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Exempt Action: Final Regulation
Agency Background Document

Agency name	Board for Barbers and Cosmetology
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 41-20 18 VAC 41-50 18 VAC 41-60 18 VAC 41-70
VAC Chapter title(s)	Barbering and Cosmetology Regulations Tattooing Regulations Body-Piercing Regulations Esthetics Regulations
Action title	Fee Reduction
Final agency action date	March 9, 2020
Date this document prepared	May 8, 2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board for Barbers and Cosmetology has adopted a temporary reduction in application, renewal, and reinstatement fees for all licenses on or before August 31, 2022, in order to reduce an accumulated surplus in its budget and to be in compliance with the Callahan Act.

Fee Structure

Fee Type		Current Fees – September 1, 2016 to August 31, 2020	Current Fees – September 1, 2020 and after	Proposed Fees September 1, 2020 to August 31, 2022
Application	Individual	75	105	95
License App. by Endorsement	Individual	75	105	95
Renewal	Individual	75	105	95
Reinstatement	Individual	150	210	190
Application	Instructor	100	125	115
License App. by Endorsement	Instructor	100	125	115
Renewal	Instructor	100	125	115
Reinstatement	Instructor	200	250	230
Application	Facility	130	190	170
Renewal	Facility	130	190	170
Reinstatement	Facility	260	380	340
Application	School	140	220	190
Add Program	School	100	100	100
Renewal	School	140	220	190
Reinstatement	School	280	440	380

This action is exempt from the Virginia Administrative Process Act in § 2.2-4006 A 6: "Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants."

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

At the close of each biennium, the Department of Professional and Occupational Regulation is required by Section 54.1-113 of the Code of Virginia (Callahan Act) to review each board's financial position to determine whether fees need to be adjusted to ensure that revenues are sufficient, but not excessive, to cover the board's operating expenses. Reductions in fees are needed to bring revenues and cash balances to an appropriate amount, allowing the Board to continue gradually using its accumulated cash to support ongoing operations, and will result in a decrease in the Board's cash balance and Callahan Act position.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Board for Barbers and Cosmetology authorized an exempt action for the Barbering and Cosmetology Regulations, Wax Technician Regulations, Tattooing Regulations, Body-Piercing Regulations, and Esthetics Regulations on March 9, 2020.