



proval by the Office of Administrative Law.

■ LEGISLATION

AB 2275 (Tucker), as amended August 26, creates the Athletic Commission Fund and directs that assessments previously deposited in the Boxer's Neurological Examination Account be deposited in the Athletic Commission Fund. This bill also provides that moneys deposited in the Boxers' Pension Account and the Disability Insurance Program Account in the General Fund instead be deposited in those accounts in the Athletic Commission Fund to be continuously appropriated, as under existing law, for specified purposes. This bill also requires the cost of the neurological examination to be paid by managers and professional boxers.

Existing law specifies licensing, registration, and other fees for various athletic professions and vocations. This bill revises, as specified, the licensing, registration, and other fees of specified athletic professions and vocations, and imposes licensing fees for booking agents and sparring permits.

Existing law requires persons who conduct contests or wrestling exhibitions to pay to the Commission a 5% tax of the amount paid for admission, and of the gross price for the sale, lease, or other exploitation of broadcasting or television rights, provided that the tax shall not be less than \$50. This bill characterizes the 5% tax as a fee and provides that the fee shall not be less than \$1,000, except that the minimum fee for an amateur contest or exhibition shall not be less than \$500.

Existing law provides that no tax is due in the case of a person admitted free of charge. This bill provides, in addition, that if the number of persons admitted free of charge to specified contests or exhibitions exceeds 25% of the total number of spectators, then an additional fee of \$1 per complimentary ticket or pass shall be paid to the Commission for each complimentary ticket or pass that exceeds the numerical total of 25% of the total number of spectators. This bill was signed by the Governor on October 10 (Chapter 1057, Statutes of 1993).

AB 2313 (Cortese), as amended June 15, would authorize the Commission to register and establish recommended minimum safety and equipment standards for all martial arts studios or schools where contact sparring is performed; require a specified form of application for registration of a martial arts studio or school, to be accompanied by a registration fee; and delete the exemption from regulation for light and noncontact kickboxing and mar-

tial arts, and for kickboxing and martial arts instruction and schools, and instead provide an exemption only for light and noncontact martial arts tournaments, or martial arts studios and schools. [*S. B&P*]

■ RECENT MEETINGS

At its June 4 meeting, the Commission discussed its current requirement that two ringside physicians be present at every boxing event; staff reported that it had received an inquiry as to whether two physicians are necessary at small boxing events that have no main event and no televised taping coverage. Following discussion, the Commission agreed to retain this requirement on the basis that it reduces the potential liability of the state, reduces possible delays in the boxing program should one physician be required to accompany a boxer to a hospital or elsewhere for medical treatment, and is consistent with the Commission's goal of protecting the safety of boxers.

At the Commission's August 20 meeting, Executive Officer Richard DeCuir reported that Assemblymember Jackie Speier has declined to carry legislation authorizing the Commission to require applicants to submit to and pay for human immunodeficiency virus (HIV) testing as a condition of licensure and license renewal. [*13:2&3 CRLR 49*] At this writing, it is not known if the Commission will attempt to locate another legislator to carry this measure.

■ FUTURE MEETINGS

December 3 in Sacramento.

BOARD OF BARBERING AND COSMETOLOGY

Executive Officer: Olivia Guebara (916) 445-7061

On July 1, 1992, pursuant to AB 3008 (Eastin) (Chapter 1672, Statutes of 1990), the enabling statutes of the Board of Barber Examiners (BBE) and the Board of Cosmetology (BOC) were repealed and replaced with an enabling act creating the Board of Barbering and Cosmetology (BBC); that act is found at Business and Professions Code section 7301 *et seq.* BBC licenses and regulates persons engaged in the practice of barbering, cosmetology, and electrolysis. The Board is authorized to conduct and administer examinations, adopt regulations governing public health and safety, and discipline persons in violation of its statutes or regulations. BBC represents the first merger of two California regulatory agencies. The Board, which consists of five public members and four

members representing the professions, holds meetings at least four times per year.

In June, Rosemary Faulkner was sworn in to fill the one remaining industry member seat on BBC; Faulkner, a licensed cosmetologist since the 1940s, has owned a salon, been an instructor in the public and private sector, and is now retired from the industry.

Assistant Executive Officer Jeff Weir attended his last BBC meeting on June 7, having received a promotional opportunity with the Air Resources Board.

■ MAJOR PROJECTS

New Fee Regulations Approved. On June 22, the Office of Administrative Law (OAL) approved BBC's repeal of section 990, Title 16 of the CCR, and adoption of section 998, which sets licensing fees for barbers, cosmetologists, estheticians, manicurists, electrologists, barber instructors, cosmetology instructors, apprentices, and establishments. These changes became effective on July 22. [*13:2&3 CRLR 52*]

New BBC Regulations. On March 29, following two public hearings, BBC decided to repeal Divisions 3 and 9, Title 16 of the CCR (formerly the regulations of BBE and BOC), and adopt a new Division 9, Title 16 of the CCR, subject to minor modifications and with the exception of Article 8, which covers proposed curriculum changes. [*13:2&3 CRLR 53*]

At its June 7 meeting, BBC reviewed comments and suggestions regarding Article 8 (sections 951-962), which contains required curricula for each of the trades regulated by the Board. Following discussion, BBC adopted all of the sections except 954 (nail care curriculum) and 960 (prohibition on reciprocal credit for apprentice and school training).

Regarding section 954, BBC voted at its June meeting to increase the required hours of the nail care curriculum from 350 hours to 500 hours. Because this increase in hours was considered a significant change, resulting in an estimated \$485 increase in tuition to complete the additional hours, the Board released the modified language for a 15-day comment period which ended on June 30. At its August 16 meeting, BBC considered the comments received and again modified the language of section 954, to instead increase the required nail care curriculum from 350 to 400 hours. BBC released this proposal for another 15-day comment period ending on September 30.

Regarding section 960, BBC voted in June to amend the section to provide that training received in an apprentice program will not be credited towards school training, and training received in a school will



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not be credited towards training in an apprenticeship. However, at its August meeting, the Board decided to convene a committee to review the proposed language and recommend to the Board whether this change is appropriate.

At this writing, BBC has submitted the approved sections of Article 8 and the other twelve articles of its new regulations to the Department of Consumer Affairs for review and approval; thereafter, the regulations must be approved by OAL.

■ LEGISLATION

AB 310 (Woodruff). The Filante Tanning Facility Act of 1988 regulates tanning facilities; any violation of the Act is a misdemeanor. As amended August 17, this bill places tanning facilities under the jurisdiction of BBC, and requires records of tanning facilities to be open to inspection by the Board; reduces a violation of the Filante Tanning Facility Act of 1988 from a misdemeanor to an infraction for a first violation of the Act and sets forth certain fine amounts; authorizes BBC to adopt regulations concerning the operation of tanning facilities in establishments licensed under the Barbering and Cosmetology Act; and directs BBC to conduct a study and report to the legislature no later than July 1, 1994, with respect to certain tanning facility information. This bill was signed by the Governor on September 26 (Chapter 521, Statutes of 1993).

SB 353 (Ayala), as amended July 13, requires BBC to administer its licensing examination not later than ten working days after graduation from an approved cosmetology, electrology, or barbering school to students who have submitted an application for admission for examination under the Board's preapplication procedure. This bill was signed by the Governor on October 1 (Chapter 700, Statutes of 1993).

SB 842 (Presley), as amended July 14, permits BBC to issue interim orders of suspension and other license restrictions, as specified, against its licensees. This bill was signed by the Governor on October 5 (Chapter 840, Statutes of 1993).

AB 1392 (Speier), as amended July 1, would—among other things—provide that BBC's executive officer is to be appointed by the Governor, subject to Senate confirmation, and that the Board's executive officer and employees are under the control of the Director of the Department of Consumer Affairs. [S. B&P]

AB 292 (Polanco), as amended May 18, would require all licensed cosmetologists, manicurists, and estheticians to complete sixteen hours of continuing education (CE) during each license renewal

period and all licensed barbers to complete eight hours of CE during each renewal period. [13:1 CRLR 25] The bill would provide for approval by BBC of a CE program on health and safety topics. The bill would exempt from these CE requirements those instructors who meet the requirements for continuing education under the Council for Private Postsecondary and Vocational Education. The bill would also require BBC to adopt regulations establishing standards for the approval of CE courses and for the effective administration and enforcement of its CE requirements. The bill would make specified findings related to the above, and provide that specified provisions of the bill shall become operative on July 1, 1996. [S. B&P]

AB 1358 (Karnette). Existing law defines the term "employee" for purposes of unemployment insurance and personal income tax withholding. As amended April 15, this bill would further define the term "employee," for purposes of unemployment insurance and personal income tax withholding, to include booth renters in the cosmetology industry, as defined, unless specified conditions and requirements are met that would result in them being considered independent contractors. [A. F&I]

■ RECENT MEETINGS

At BBC's June 7 meeting, Board member Jeanette Keaton reported that she had accompanied a Board inspector on routine inspections in San Mateo County. She reported that the most common violation is unlicensed activity, and suggested the implementation of a photo identification system for barbers and cosmetologists to discourage unlicensed activity. To raise public awareness, she also suggested the creation of a hotline available to consumers from 9:00 a.m. to 5:00 p.m. to answer licensing questions and requests for information.

At BBC's August 15-16 meeting, Enforcement Coordinator Shirley Thomas explained the various functions of the Board's Enforcement Division. Thomas explained that the Division has been reorganized into two sections: the Complaint Section handles complaints regarding consumer harm and dissatisfaction with services, and the Health and Safety and Unlicensed Section handles consumer complaints concerning health and safety, unlicensed activity, and related inspection violations. Thomas reported that the Board has fifteen inspectors working in the field and two supervising inspectors, one in northern California and one in southern California. She stated that the

Board will be able to meet its mandate of inspecting each school for health and safety violations on an annual basis, and new establishments within 90 days, with its present staffing. Department of Consumer Affairs legal counsel Donald Chang noted that BBC inspectors currently are not able to issue a citation when they see a violation in a shop. However, BBC has statutory authority to issue citations and will be able to do so as soon as it adopts regulations to implement this authority.

At BBC's August 15-16 meeting, President Carole Matchette made appointments to the Board's five subcommittees. The Administration Committee will consist of Paul Schwager and Di Ann Eastman; the Consumer Service Committee will consist of Jeanette Keaton; the Curriculum/Examination Committee will consist of Daniel Sieras and Di Ann Eastman; the Legislation Committee will consist of Carole Matchette, Howard Stein, and Joan Joseff; and the Enforcement Committee will consist of Rosemary Faulkner and Philip Taylor. Also in August, the Board re-elected Carole Matchette as BBC President and Di Ann Eastman as Vice President.

Also at BBC's August meeting, Executive Officer Olivia Guebara reported that the waiting period for applicants to take the licensing examination has been reduced from 75 to 41 days. Finally, the Board decided to schedule a meeting to develop its goals and objectives; at this writing, this meeting is scheduled for October 24.

■ FUTURE MEETINGS

December 13 in northern California.

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

Executive Officer:
Kathleen Callanan
(916) 322-4910 and
(916) 445-4933

Authorized by Business and Professions Code section 4980 *et seq.*, the eleven-member Board of Behavioral Science Examiners (BBSE) licenses marriage, family and child counselors (MFCCs), licensed clinical social workers (LCSWs), and educational psychologists (LEPs). The Board administers tests to license applicants, adopts regulations regarding education and experience requirements for each group of licensees, and appropriately channels complaints against its licensees. The Board also has the power to suspend or revoke licenses. The Board consists of six public members,