aid or furtherance of this
6 chapter in accordance with the Administrative Procedure Act.
7 (b)
8 (2) Conduct and administer examinations of applicants for
9 licensure.
10 (c)
11 (3) Issue licenses to those applicants that may be entitled thereto.
12 (d)
13 (4) Discipline persons who have been determined to be in
14 violation of this chapter or the regulations adopted pursuant to this
15 chapter.
16 (e)
17 (5) Adopt rules governing sanitary conditions and precautions
18 to be employed as are reasonably necessary to protect the public
19 health and safety in establishments, schools approved by the board,
20 and in the practice of any profession provided for in this chapter.
21 The rules shall be adopted in accordance with the Administrative
22 Procedure Act, Chapter 3.5 (commencing with Section 11340) of
23 Title 2 of the Government Code, and shall be submitted to the

1 State Department of Health Care Services and approved by that
2 department prior to filing with the Secretary of State. A written
3 copy of all those rules shall be furnished to each licensee.

4 ~~(f)~~

5 (6) Offer and make available all written materials provided to
6 licensees and applicants in English, *Korean*, Spanish, and
7 Vietnamese.

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

10 SEC. 2. Section 7314 of the Business and Professions Code is
11 amended to read:

12 7314. (a) The board shall keep a record of its proceedings
13 relating to its public meetings, meetings of committees, and records
14 relating to the issuance, refusal, renewal, suspension, and
15 revocation of licenses.

16 ~~The~~

17 *(b) The board shall keep a registration record of each licensee*
18 *containing the name, address, license-~~number~~ number, and date*
19 *issued. This record shall also contain any facts that the applicants*
20 *may have stated in their application for examination for licensure.*
21 ~~Beginning January 1, 2018, the~~ *The board shall collect, through*
22 *optional questions on the a written application for a license and*
23 *in an electronic application to renew a license issued pursuant to*
24 ~~Section 7347, the demographic information of each applicant,~~
25 ~~including, but not limited to, her or his~~ *this chapter, the spoken*
26 *and written language preference. preference of each applicant.*

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

29 SEC. 3. Section 7314.3 of the Business and Professions Code
30 is amended to read:

31 7314.3. (a) The board shall establish a Health and Safety
32 Advisory Committee to provide the board with advice and
33 recommendations on health and safety issues before the board that
34 impact licensees, including how to ensure licensees are aware of
35 basic labor laws. Basic labor laws include, but are not limited to,
36 all of the following:

37 ~~(a)~~

38 *(1) Key differences between the legal rights, benefits, and*
39 *obligations of an employee and an independent contractor.*

40 ~~(b)~~

1 (2) Wage and hour rights for hourly employees.

2 (e)

3 (3) Antidiscrimination laws relating to the use of a particular
4 language in the workplace.

5 (d)

6 (4) Antiretaliation laws relating to a worker's right to file
7 complaints with the Department of Industrial Relations.

8 (e)

9 (5) How to obtain more information about state and federal
10 labor laws.

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

13 SEC. 4. Section 7337 of the Business and Professions Code is
14 amended to read:

15 7337. (a) Every application for admission to examination and
16 licensure shall be in writing, on forms prepared and furnished by
17 the board.

18 ~~Each~~

19 (b) *Each* application shall be accompanied by the required fee,
20 and shall contain proof of the qualifications of the applicant for
21 examination and licensure. It shall be verified by the oath of the
22 applicant and shall include a signed acknowledgment that the
23 applicant understands his or her rights as a licensee as outlined in
24 informational materials on basic labor laws laws, as specified in
25 Section ~~7314.3~~ 7314.3, that the applicant is provided by the board
26 with the application. Every applicant shall, as a condition of
27 admittance to the examination facility, present satisfactory proof
28 of identification. Satisfactory proof of identification shall be in the
29 form of a valid, unexpired driver's license or identification card,
30 containing the photograph of the person to whom it was issued,
31 issued by any state, federal, or other government entity.

32 (c) *Every electronic application to renew a license shall include*
33 *a signed acknowledgment that the renewal applicant understands*
34 *his or her rights as a licensee as outlined in informational*
35 *materials on basic labor laws, as specified in Section 7314.3, that*
36 *the renewal applicant is provided by the board with the renewal*
37 *application.*

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

1 SEC. 5. Section 7347 of the Business and Professions Code is
 2 amended to read:

3 7347. (a) Any person, firm, or corporation desiring to operate
 4 an establishment shall make an application to the bureau for a
 5 license accompanied by the fee prescribed by this chapter. The
 6 application shall be required whether the person, firm, or
 7 corporation is operating a new establishment or obtaining
 8 ownership of an existing establishment. The application shall
 9 include a signed acknowledgment that the applicant understands
 10 that establishments are responsible for compliance with any
 11 applicable labor laws of the state and that the applicant understands
 12 the informational materials on basic labor ~~laws~~ laws, as specified
 13 in Section ~~7314.3~~ 7314.3, the applicant is provided by the board
 14 with the application. *Every electronic application to renew a*
 15 *license shall include a signed acknowledgment that the renewal*
 16 *applicant understands that establishments are responsible for*
 17 *compliance with any applicable labor laws of the state and that*
 18 *the applicant understands the informational materials on basic*
 19 *labor laws, as specified in Section 7314.3, that the renewal*
 20 *applicant is provided by the board with the renewal application.*
 21 If the applicant is obtaining ownership of an existing establishment,
 22 the board may establish the fee in an amount less than the fee
 23 prescribed by this chapter. The applicant, if an individual, or each
 24 officer, director, and partner, if the applicant is other than an
 25 individual, shall not have committed acts or crimes which are
 26 grounds for denial of licensure in effect at the time the new
 27 application is submitted pursuant to Section 480. A license issued
 28 pursuant to this section shall authorize the operation of the
 29 establishment only at the location for which the license is issued.
 30 Operation of the establishment at any other location shall be
 31 unlawful unless a license for the new location has been obtained
 32 upon compliance with this section, applicable to the issuance of a
 33 license in the first instance.

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

36 SEC. 6. Section 7389 of the Business and Professions Code is
 37 amended to read:

38 7389. (a) The board shall develop or adopt a health and safety
 39 course on hazardous substances and basic labor ~~laws~~ laws, as
 40 specified in Section ~~7314.3~~ 7314.3, which shall be taught in schools

1 approved by the board. Course development shall include pilot
2 testing of the course and training classes to prepare instructors to
3 effectively use the course.

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

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