

AMENDED IN ASSEMBLY APRIL 4, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1263

Introduced by Assembly Member Yee

February 22, 2005

An act to add Section 7350.1 to the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1263, as amended, Yee. Barbering and cosmetology: *equipment.*

Under existing law, the Barbering and Cosmetology Act, the State Board of Barbering and Cosmetology licenses and regulates persons engaged in the practice of barbering and cosmetology, and makes a violation of the act a misdemeanor. Existing law requires an establishment in which cosmetology is practiced to be licensed by the board.

This bill would require the board to adopt regulations on or before January 1, 2007, that set forth standards and requirements for the use of whirlpool pedicure foot equipment. *The bill would require these standards to be kept current with specified state and federal agency standards. The bill would require the board to develop health and safety standards to ensure individuals remain competent to practice cosmetology. The bill would also require the board to establish penalties for violations of these regulations and to display a notice in a violators place of business or employment for specified violations.*

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. Due to the recent outbreaks of serious infections*
2 *and the lack of standards for the proper disinfection of pedicure*
3 *equipment in California, it is imperative that the safety of*
4 *manicure, pedicure, and all nail salon customers be assured.*
5 *This can only be accomplished by the adoption of regulations*
6 *that will not only require, but will also ensure that proper safety*
7 *requirements are followed.*

8 ~~SECTION 1.~~

9 *SEC. 2. Section 7350.1 is added to the Business and*
10 *Professions Code, to read:*

11 7350.1. (a) The board shall adopt regulations on or before
12 January 1, 2007, that set forth standards and requirements for the
13 use of whirlpool pedicure foot equipment that do all of the
14 following:

15 ~~(1) Establish minimum safety specifications for whirlpool~~
16 ~~pedicure foot equipment.~~

17 *(1) Require minimum safety specifications on all electrical*
18 *equipment used in salons to be approved and certified by*
19 *Underwriters Laboratories, Inc. or Canadian Standards*
20 *Association.*

21 ~~(2) Require the use of disinfectants approved registered at a~~
22 ~~level for instrument disinfection by the federal Environmental~~
23 ~~Protection Agency.~~

24 ~~(3) Establish procedures to ensure the proper and safe~~
25 ~~operation of pedicure foot spas.~~

26 ~~(b)~~

27 *(3) Establish proper protocols for disinfecting all multiuse*
28 *tools and equipment between patrons. The time of contact shall*
29 *be 10 minutes and the disinfection shall be by complete*
30 *immersion on non-porous items such as, but not limited to,*
31 *combs, brushes, cuticle nippers, pushers, electric file bits, and*
32 *nail files.*

33 *(4) All equipment that holds water for pedicures, including*
34 *whirlpool spas, pipe-less whirlpool spas, foot baths, basins, tubs,*
35 *sinks, and bowls shall be cleaned of all visible debris and residue*
36 *after use of each patron, and then disinfected by circulating,*
37 *where applicable, or to remain in wet contact with all surfaces of*
38 *the pedicure appliance or equipment, regardless of mechanical*

1 *configuration, the correct dilution of disinfectant through the unit*
2 *for 10 minutes. Automated systems for cleaning and disinfecting*
3 *in accordance with this provision are acceptable and preferred.*
4 *Where applicable, the disinfectant is to remain in wet contact*
5 *with all surfaces of the pedicure appliance and pedicure*
6 *equipment, regardless of the mechanical configuration.*

7 *(5) If the appropriate technology is available, establish*
8 *minimum safety specifications and other requirements for the*
9 *manufacture of new whirlpool pedicure equipment and the*
10 *modification of existing whirlpool equipment to ensure that the*
11 *proper disinfectant is used for the appropriate duration.*

12 *(6) Establish accountability procedures and notification*
13 *requirements to customers that proper cleaning and disinfection*
14 *procedures have been followed on all multi-use tools and*
15 *equipment prior to providing any salon service including, but not*
16 *limited to, manicures and pedicure.*

17 *(b) The board shall keep disinfection standards and protocols*
18 *current with standards set by the State Department of Health*
19 *Services, the United States Environmental Protection Agency,*
20 *United States Centers for Disease Control and Prevention, and*
21 *the Association for Professionals in Infection Control and*
22 *Epidemiology.*

23 *(c) The board shall develop health and safety standards and*
24 *measures for assuring individuals remain competent to practice*
25 *cosmetology and to require remediation for those who do not*
26 *meet the established standards.*

27 *(d) (1) The board shall also establish, pursuant to Section*
28 *125.9, penalties for licensees and establishments that violate*
29 *regulations adopted pursuant to this section.*

30 *(2) The board shall conspicuously display a notice in a*
31 *violators place of business or employment if any or all of the*
32 *following occurs:*

33 *(A) The board has revoked, suspended, or denied a license to*
34 *operate a nail salon or pedicure foot spa.*

35 *(B) The board has assessed a fine or penalty, has issued a*
36 *citation, or taken other disciplinary action against an operator of*
37 *a nail salon or pedicure foot spa.*

38 *(3) The board shall post a listing of violators on its Web site,*
39 *including the violator's business address and a description of the*
40 *violation.*

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