

Senate Bill No. 235

CHAPTER 37

An act to amend Sections 7316 and 7346 of the Business and Professions Code, relating to cosmetology.

[Approved by Governor June 9, 2000. Filed with
Secretary of State June 9, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 235, Haynes. Cosmetology: licensing.

The Barbering and Cosmetology Act provides that it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis without a valid current license issued by the Director of the Department of Consumer Affairs or his or her designee, and defines the practices of barbering and cosmetology as including specified services.

This bill would provide that the practices of barbering and cosmetology do not include the mere sale, fitting, or styling of wigs and hairpieces or natural hair braiding, which is a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding hair by hand or mechanical device, provided that this service does not include the cutting of hair 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. This bill would provide that 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 under the act and shall obtain and maintain a barbering or cosmetology license as applicable to the services respectively offered or performed. This bill would also make corresponding changes to the list of practices constituting cosmetology, and would additionally delete from this list the specific practice of brushing of hair. It would also provide that "establishment," as used in the act, includes any premises, building, or part of a building where natural hair styling is practiced for compensation.

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

SECTION 1. Section 7316 of the Business and Professions Code is amended to read:

7316. (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) Hair styling of all textures of hair by standard methods which are current at the time of the hair styling.

(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 the use of an electric needle only.

“Electrolysis” as used in this chapter includes electrolysis or thermolysis.

SEC. 2. Section 7346 of the Business and Professions Code is amended to read:

7346. (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.

