

AMENDED IN ASSEMBLY AUGUST 22, 2006

AMENDED IN ASSEMBLY JUNE 29, 2006

AMENDED IN SENATE APRIL 18, 2006

**SENATE BILL**

**No. 1474**

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**Introduced by Senator Figueroa**

February 23, 2006

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An act to amend ~~Section~~ *Sections 7303 and 7331* of, and to add Sections 7305 and 7320.5 to, and to repeal and add ~~Section 7303~~ of, the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, as amended, Figueroa. State Board of Barbering and Cosmetology.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of barbering and cosmetology. Existing law establishes the State Board of Barbering and Cosmetology *until July 1, 2007*, and provides for its membership.

This bill would ~~repeal~~ *extend* the provisions creating the board and would create a new State Board of Barbering and Cosmetology *until July 1, 2008*. ~~The provisions establishing the new board would become inoperative on July 1, 2009, and would be repealed on January 1, 2010.~~ This bill would also require the board to elect officers annually from among its members, each of whom would hold office for a term of one year.

Under existing law, a licensee that uses an X-ray appliance, apparatus or machine in the treatment of any human being is guilty of a misdemeanor.

The bill would make it a misdemeanor for any licensee to use a laser in the treatment of any human being. *By creating a new crime, the bill would impose a state-mandated local program.*

Existing law allows the board to grant a license to practice to a person holding a license in another state with proof that the applicant has not been subject to disciplinary action in that state or upon review of the disciplinary action taken.

This bill would revise the application requirements for out-of-state license holders, as specified.

~~Because this bill would create a new crime, it would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1     ~~SECTION 1. Section 7303 of the Business and Professions~~  
2     ~~Code is repealed.~~  
3     ~~SEC. 2. Section 7303 is added to the Business and~~  
4     ~~Professions Code, to read:~~  
5     ~~7303. (a) Notwithstanding Article 8 (commencing with~~  
6     ~~Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of~~  
7     ~~the Government Code, there is in the Department of Consumer~~  
8     ~~Affairs the State Board of Barbering and Cosmetology in which~~  
9     ~~the administration of this chapter is vested.~~  
10    ~~(b) The board shall consist of nine members. Five members~~  
11    ~~shall be public members and four members shall represent the~~  
12    ~~professions. The Governor shall appoint three of the public~~  
13    ~~members and the four professions members. The Senate~~  
14    ~~Committee on Rules and the Speaker of the Assembly shall each~~  
15    ~~appoint one public member. Members of the board shall be~~  
16    ~~appointed for a term of four years, except that of the members~~  
17    ~~appointed by the Governor, two of the public members and two~~  
18    ~~of the professions members shall be appointed for an initial term~~

1 of two years. No board member may serve longer than two  
2 consecutive terms.

3 ~~(e) The board shall appoint an executive officer who is exempt~~  
4 ~~from civil service. The executive officer shall exercise the~~  
5 ~~powers and perform the duties delegated by the board and vested~~  
6 ~~in him or her by this chapter. The appointment of the executive~~  
7 ~~officer is subject to the approval of the director. In the event that~~  
8 ~~a newly authorized board replaces an existing or previous bureau,~~  
9 ~~the director may appoint an interim executive officer for the~~  
10 ~~board who shall serve temporarily until the new board appoints a~~  
11 ~~permanent executive officer.~~

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

15 ~~(e) This section shall become inoperative on July 1, 2009, and,~~  
16 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~  
17 ~~which becomes effective on or before January 1, 2010, deletes or~~  
18 ~~extends the dates on which it becomes inoperative and is~~  
19 ~~repealed.~~

20 *SECTION 1. Section 7303 of the Business and Professions*  
21 *Code is amended to read:*

22 7303. (a) Notwithstanding Article 8 (commencing with  
23 Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of  
24 the Government Code, there is in the Department of Consumer  
25 Affairs the State Board of Barbering and Cosmetology in which  
26 the administration of this chapter is vested.

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

38 (c) The board shall appoint an executive officer who is exempt  
39 from civil service. The executive officer shall exercise the  
40 powers and perform the duties delegated by the board and vested

1 in him or her by this chapter. The appointment of the executive  
2 officer is subject to the approval of the director. In the event that  
3 a newly authorized board replaces an existing or previous bureau,  
4 the director may appoint an interim executive officer for the  
5 board who shall serve temporarily until the new board appoints a  
6 permanent executive officer.

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

10 (e) This section shall become inoperative on July 1, ~~2007~~  
11 ~~2008~~, and, as of January 1, ~~2008~~ ~~2009~~, is repealed, unless a later  
12 enacted statute, which becomes effective on or before January 1,  
13 ~~2008~~ ~~2009~~, deletes or extends the dates on which it becomes  
14 inoperative and is repealed.

15 ~~SEC. 3.~~

16 *SEC. 2.* Section 7305 is added to the Business and  
17 Professions Code, to read:

18 7305. The board shall elect officers annually from among its  
19 members, each of whom shall hold office for a term of one year.  
20 An officer shall not serve in a particular officer position for more  
21 than two terms.

22 ~~SEC. 4.~~

23 *SEC. 3.* Section 7320.5 is added to the Business and  
24 Professions Code, to read:

25 7320.5. Any licensee who uses a laser in the treatment of any  
26 human being is guilty of a misdemeanor.

27 ~~SEC. 5.~~

28 *SEC. 4.* Section 7331 of the Business and Professions Code is  
29 amended to read:

30 7331. The board shall grant a license to practice to an  
31 applicant if the applicant submits all of the following to the  
32 board:

33 (a) A completed application form and all fees required by the  
34 board.

35 (b) Proof of a current license issued by another state to  
36 practice that meets all of the following requirements:

- 37 (1) It is not revoked, suspended, or otherwise restricted.
- 38 (2) It is in good standing.

1 (3) It has been active for three of the last five years, during  
2 which time the applicant has not been subject to disciplinary  
3 action or a criminal conviction.

4 ~~SEC. 6.~~

5 *SEC. 5.* No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the  
10 penalty for a crime or infraction, within the meaning of Section  
11 17556 of the Government Code, or changes the definition of a  
12 crime within the meaning of Section 6 of Article XIII B of the  
13 California Constitution.

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