

**SUBJECT:** Creating a shampoo apprentice permit

**COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment

**VOTE:** 5 ayes — Flores, Driver, Eissler, Goolsby, D. Jones  
0 nays  
4 absent — Hamilton, Raymond, Homer, Wise

**WITNESSES:** For — Carl Fairman, Shawna Foreman; Visible Changes  
Against — None  
On — Antoinette F. Humphrey, Texas Cosmetology Commission

**BACKGROUND:** Occupations Code, Ch. 1602, includes shampooing and conditioning hair for compensation under the definition of cosmetology. It requires a license or certificate to practice cosmetology, and requires applicants to submit certificates of health affirming they are free of contagious diseases.

A person who wishes to shampoo and condition hair for compensation short of obtaining a cosmetology license may apply for a specialty certificate from the Texas Cosmetology Commission (TCC). Occupations Code, sec. 1602.258 authorizes TCC to issue a specialty certificate to shampoo and condition hair, but practice no other form of cosmetology, to persons age 17 or older who have completed the seventh grade. Texas Administrative Code, Title 22, pt. 4, sec. 89.72(8) requires at least 150 hours of specified instruction to obtain a specialty certificate to shampoo and condition hair.

**DIGEST:** HB 653 would allow an individual to shampoo and condition hair for compensation without obtaining a specialty certificate. Instead, the bill would create a shampoo apprentice permit, which would allow an applicant to shampoo and condition hair for compensation, but practice no other form of cosmetology, so long as the applicant was at least 16 years of age and submitted a certificate of health. The shampoo apprentice permit would expire one year after its issuance.

The bill would authorize TCC to adopt rules to administer the shampoo apprentice permit, but prohibit the commission from requiring permit applicants to undertake any education or pay any fee. TCC would adopt any necessary rules by January 1, 2004.

HB 653 would authorize a business licensed under Chapter 1602 to employ a person that held a shampoo apprentice permit. The business could employ the permit holder only to perform shampooing and conditioning services and would be required to pay the person the federal minimum wage.

The bill would take effect September 1, 2003.

**SUPPORTERS  
SAY:**

HB 653 would provide needed flexibility in the field of cosmetology to benefit individuals and businesses alike. The state should allow individuals to earn money while shampooing and conditioning hair without completing at least 150 hours of education currently required. In some cases, shampooers want to change occupations soon after trying the work, which requires continuous standing and grasping. However, many shampooers who discover the work does not suit them are reluctant to leave the field once they have invested in the education. This bill would enable people interested in cosmetology to gain practical experience in the field before making an expensive commitment.

The bill also would help cosmetology students who need part-time jobs and hair-care businesses that need workers. Students often want the opportunity to shampoo and condition hair without first obtaining the specialty certificate for shampooing, while salons and beauty shops sometimes have difficulty retaining adequate staff to shampoo and condition hair. By eliminating existing fee and education requirements and by reducing the age requirement for workers to age 16, HB 653 would allow businesses to improve their operations while offering opportunities to more prospective shampooers.

HB 653 would protect both workers and the public. It would require that shampoo apprentices be of legal working age and receive the federal minimum wage. Applicants for the shampoo apprentice permit would have to obtain medical certifications that they had no contagious diseases. And because the permit would expire after only one year, HB 653 would encourage the occupational development of shampoo apprentice permit holders.

**OPPONENTS  
SAY:**

HB 653 would duplicate a function performed by the specialty certificate program already administered by TCC. It would add a layer of regulation likely to confuse applicants wanting only to shampoo and condition hair for compensation. Current law allows individuals to shampoo and condition hair without the education and fees required of fully licensed cosmetologists. Workers and businesses should take advantage of this existing program before seeking to enact unnecessary law.

The modest requirements of Texas Administrative Code, Title 22, pt. 4, sec 89.72(8), which include 150 hours of education in hygiene, sanitation, and safety, are necessary to help ensure the health of workers and the public alike. HB 653 would create the only exception to existing administrative rules, which compel every worker performing cosmetology to complete a minimal amount of education in health and safety.

**OTHER  
OPPONENTS  
SAY:**

While authorizing a shampoo apprentice permit may be a worthy idea, such a permit should not be available to 16-year olds. HB 654 would allow youths whose bodies were not fully developed to perform repetitive work that has been linked to carpal tunnel syndrome, chemical-induced allergic reactions, and other health problems. This sort of work should be performed only by workers age 17 or older, as required by current law.