

## **BILL ANALYSIS**

Senate Research Center  
85R31880 TSR-D

C.S.H.B. 2304  
By: Guillen (Schwertner)  
Business & Commerce  
5/19/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Texas Department of Licensing and Regulation is allowed by statute to compute instruction time based on clock hours, but certain cosmetology and barber schools, including high schools and junior colleges, use credit hours toward a cosmetology license. The problem is that there is no consistent formula to provide for conversion between clock and credit hours, creating the opportunity for differing licensing standards. What one school may consider a proper conversion of clock to credit hours may be different from another school's formula.

H.B. 2304 addresses this issue by allowing the Texas Commission of Licensing and Regulation to establish and implement a set formula to fairly and consistently equate credit hours and clock hours. This minimally invasive solution allows for programs to continue using their choice of credit or clock hours, while still creating a more reliable licensure standard. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 2304 amends current law relating to the regulation of barbering and cosmetology.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation (TCLR) in SECTION 6 (Section 1603.351, Occupations Code) and SECTION 7 of this bill.

Rulemaking authority previously granted to TCLR is modified in SECTION 3 (Section 1603.102, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1602.254(b), Occupations Code, to require an applicant, to be eligible for an operator license, to meet the requirements of Subsection (c) (relating to requiring the Texas Commission of Licensing and Regulation (TCLR) to adopt rules for the issuance of an operator license) or, among certain requirements, to have completed 1,000 hours, rather than 1,500 hours, of instruction in a licensed beauty culture school.

SECTION 2. Amends Section 1602.451(a), Occupations Code, to require the holder of a private beauty culture school license to, among certain requirements, require a school term of not less than six months and not less than 1,000 hours instruction, rather than not less than nine months and not less than 1,500 hours instruction, for a complete course in cosmetology.

SECTION 3. Amends Section 1603.102, Occupations Code, as follows:

Sec. 1603.102. SANITATION RULES. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Requires that adopted rules applicable to an individual or facility regulated under Chapter 1602 (Cosmetologists) be consistent with the standards and terminology related to safety and sanitation that are commonly used in the cosmetology industry.

SECTION 4. Amends Section 1603.255, Occupations Code, as follows:

Sec. 1603.255. EARLY EXAMINATION. Authorizes the Texas Department of Licensing and Regulation (TDLR) to allow for the early written examination of a student who has completed the following number of hours of instruction in a TDLR-approved training program:

- (1) 1,000 hours for a student seeking a Class A barber certificate in a private barber school, rather than 1,000 hours for a student seeking a Class A barber certificate or operator license in a private barber or cosmetology school;
- (2) 900 hours for a student seeking an operator license in a private cosmetology school; or
- (3) creates this subdivision from existing text and makes no further changes to this subdivision.

SECTION 5. Amends Section 1603.256(c), Occupations Code, to authorize certain persons to administer a practical examination required under this subchapter (Examination Requirements), including a private beauty culture school or a vocational cosmetology program in a public school licensed under this chapter (Regulation of Barbering and Cosmetology) or Chapter 1602.

SECTION 6. Amends Section 1603.351, Occupations Code, by adding Subsection (a-1), as follows:

(a-1) Authorizes TCLR, notwithstanding any other law, to adopt rules to:

- (1) authorize a school licensed under this chapter, Chapter 1601 (Barbers), or Chapter 1602 to account for any hours of instruction completed under those chapters on the basis of clock hours or credit hours; and
- (2) establish standards for determining the equivalency and conversion of clock hours to credit hours and credit hours to clock hours.

SECTION 7. Requires TCLR, as soon as practical after the effective date of this Act, to adopt rules implementing Chapter 1602, Occupations Code, as amended by this Act.

SECTION 8. Makes application of Section 1602.254(b), Occupations Code, as amended by this Act, prospective to September 1, 2018.

SECTION 9. Makes application of Section 1603.256(c), Occupations Code, as amended by this Act, prospective.

SECTION 10. (a) Provides that the changes in law made by this Act do not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

(b) Provides that an offense or other violation of law committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this subsection, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

SECTION 11. Effective date: September 1, 2017.