

## **BILL ANALYSIS**

Senate Research Center  
77R2900 GJH-D

S.B. 660  
By: Carona  
State Affairs  
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As Filed

### **DIGEST AND PURPOSE**

Currently, the Texas Board of Health is responsible for adopting sanitation rules for Texas barbers. The sanitation rules were last promulgated on February 27, 1978, and have not been revised since that date. The process for adopting barber sanitation rules is cumbersome and unnecessary to protect public health and safety. Barber board members are better suited through their education, training, and business experience to determine sanitary rules for their profession in the same way sanitary rules for cosmetologists are promulgated and adopted by the Cosmetology Commission. Section 1601, Occupations Code, regulates the licensing and management of barbers and barbershops. Many portions of this section of the code need to be substantially updated to reflect changes in the practice of barbering. As proposed, S.B. 660 makes changes recommended by the Texas Board of Barber Examiners (board) that will enable the board to more efficiently regulate the practice of barbering. This bill also transfers authority for the adoption of sanitation rules from the Texas Department of Health to the board. The bill further creates a reciprocal license program for out-of-state licensed barbers seeking to practice in the State of Texas. Finally, S.B. 660 removes wig schools and wig specialists from the regulatory oversight of the board.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the State Board of Barber Examiners in SECTION 2 (Section 1601.152, Occupations Code) in this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1601.151(d), Occupations Code, by deleting text regarding the authority of the Texas Board of Health.

SECTION 2. Amends Section 1601.152, Occupations Code, to require the State Board of Barber Examiners (board), rather than the Texas Board of Health, to adopt reasonable rules on sanitation for the operation of barbershops, specialty shops, and barber schools. Deletes text regarding the furnishing of a copy of the board of health's rules.

SECTION 3. Amends Section 1601.154, Occupations Code, as follows:

Sec. 1601.154. New heading: INSPECTION BY BOARD. Makes a conforming change.

SECTION 4. Amends Section 1601.257(b), Occupation Code, to require an applicant for a manicurist license to have completed a board-approved training program consisting of 600, rather than 300, hours of instruction in manicuring.

SECTION 5. Amends Chapter 1601F, Occupations Code, by adding Section 1601.267, as follows:

Sec. 1601.267. RECIPROCAL LICENSE OR CERTIFICATE. Authorizes a person who holds a license, certificate, or permit to perform barbering from another state or country that has the same standards or work experience requirements of this chapter to apply for a license,

certificate, or permit to perform the same acts of barbering in this state that the person practiced in the other state or country. Requires the person to perform certain actions. Provides that a person issued a license, certificate, or permit is authorized to perform the acts of barbering stated on the license, certificate, or permit and is subject to the renewal procedures and fees provided in this chapter for the performance of those acts of barbering.

SECTION 6. Amends Section 1601.303, Occupations Code, to require the board to issue a barbershop permit to an applicant if the applicant has practiced barbering for at least 12 months, and the shop meets the minimum health standards for barbershops set by the board, rather than TDH, and all other rules of the board.

SECTION 7. Amends Section 1601.305, Occupations Code, to make a conforming change.

SECTION 8. Amends the heading of Chapter 1601H, Occupations Code, to read as follows:

#### Subchapter H. PERMITTING OF BARBER SCHOOLS

SECTION 9. Amends Section 1601.354(a), Occupations Code, by deleting wig instructor and wig specialist from the list of required hours of instruction. Makes a conforming change.

SECTION 10. Amends Chapter 1601H, Occupations Code, by adding Section 1601.3571, as follows:

Sec. 1601.3571. BARBER SCHOOL TUITION PROTECTION ACCOUNT. Requires the board to collect a fee from each barber school during that year by applying a percentage to the schools' renewal fee at a rate that will bring the balance of the account to \$200,000, if on January 1 of any year the amount in the barber school tuition protection account is less than \$200,000. Requires the comptroller to invest the account in the same manner as other state funds. Requires sufficient money from the account to be appropriated to the board for the purpose of refunding unused tuition if a barber school ceases operation before its course of instruction is complete. Requires the board to administer claims made against the account. Prohibits attorney's fees, court costs, or damages from being paid from the account. Provides that the barber school tuition protection account is created as a trust fund with the comptroller, who is custodian of the fund.

SECTION 11. Amends Section 1601.402(b), Occupations Code, to make conforming changes.

SECTION 12. Amends Section 1601.405(a), Occupations Code, to make a conforming change.

SECTION 13. Amends Section 1601.452, Occupations Code, to make a conforming change.

SECTION 14. Amends Section 1601.454(a), Occupations Code, to make a conforming change.

SECTION 15. Amends Section 1601.552, Occupations Code, to make a conforming change.

SECTION 16. Amends Section 1601.558(a), Occupations Code, by deleting the word "manicuring" from the list of subjects required to be taught in a barber school.

SECTION 17. Repealers:

- Sections 1601.001(9) and (10) (General Definitions: specialty shop and wig specialty shop), Occupations Code;
- 1601.255 (Eligibility for Journeyman Barber Permit), Occupations Code;

- 1601.258 (Eligibility for Wig Specialist License), Occupations Code;
- 1601.259 (Eligibility for Wig Instructor License), Occupations Code;
- 1601.306 (Wig Specialty Shop Permit), Occupations Code;
- 1601.307 (Issuance of Wig Specialty Shop Permit), Occupations Code;
- 1601.357 (Surety Bond), Occupations Code; and
- 1601.358 (Wig School Permit), Occupations Code.

SECTION 18. Requires the board to adopt rules under this Act not later than September 1, 2002. Requires a rule adopted by the Texas Board of Health or TDH applicable to Chapter 1601, Occupations Code, that is in effect on the effective date of this Act to remain in effect as a rule of the board until adopted or superseded by a new rule adopted by the board.

SECTION 19. Makes application of this Act prospective.

SECTION 20. Effective date: September 1, 2001.