

BILL ANALYSIS

Senate Research Center

H.B. 2739
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Business & Commerce
7/28/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Licensing and Regulation has identified certain regulations and licensing requirements for barbering and cosmetology programs that are too burdensome and can be revised without endangering public health, safety, or welfare. H.B. 2739 provides greater flexibility and lower operational costs for these programs and related facilities by revising, among other requirements, applicable facility square footage, equipment, and inspection requirements.

H.B. 2739 amends current law relating to the regulation of barber schools, private beauty culture schools, and other facilities used to teach or perform the practice of barbering or cosmetology.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to Texas Commission of Licensing and Regulation (TCLR) in SECTION 5 of this bill.

Rulemaking authority previously granted to TCLR is rescinded in SECTION 4 (Section 1603.104, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1601.353, Occupations Code, as follows:

Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. (a) Creates this subsection from existing text. Authorizes the Texas Department of Licensing and Regulation (TDLR) to approve an application for a permit for a barber school that offers instruction to persons seeking a certificate under Section 1601.253 (Eligibility for Class A Barber Certificate) if the school meets certain criteria.

(b) Authorizes TDLR to approve an application for a permit for a barber school that offers instruction to persons seeking a certificate, license, or permit under this chapter (Barbers), other than a certificate under Section 1601.253, if the school:

(1) has adequate space, equipment, and instructional material, as determined by the Texas Commission of Licensing and Regulation (TCLR), to provide quality classroom training; and

(2) meets any other requirement set by TCLR.

(c) Authorizes a barber school that satisfies the requirements of Subsection (a) to offer instruction in barbering to persons seeking any certificate, license, or permit under this chapter.

(d) Prohibits instruction received at a barber school subject to Subsection (b) from being used to satisfy the requirements to obtain a Class A barber certificate under Section 1601.253.

SECTION 2. Amends Section 1602.303, Occupations Code, as follows:

Sec. 1602.303. PRIVATE BEAUTY CULTURE SCHOOL LICENSE. (a) Deletes existing Subsection (a) authorizing a person holding a private beauty culture school license (PBCSL) to maintain an establishment in which any practice of cosmetology is taught, including providing a certain program. Redesignates text from existing Subsection (b) as Subsection (a). Requires that an application for a PBCSL to instruct persons seeking a license under Section 1602.254 (Eligibility for an Operator License) be accompanied by the required license and inspection fees and meet certain requirements.

(b) Requires that an application for a PBCSL to instruct persons seeking a license or certificate under this chapter (Cosmetologists), other than a license under Section 1602.254, be accompanied by the required license and inspection fees and fulfill certain requirements.

(c) Provides that the applicant is entitled to a PBCSL if, among certain other requirements, the applicant meets any other requirement set by TCLR. Makes nonsubstantive changes.

(d) Authorizes a private beauty culture school (PBCS) that satisfies the requirements of Subsection (a) to offer instruction in cosmetology to persons seeking any license or certificate under this chapter.

(e) Prohibits instruction received at a PBCS subject to Subsection (b) from being used to satisfy the requirements to obtain an operator license under Section 1602.254.

SECTION 3. Amends the heading to Section 1603.104, Occupations Code, to read as follows:

Sec. 1603.104. PERIODIC INSPECTIONS.

SECTION 4. Repealers: Sections 1603.104(c) (relating to requiring TDLR to conduct additional inspections based on a schedule of risk-based inspections using certain criteria) and (e) (relating to authorizing TDLR to charge certain facilities a certain inspection fee of an amount set by TCLR by rule), Occupations Code.

SECTION 5. Requires TCLR, as soon as practicable after the effective date of this Act, to adopt rules to implement Sections 1601.353 and 1602.303, Occupations Code, as amended by this Act.

SECTION 6. Effective date: September 1, 2017.