

## Assembly Bill No. 2025

### CHAPTER 409

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

[Approved by Governor September 21, 2016. Filed with Secretary of State September 21, 2016.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2025, 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 to collect, through optional questions on a written application for a license and in an electronic application to renew a license, the language 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.

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

SECTION 1. Section 7312 of the Business and Professions Code is amended to read:

7312. (a) The board shall do all of the following:

(1) Make rules and regulations in aid or furtherance of this chapter in accordance with the Administrative Procedure Act.

(2) Conduct and administer examinations of applicants for licensure.

(3) Issue licenses to those applicants that may be entitled thereto.

(4) Discipline persons who have been determined to be in violation of this chapter or the regulations adopted pursuant to this chapter.

(5) 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 Public Health 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.

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

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

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

7314. (a) 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.

(b) 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 that the applicants may have stated in their application for examination for licensure. The board shall collect, through optional questions on a written application for a license and in an electronic application to renew a license issued pursuant to this chapter, the spoken and written language preference of each applicant.

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

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

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

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

(2) Wage and hour rights for hourly employees.

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

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

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

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

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

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

(b) 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 and shall include a signed acknowledgment that the applicant understands his or her rights as a licensee as outlined in informational materials on basic labor laws, as specified in Section 7314.3, that the applicant is provided by the board with

the application. 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.

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

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

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

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

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

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

7389. (a) The board shall develop or adopt a health and safety course on hazardous substances and basic labor laws, as specified in Section 7314.3, which shall be taught in schools approved by the board. Course development

shall include pilot testing of the course and training classes to prepare instructors to effectively use the course.

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

O