

- SUBJECT:** Creating an inactive status for cosmetology certificate or license holders
- COMMITTEE:** Government Reform — committee substitute recommended
- VOTE:** 6 ayes — Uresti, Y. Davis, Frost, Gonzales, Hunter, Veasey
0 nays
1 absent — Otto
- WITNESSES:** For — (*Registered, but did not testify:* Jennifer Davis; Linda Holcombe, Texas Industrial Vocational Association)
Against — None
On — Antoinette F. Humphrey, Texas Cosmetology Commission
- BACKGROUND:** Occupations Code, ch. 1602 governs the work of cosmetologists. A person must hold a license or certificate to practice cosmetology or an element of cosmetology in Texas. The holder of an operator license may practice any aspect of cosmetology, while other license holders are restricted to the practice of a particular area of cosmetology, such as manicuring, shampooing, or hair weaving.

Requirements for a license include completing training, passing an exam, and paying a fee to obtain or renew a license. The renewal fee for a license that has expired within the last five years consists of a fee for each year the license has been expired, plus a delinquency fee. If a license has been expired for more than five years, a person must pay the examination fee, pass the relevant exam, and pay a reinstatement fee to receive a new license. To renew a license on or after September 1, 2006, a licensee will be required to show documentation demonstrating the completion of at least 12 hours of continuing education.
- DIGEST:** CSHB 3149 would allow a person to place his or her cosmetology certificate or license on inactive status by filing paperwork and paying a fee. That person would be ineligible to practice or teach in the relevant field covered by the certificate or license while it remained inactive.

Continuing education would not be a requirement for maintaining an inactive status.

To renew the inactive status, a person would have to reapply every two years and pay a renewal fee. To return to active status, a person would have to apply for reinstatement of the certificate or license, document that continuing education requirements had been met, and pay the license or certificate fee.

The bill would take effect September 1, 2005. The Texas Cosmetology Commission would adopt the rules necessary to implement this section by January 1, 2006. Certificates and licenses could not be placed on inactive status before that date.

**SUPPORTERS
SAY:**

CSHB 3140 would give flexibility to cosmetology professionals by allowing a license holder to move to inactive status. A person with a Texas license who must move out of state, such as a military wife whose husband is transferred, currently must make difficult choices about investing in the maintenance of license while being uncertain about if, or when, the license holder may return to Texas. Keeping the license active can be an expensive proposition considering costs associated with renewal fees and continuing education. The same problem can occur when a parent takes time away from work to raise children. CSHB 3149 would allow for career flexibility.

Creating an cosmetology inactive status would bring parity with other professions that allow their licensed professionals to hold such status. Also, the requirement to make up continuing education upon application for reinstatement would ensure that cosmetologists were not out of touch with the profession upon returning to active status.

**OPPONENTS
SAY:**

CSHB 3149 would require a certificate or license holder to submit paperwork and a fee every two years to reapply for inactive status. The required renewal would occur too frequently, creating unnecessary costs and paperwork.

NOTES:

The committee substitute stipulated that the commission would have to adopt rules necessary to implement the bill and that a license could not be placed on inactive status before January 1, 2006.

SB 411 by Whitmire, the Texas Cosmetology Commission Sunset bill, which includes a similar provision for inactive status of a cosmetologist's license, passed the Senate by 31-0 on April 26 and has been referred to the House Government Reform Committee.