

Assembly Bill No. 1263

Passed the Assembly September 8, 2005

Chief Clerk of the Assembly

Passed the Senate September 8, 2005

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 2005, at ____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1263, 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 July 1, 2006, that set forth standards and requirements for the use of pedicure equipment. The bill would require these standards to be kept current with specified state and federal agency standards. The bill would also require the board to establish penalties for violations of these regulations and to develop consumer notices, as specified, to be displayed in pedicure foot spas.

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

SECTION 1. Due to the recent outbreaks of serious infections and the lack of standards for the proper disinfection of pedicure equipment in California, it is imperative that the safety of manicure, pedicure, and all nail salon patrons be assured. This can only be accomplished by the adoption of regulations that will not only require, but will also ensure that proper safety requirements are followed.

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

7350.1. (a) The board shall adopt regulations on or before July 1, 2006, that set forth standards and requirements for the use of pedicure equipment that do all of the following:

(1) Establish minimum safety specifications for pedicure equipment.

(2) Require the use of disinfectants registered at a level for instrument disinfection by the U.S. Environmental Protection Agency.

(3) Establish procedures to ensure the proper and safe operation of pedicure spa equipment.

(4) Establish proper protocols for disinfecting all multiuse tools and equipment between patrons in all salons providing manicure and pedicure services. The time of contact shall be 10 minutes and the disinfection shall be by complete immersion on nonporous items such as, but not limited to, cuticle nippers, pushers, electric file bits, and nail files.

(5) All equipment that holds water for pedicures, including whirlpool spas, automated systems for cleaning and disinfecting, pipeless whirlpool spas, footbaths, basins, tubs, sinks, and bowls shall be cleaned of all visible debris and residue after use of each patron with a surfactant detergent or a U.S. Environmental Protection Agency registered disinfectant containing high levels of surfactant detergents, and then disinfected by circulating, where applicable, or to remain in wet contact with all surfaces of the pedicure appliance or equipment, regardless of mechanical configuration, the correct dilution of disinfectant throughout the unit for 10 minutes. Automated systems for cleaning and disinfecting in accordance with this provision are acceptable.

(6) If the appropriate technology is available, establish minimum safety specifications and other requirements for the manufacture of new whirlpool pedicure equipment and the modification of existing whirlpool equipment.

(7) Establish accountability procedures and notification requirements to patrons that proper cleaning and disinfection procedures have been followed on all multiuse tools and equipment, including, but not limited to, automated systems for cleaning and disinfecting, prior to providing any manicure and pedicure salon service.

(b) The board shall keep disinfection standards and protocols current with standards set by the State Department of Health Services, the U.S. Environmental Protection Agency, and the United States Centers for Disease Control and Prevention.

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

(2) The board shall develop a notice to be prominently displayed in pedicure foot spas that advises patrons not to shave or wax their legs prior to a pedicure and not to have a pedicure if they have any open wounds in or near their feet or legs.

(3) The board shall conspicuously display a notice in a violator's place of business or employment if any or all of the following occurs:

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

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

(C) An operator of a pedicure foot spa failed to prominently display the consumer notice as specified in paragraph (2) of this subdivision.

Approved _____, 2005

Governor