

AMENDED IN SENATE MARCH 17, 2016

SENATE BILL

No. 1044

Introduced by Senator Nguyen

February 12, 2016

~~An act to amend Section 7401 of the Business and Professions Code, relating to professions and vocations. An act to add Sections 7407.1 and 7408.1 to the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1044, as amended, Nguyen. Barbering and cosmetology.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practices of barbering, cosmetology, and electrolysis by the State Board of Barbering and Cosmetology. Existing law also requires any person, firm, or corporation operating an establishment where any activity licensed under the act is practiced to apply to the board for a license. Existing law requires protection of the public to be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Under existing law, whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is required to be paramount.

Under existing law, the board is authorized to assess administrative fines for the violation of the act or the violation of any rules and regulations adopted by the board pursuant to the act. Existing law requires the board to establish by regulation a schedule of administrative fines for violations of the act.

This bill would require the board to determine by regulation when a fine is required to be assessed against both the holder of the

establishment license and the individual licensee for the same violation. The bill would also require the board to determine by regulation when a fine shall be assessed to only the holder of the establishment license or to only an individual licensee for the same violation. In making these determinations, the bill would require the board to consider specified factors.

Existing law requires the board to issue a citation with respect to any violation for which an administrative fine is authorized to be assessed. Existing law requires these citations to be in writing and to describe with particularity the nature of the violation alleged to have been violated. Under existing law, the administrative fine, if any, is required to be attached at the time the citation is written.

The bill would authorize the board to enter into a payment plan for citations with administrative fines exceeding \$500. The bill would require the board to define by regulation the parameters of the payment plans, as specified.

~~Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of barbers, cosmetologists, estheticians, manicurists, electrologists, and apprentices by the State Board of Barbering and Cosmetology. Existing law requires an individual licensed to practice in one of these vocations to report to the board at the time of license renewal his or her practice status and relationship with his or her place of operation. Existing law requires an individual licensed to operate an establishment to report to the board at the time of license renewal whether any booth renters or independent contractors operate in the establishment.~~

~~This bill would make nonsubstantive changes to this provision.~~

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

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

- 1 *SECTION 1. Section 7407.1 is added to the Business and*
- 2 *Professions Code, to read:*
- 3 *7407.1. The board shall determine by regulation when a fine*
- 4 *shall be assessed to both the holder of the establishment license*
- 5 *and the individual licensee for the same violation. The board shall*
- 6 *also determine by regulation when a fine shall be assessed to only*
- 7 *the holder of the establishment license or to only an individual*
- 8 *licensee for the same violation. In making these determinations,*

1 *the board shall consider the egregiousness of the violation of the*
2 *health and safety regulations and whether the violation is a*
3 *repeated violation by an individual licensee within the same*
4 *establishment.*

5 *SEC. 2. Section 7408.1 is added to the Business and Professions*
6 *Code, to read:*

7 *7408.1. The board may enter into a payment plan for citations*
8 *with administrative fines that exceed five hundred dollars (\$500).*
9 *The board shall define by regulation the parameters of the payment*
10 *plan, which shall include, but shall not be not limited to, the terms*
11 *of the plan and grounds for cancellation of the plan.*

12 ~~SECTION 1. Section 7401 of the Business and Professions~~
13 ~~Code is amended to read:~~

14 ~~7401. (a) An individual licensed pursuant to Section 7396~~
15 ~~shall report to the board at the time of license renewal her or his~~
16 ~~practice status, designated as one of the following:~~

- 17 ~~(1) Full-time practice in California.~~
- 18 ~~(2) Full-time practice outside of California.~~
- 19 ~~(3) Part-time practice in California.~~
- 20 ~~(4) Not working in the industry.~~
- 21 ~~(5) Retired.~~
- 22 ~~(6) Other practice status, as may be further defined by the board.~~

23 ~~(b) An individual licensed pursuant to Section 7396 shall, at the~~
24 ~~time of license renewal, identify herself or himself on the~~
25 ~~application as one of the following:~~

- 26 ~~(1) Employee.~~
- 27 ~~(2) Independent contractor or booth renter.~~
- 28 ~~(3) Salon owner.~~

29 ~~(c) An individual licensed pursuant to Section 7347 shall report~~
30 ~~to the board at the time of license renewal, whether either of the~~
31 ~~following is applicable to her or him:~~

- 32 ~~(1) She or he has a booth renter operating in the establishment.~~
- 33 ~~(2) She or he has an independent contractor operating in the~~
34 ~~establishment.~~