

## **BILL ANALYSIS**

Senate Research Center

S.B. 1087  
By: Schwertner  
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As Filed

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

There is a lack of parity between the private beauty culture schools and the vocational cosmetology programs offered in Texas public schools. In order to meet cosmetology licensing requirements, students at private cosmetology programs are required to complete 1,500 hours and have a high school diploma, as compared to high school programs which require students to complete 1,000 hours of beauty culture classes in addition to their high school courses. Current regulation places unfair burdens on post-high school cosmetology students by reducing access to jobs and limiting opportunities for students in terms of both wages and employment. These post-high school students must spend more time and money to meet requirements to get licensed without any proven benefit past the 1,000 hours threshold that high school students have.

There are similar conflicts found in testing requirements. In addition, there are more than 170 high school programs statewide that offer the 1,000-hour license program. Currently, post-high school cosmetology students are required to complete 1,000 hours before being allowed to take the cosmetology license exam, while high school students at publicly funded schools may take the exam after completing only 900 hours. The current standard of requiring 1,000 hours before taking the exam puts post high-school students at a distinct disadvantage. The high school students are afforded the opportunity to take the test before leaving the program to identify potential areas of weakness, thus allowing the individual to join the workforce immediately after acquiring a license.

S.B. 1087 seeks to establish equality among post-high school students and high school students seeking a cosmetology license. This bill creates the same hourly requirements across the board for individuals, ensuring fairness and equal opportunities for all Texans working to enter the industry. It also allows students both in private programs and public vocational programs to take their final practical examination after completing 900 hours. This will lower costs for students in private cosmetology programs and allow for more time to address any potential deficiencies after taking the test without having to register for additional hours, equalizing the playing field for all seeking cosmetology licensure.

As proposed, S.B. 1087 amends current law relating to the regulation of the hours of instruction for cosmetology licensing.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 4 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1602.254(b), Occupations Code, to decrease from 1,500 to 1,000 the number of hours of instruction in a licensed beauty culture school that an applicant is required to complete, or is required to meet the requirements of Subsection (c) (relating to requiring the Texas Commission of Licensing and Regulation (TCLR) to adopt rules and requiring the Texas Department of Licensing and Regulation (TDLR) to issue the license to certain applicants), to be eligible for an operator license.

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

SECTION 3. Amends Section 1603.255, Occupations Code, as follows:

Sec. 1603.255. EARLY EXAMINATION. Authorizes 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.

SECTION 4. Requires TDLR, as soon as practicable after the effective date of this Act, to adopt rules implementing Chapter 1602 (Cosmetologists), Occupations Code, as amended by this Act.

SECTION 5. Makes application of Section 1602.254(b), Occupations Code, prospective to September 1, 2018.

SECTION 6. (a) Provides that the changes in law made by this Act do not affect the validity of a proceeding pending before the 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 the 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 7. Effective date: September 1, 2017.