



CONSUMER NEWS

SAN DIEGO CITY ATTORNEY'S OFFICE

Professional Hair, Skin and Nail Services

June 2013

Consumers often seek out and pay for professional hair, skin and nail care. What protection does a consumer have in receiving these services? Businesses providing hair, skin and nail services for compensation are governed by the California State Board of Barbering and Cosmetology. One way to ensure you are receiving services from a qualified individual is to check the professional license status of the person and/or business you may want to use. The Board provides written tests and issues professional licenses to those who pass the tests in the specific field of practice studied. It is important that the provider of your services be licensed by the Board because specific training requirements must be met in each field. Continued education is also required. In order to even qualify to take the initial licensing test, a person who desires to practice cosmetology must receive 1600 hours in training from a Board certified school. A barber must receive 1500 hours, an esthetician 600, electrologist 600, manicurist 400. In addition, the establishment in which the services are provided must have a license issued by the Board.

FIELDS OF SERVICE

California state law provides that the following services can be performed by those individuals with the relevant license:

Cosmetologist

A cosmetologist can prep, style, cut and color hair on the body, including tinting eyelashes. A cosmetologist may also perform facials and remove hair by waxing or tweezing. Their license does not allow use of electrical currents, light waves, or "rays," to remove hair from the body.

A cosmetologist license allows providing the services of a manicurist and esthetician.

A cosmetologist cannot massage the body below the shoulders. Only a licensed massage therapist is permitted to massage the entire body for compensation. Massage therapists are issued professional certifications by the California Massage Therapy Council (www.camtc.org), and are also regulated locally by the San Diego Police Department's Permits and Licensing Unit/Vice Administration at 619-531-2250 (www.sandiego.gov/police).

Barber

A barber can prep, style, cut and color hair. A barber may also apply cosmetic preparations, antiseptics, powders or lotions to the scalp, face or neck. Barbers are the only licensees who can perform a shave on a consumer.

Esthetician

An esthetician can perform facials and remove hair by tweezing or waxing. An esthetician can also apply makeup and false eyelashes.

Electrologist

An electrologist can perform services to remove hair with a needle or probe which uses electric currents. An electrologist license is the only license that allows the licensee to use a needle.

Manicurist

A manicurist can give manicures and pedicures, and can apply false nails (using gel, acrylic or silk). A manicurist license limits contact on a consumer to the hands and foot areas only. A manicurist cannot use a razor-edged tool or other instrument to remove calluses.

A California establishment which offers manicure/pedicure services cannot legally offer the new trend known as “fish pedicures.” Fish pedicures consist of a consumer placing their feet in a foot bath which contains live fish. The fish eat dead skin cells off the feet. California has determined that this method of dead skin cell removal does not meet its sanitation requirements since the fish (the instrument used) cannot be properly disinfected prior to use on another patron.

POPULAR SERVICES FOR WHICH A BARBERING AND COSMETOLOGY BOARD LICENSE IS NOT REQUIRED

A Board license is not required for the service of providing or performing hair extensions that are applied *without* the use of any tools or instruments. Extensions may be attached by using non-instrumental methods such as twisting, wrapping, weaving, locking or braiding. A license by the Board is required, however, if during the process of attaching the extensions, the hair is washed, colored, cut or styled.

The Board does not license and regulate permanent body art, which includes tattooing, body piercing, branding or application of permanent cosmetics. California law provides minimum statewide standards and then directs that each city and/or county local health agency provide regulations for enforcement and licensing. For additional information on body art regulations, visit the San Diego County Department of Environmental Health’s website at www.sdcountry.ca.gov/deh, or call the Department at 858-505-6700.

For additional information about services which require licensing by the Board, or to determine if a provider of services is licensed,

visit the Board’s website at www.barbercosmo.ca.gov.

CITY ATTORNEY’S ROLE

Based upon investigative reports submitted by the Board to the San Diego City Attorney’s Consumer and Environmental Protection Unit, the Unit has prosecuted several individuals for practicing the above services for compensation without being properly licensed by the Board. The vigilant investigation by the Board and prosecution by this office assist in deterring unlicensed practitioners from hawking their services, which can harm consumers both physically and financially. Unlicensed services can also harm legitimate practitioners and businesses which have invested both the time and money to be properly trained and licensed. Several prosecutions have resulted in the individual or establishment either performing the necessary requirements to obtain a license, or in being ordered by the court to never again perform such services. Court orders for substantial fines, performance of Public Work Service and payment of restitution have also been received in the prosecutions.

HOW TO REPORT A VIOLATION

If you have a complaint against an individual or establishment regarding hair, nail or skin care services, licensed or not, contact the California Board of Barbering and Cosmetology at 800-952-2510, or www.barbercosmo.ca.gov.

**San Diego
City Attorney’s Office
Consumer and Environmental
Protection Unit
(619) 533-5600**

Newsletter written by R. Wharton.

The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice.

The San Diego City Attorney’s Consumer & Environmental Protection Unit prosecutes criminal and civil violations of California’s unfair competition and other consumer laws committed in the City of San Diego. The Unit maintains a Phone Hotline for consumers to report possible violations. You can reach the Hotline at **(619) 533-5600**.