

- SUBJECT:** Deregulating hair braiding and removing licensing requirements
- COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment
- VOTE:** 9 ayes — Smith, Gutierrez, Geren, Goldman, Guillen, Kuempel, Miles, D. Miller, S. Thompson
- 0 nays
- WITNESSES:** For — Arif Panju, Institute for Justice; Greg Glod, Texas Public Policy Foundation; Isis Brantley; Paul Griffith; (*Registered, but did not testify*: Linda Connor)
- Against — None
- On — (*Registered, but did not testify*: William Kuntz, Texas Department of Licensing and Regulation)
- BACKGROUND:** Hair braiding is regulated under Occupations Code, chapters 1601 and 1602. Individuals wishing to braid hair for compensation must be licensed or certified. To receive a license or certificate, an individual must satisfy certain requirements, such as having a certain number of hours of education and training and paying a license fee.
- In January 2015, a U. S. District Court judge held in *Brantley v. Kuntz* that a minimum square-footage and equipment requirement for hair braiding schools in Texas violated the U. S. Constitution and did not advance any legitimate government interest.
- DIGEST:** HB 2717 would eliminate licenses and certificates related to hair braiding, would require the Texas Department of Licensing and Regulation (TDLR) to issue a refund to all people who held one of those licenses or certificates, and would make conforming changes to statutory language.

The bill would eliminate the following licenses:

- hair braiding specialty certificate;
- hair braiding instructor license; and
- hair braiding specialty shop license.

HB 2717 would remove references to hair braiding in statutory provisions defining "barbering" and "cosmetology." The bill would exempt from barbering and cosmetology license requirements a person who performs only natural hair braiding, including braiding a person's hair, trimming hair extensions only as applicable to the braiding process, and attaching commercial hair by braiding and without the use of chemicals or adhesives. The bill would make several conforming changes to related statutory provisions.

The bill would require TDLR to issue refunds for license fees to those currently holding a hair braiding specialty certificate, instructor license, or specialty shop license before the effective date of the bill. TDLR would be required to prorate the fees on a monthly basis so that each license or certificate holder would receive a refund for the amount of the fee that was allocable to the number of months that the license would have been valid after the effective date of this bill.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

HB 2717 would lower the barrier to entry for people who wish to practice the art of hair braiding by not forcing them to receive formal education or pay license fees. A federal court recently held that the excessive regulation of hair braiding in Texas does not advance any legitimate government interest and fails to pass constitutional muster. This bill would address those issues by amending the regulations that affect hair braiding.

Hair braiding does not require the use of chemicals, adhesives, or even a comb — only hands. Unlike other hair-related practices, it represents a

very low risk to the customer's health or safety. Furthermore, hair braiding is not taught in barbering and cosmetology schools, yet there are formal education requirements for braiding-related licenses. Requiring formal education that does not teach the trade covered by the license makes little sense.

While HB 2717 would have an initial negative fiscal impact on Texas's general revenue, this additional cost and decrease in revenue would ultimately be negated by savings resulting from the state's no longer having to inspect or regulate these licenses.

OPPONENTS  
SAY:

HB 2717 would decrease state revenue by eliminating the hair braiding licenses and associated fees. The bill also would cost Texas money because TDLR would have to issue refunds to the people who currently hold one of those licenses.

NOTES:

According to the Legislative Budget Board's fiscal note, HB 2717 is estimated to have a two-year negative net impact to general revenue-related funds of \$123,000 during fiscal 2016-17.

The Senate companion bill, SB 1193 by West, was reported favorably from the Senate Business and Commerce Committee on April 21 and recommended for the local and uncontested calendar.