

BILL ANALYSIS

C.S.H.B. 4069
By: Smith
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties cite numerous changes they would like to see regarding the regulation of both barbering and cosmetology. C.S.H.B. 4069 seeks to make these changes to applicable law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4069 amends the Occupations Code to authorize a person holding a license, certificate, or permit under statutory provisions regulating barbers and cosmetologists to perform a service within the scope of the license, certificate, or permit at a location other than a licensed facility for a client who receives the services in preparation for a special event.

C.S.H.B. 4069 specifies that "barbering," "practicing barbering," and "practice of barbering," for purposes of statutory provisions relating to barbers, and "cosmetology," for purposes of statutory provisions relating to cosmetologists, do not include threading, which involves removing unwanted eyebrow hair from a person by using a thin piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair. The bill revises the service within the definition of "cosmetology" of removing superfluous hair from a person's body using depilatories, preparations, or tweezing techniques by removing tweezing techniques and including removal using chemicals, tweezers, or other devices or appliances of any kind or description.

C.S.H.B. 4069 reduces from four years to two years the period following a student's withdrawal or termination during which a barber school or a private beauty culture school is required to allow such a student to reenter the school, if the student withdraws or is terminated after completing half of the course, and the period during which a student who withdraws and receives a grade of incomplete is authorized to reenroll and complete the subjects without paying additional tuition. The bill revises the statutory requirement of a barber school or a private beauty culture school to record a grade of incomplete for a student who withdraws but is not entitled to a refund under specified statutory provisions relating to the withdrawal or termination of a student upon request and for an appropriate reason unrelated to the student's academic status by specifying that the student not be entitled to any refund under statutory provisions regulating barbers and cosmetologists, as applicable.

C.S.H.B. 4069 increases from nine to 11 the membership of the Advisory Board on Cosmetology by adding one member who holds a manicurist specialty license and one additional public member. The bill increases the number of advisory board members with terms expiring on the same date each odd-numbered year from one or two members to three or four members, as appropriate. The bill requires the presiding officer of the Texas Commission of Licensing and Regulation, not later than January 1, 2016, to appoint these two additional members and to designate one of the members to a term expiring in 2017 and the other member to a term expiring in 2021. The bill changes from the commission to the advisory board the entity of which the associate commissioner of the Texas Education Agency responsible for career and technical education or the associate commissioner's authorized representative is required to serve as an ex officio member without voting privileges.

C.S.H.B. 4069 expands the scope of practice for a person holding a manicurist/esthetician specialty license to include applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes. The bill requires the Texas Commission of Licensing and Regulation, not later than January 1, 2016, to adopt rules to implement the changes in law made by the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4069 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 1601, Occupations Code, is amended by adding Section 1601.0025 to read as follows:
Sec. 1601.0025. SERVICES NOT CONSTITUTING BARBERING. Notwithstanding Section 1601.002, "barbering," "practicing barbering," and "practice of barbering" do not include threading, which involves removing unwanted eyebrow hair from a person by using a thin piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair.

SECTION 1. Section 1601.455(b), Occupations Code, is amended.

SECTION 2. Same as introduced version.

SECTION 2. Section 1601.564(c), Occupations Code, is amended.

SECTION 3. Same as introduced version.

SECTION 3. Section 1601.565,

SECTION 4. Same as introduced version.

Occupations Code, is amended.

No equivalent provision.

SECTION 5. Section 1602.002(a), Occupations Code, is amended to read as follows:

(a) In this chapter, "cosmetology" means the practice of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

(A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming a person's hair or shaving a person's neck with a safety razor; or

(C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;

(2) braiding a person's hair;

(3) shampooing and conditioning a person's hair;

(4) servicing a person's wig or artificial hairpiece on a person's head or on a block after the initial retail sale and servicing in any manner listed in Subdivision (1);

(5) treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

(6) cleansing, stimulating, or massaging a person's scalp, face, neck, or arms:

(A) by hand or by using a device, apparatus, or appliance; and

(B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

(7) beautifying a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

(8) administering facial treatments;

(9) removing superfluous hair from a person's body using depilatories, preparations or chemicals, tweezers, or other devices or appliances of any kind or description [~~tweezing techniques~~];

(10) treating a person's nails by:

- (A) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring; or
- (B) attaching false nails;
- (11) massaging, cleansing, treating, or beautifying a person's hands or feet;
- (12) applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes; or
- (13) weaving a person's hair.

No equivalent provision.

SECTION 6. Subchapter A, Chapter 1602, Occupations Code, is amended by adding Section 1602.0025 to read as follows:

Sec. 1602.0025. SERVICES NOT CONSTITUTING COSMETOLOGY. Notwithstanding Section 1602.002(a), "cosmetology" does not include threading, which involves removing unwanted eyebrow hair from a person by using a thin piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair.

SECTION 4. Section 1602.051, Occupations Code, is amended.

SECTION 7. Same as introduced version.

SECTION 5. Section 1602.055(a), Occupations Code, is amended.

SECTION 8. Same as introduced version.

SECTION 6. Section 1602.261(a), Occupations Code, is amended.

SECTION 9. Same as introduced version.

SECTION 7. Section 1602.407(b), Occupations Code, is amended.

SECTION 10. Same as introduced version.

SECTION 8. Section 1602.461, Occupations Code, is amended.

SECTION 11. Same as introduced version.

SECTION 9. Section 1602.462, Occupations Code, is amended.

SECTION 12. Same as introduced version.

SECTION 10. Not later than January 1, 2016, the Texas Commission of Licensing and Regulation shall adopt rules to implement the changes in law made by this Act to Chapters 1601 and 1602, Occupations Code.

SECTION 13. Same as introduced version.

SECTION 11. Not later than January 1, 2016, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint the two additional members to the advisory board as required by Section

SECTION 14. Same as introduced version.

1602.051, as amended by this Act, and shall designate one member to a term expiring in 2017 and one to a term expiring in 2021.

SECTION 12. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 15. Same as introduced version.