

California Committee Reports Impactful Career School Bills

The week leading up to Easter and Passover finds only 32 state legislatures actively meeting. Wednesday was the deadline for introducing bills in Louisiana's House and Senate. As always, AACCS will keep you apprised of the latest state legislative developments of interest to member schools.

California's Assembly Higher Education Committee favorably reported seven bills last week that would tighten regulation of private postsecondary schools, including cosmetology schools. The four most relevant to member schools are:

AB 1340 (reported 9 to 1) which would require the Bureau for Private Postsecondary Education (BPPE) to promulgate a gainful employment (GE) rule based on debt-to-earning rates.

AB 1343 (reported 9 to 1) which would establish an 85-15 Rule, beginning January 1, 2021, for institutions with revenues greater than \$2.5 million and require not less than 50 percent of the institution's revenue dedicated to student instruction.

AB 1345 (reported 9 to 0) which "would prohibit an institution from providing financial incentives to any person, including a student, involved in student recruitment, enrollment, continued enrollment, admission, or attendance, or involved in awarding of financial aid based on the enrollment of a student, or in the sales of any education materials, based on succeeding in those activities, as specified."

AB 1346 (reported 12-0) which would expand the definition of "economic loss" beyond tuition for Student Tuition Recovery Fund payments. The expanded definition would include "all amounts paid by the student to the institution, any amounts paid in connection with attending the institution, and all principal, interest, and charges of any kind for any loan incurred by the student to pay these amounts."

AB 1340, AB 1343 and AB 1345 have been referred to the Assembly Business and Professions Committee, which has scheduled an April 23rd hearing on the bills. AB 1346 was referred to the Assembly Appropriations Committee.

In New York, the Senate Higher Education Committee conducted a hearing last week on for-profit colleges and schools. According to the *Albany Times Union*, Governor Andrew Cuomo (D) proposed in his budget "that for-profit colleges be subject to new regulations which would govern how much of their revenue should come from tuition as opposed to taxpayer monies, and how much they should spend on marketing and advertising. That plan fell out of the budget however. Several Senate Democrats during Wednesday's hearing said they thought such moves would be redundant.

Arizona's Governor Doug Ducey (R) signed SB 1401 into law yesterday. The measure, which becomes effective this summer, exempts from licensure "persons who dry, style, arrange, dress, curl, hot iron or shampoo and condition hair if the service does not include the application of reactive chemicals to permanently straighten, curl or alter the structure of the hair." It however includes language requiring persons performing these services to take a sanitation, infection protection and a law review class to be exempt from cosmetology regulation.

Montana's Senate Business, Labor, and Economic Affairs Committee tabled HB 720 last week, likely killing the bill for the year. As previously reported, the bill would allow cosmetology

interns, who complete 350 hours at a school, to shampoo and style hair. They would also be allowed to apply hair products other than chemicals that bleach or highlight hair; and give scalp massages, including treatment with oils, creams, lotions, or other preparations that are applied by hand.

Nevada's Senate Commerce and Labor Committee voted last week to amend SB 128, which was initially drafted to allow occupational or professional licensing boards to enter into a contract to accept credit cards, debit cards, or other electronic transfers of money. During the work session, the Committee adopted without debate a conceptual amendment from the Committee's Chair, Senator Pat Spearman (D) that would abolish the State Barbers' Health and Sanitation Board and transfer the powers and duties of that Board to the State Board of Cosmetology. The amendment proposes a one-year transition period and states that "existing regulations previously adopted by the State Barbers' Health and Sanitation Board will continue in effect until replaced by regulations adopted by the State Board of Cosmetology." Please see the link below for additional information (page 3 of the PDF):

https://www.leg.state.nv.us/App/NELIS/REL/80th2019/ExhibitDocument/OpenExhibitDocument?exhibitId=40613&fileDownloadName=SB128_Work%20Session%20Documents.pdf

Nevada AB 351 and SB 492 will not advance after failing to meet a committee reporting deadline. Under current Nevada law, shampoo technologists must complete 50 hours of instruction at a school or online to become licensed. AB 351 would have eliminated this requirement and instead require shampoo technologists to complete three hours of instruction "relating to shampooing, rinsing the hair, infection control and prevention" in order to "register" to practice in a licensed establishment. SB 492 would have allowed the State Barbers' Health and Sanitation Board to issue provisional instructor's licenses to barbers with at least three years of work experience. "A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of instruction required...for a license as an instructor."

Missouri's House of Representatives voted 150-1 Monday to pass a Committee Substitute to HB 349. As currently drafted, the bill deregulates shampooing simply by removing "cleansing" of hair from the definition of a Class CH-hairdresser.

In Rhode Island, the House of Representatives voted 65 to 0 last week to pass a bill deregulating natural hair braiding. The definition of "natural hair braiding" in H5677 is fairly expansive and includes the use of hot tools and minor trimming of hair. Once transmitted to the Senate, the measure will likely be considered by the Senate Health and Human Services Committee where a Senate companion bill – S260 – has also been referred.

A Texas bill to allow cosmetology schools to administer the state's practical examination has been calendared for consideration on the House floor. HB 2698 was favorably reported by the House Licensing and Administrative Procedures Committee earlier this month.

In Colorado, the House voted 60 to 2 Tuesday to pass a bill allowing barber, cosmetologist, esthetician, nail technician, or hairstylist licensure exam applicants to substitute foreign work experience for many of the contact hours required at a school. The measure uses a ratio of three months of work experience for every 100 contact hours, but would exempt the hours required "for disinfection, cleaning, and safe work practices or for the hours required to review laws and rules, as determined by rule of the director."

On the regulatory front, Florida's Barbers' Board voted on April 7 to decrease the course of instruction for restricted (non-chemical) barbering from 1,200 to 500 hours. The state also offers a 1,200-hour full barber's license. According to the Board's website, "the Board will host a meeting in Celebration on Monday, May 6, 2019, beginning at 9 a.m., to discuss the curriculum make-up of the 500 educational hours. This is a public meeting. Any interested parties are invited to attend and participate. The meeting location is Bohemian Hotel Celebration, 700 Bloom Street, Celebration, Florida, 34747, phone number – 407.566.6000."

Upcoming State Hearings

April 23, 2019 – California Assembly Business and Professions Committee Hearing on AB 193, AB 1340, AB 1343, and AB 1345

See the information above. The Professional Beauty Federation is reporting that all language referring to the Board of Barbering and Cosmetology will be amended out of AB 193.

Clarification on Tennessee SB 1185

Last week's report noted the passage of Tennessee SB 1185. While I am still trying to obtain a copy of the enrolled bill that was sent to Governor Bill Lee (R) to verify what passed and eliminate any confusion regarding natural hair styling licensure, the official summary states that the measure was rewritten by a Senate amendment that "exempts a person who engages in hair braiding from the cosmetologist licensure requirements if the person, before engaging in hair braiding:

- (1) Attends 16 hours of training in health and hygiene, either in person or online, as approved by the commissioner of commerce and insurance; receives a certificate indicating attendance from the training; attests to the one-time training at biennial registration; and retains and displays the certificate on request.
- (2) Biennially registers with the department of commerce and insurance, providing a name, address, and phone number at which the person can be reached, and pays a \$30.00 registration fee.
- (3) Uses only disposable instruments or implements that are sanitized in a disinfectant approved for hospital use or approved by the federal environmental protection agency.
- (4) Posts a notice at the place of operation indicating that the person is not licensed by the state board of cosmetology and barber examiners.

This amendment prohibits persons providing hair braiding services pursuant to this amendment from referring to themselves as a licensed natural hair stylist unless they meet the licensing requirement for engaging in natural hair styling."

Additional information will be reported once I review the enrolled bill.