

BILL ANALYSIS

C.S.S.B. 1088
By: Schwertner
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note the recent strategic initiatives to address barber and cosmetology programs by removing barriers, redundancies, and impediments from the licensing process. C.S.S.B. 1088 seeks to provide clarity and consistency within the industry by instituting these initiatives.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 1088 amends the Occupations Code to authorize the whole or partial fulfillment of the minimum number of hours of instruction required for eligibility for a cosmetology operator license through credit hours. The bill requires the Texas Commission of Licensing and Regulation by rule to establish a method for fairly equating credit hours with clock hours of instruction. The bill authorizes a private beauty culture school or a vocational cosmetology program in a public school licensed under statutory provisions relating to cosmetologists to administer a practical examination required under statutory provisions relating to examination requirements applicable to regulation of barbering and cosmetology, applicable only to a practical examination administered on or after September 1, 2018. The bill requires the commission, not later than March 1, 2018, to adopt rules as necessary to implement these provisions.

C.S.S.B. 1088 requires the sanitation rules adopted by the commission to prevent the spread of an infectious or contagious disease that are applicable to an individual or facility regulated under statutory provisions relating to cosmetologists to be consistent with the standards and terminology related to safety and sanitation that are commonly used in the cosmetology industry.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1088 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 1602.254, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A requirement under Subsection (b)(3) may be fulfilled, in whole or in part, by academic credit hours. The attribution of academic credit hours must be made in accordance with a formula, adopted by commission rule, that the commission determines fairly equates academic credit hours with clock hours of instruction.

SECTION 2. Section 1603.102, Occupations Code, is amended to read as follows:

Sec. 1603.102. SANITATION RULES. (a) The commission shall establish sanitation rules to prevent the spread of an infectious or contagious disease.

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

SECTION 3. Section 1603.256(c), Occupations Code, is amended to read as follows:

(c) The following persons may administer a practical examination required under this subchapter:

- (1) the department; [ø€]
- (2) a person with whom the department contracts under Section 1603.252; or
- (3) a private beauty culture school or a vocational cosmetology program in a public school licensed under this chapter or Chapter 1602.

No equivalent provision.

SECTION 4. The change in law made by this Act to Section 1603.256(c),

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1602.254, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The hours of instruction required under Subsection (b)(3) may be fulfilled wholly or partly through credit hours. The commission by rule shall establish a method for fairly equating credit hours with clock hours of instruction.

SECTION 2. Section 1603.102, Occupations Code, is amended to read as follows:

Sec. 1603.102. SANITATION RULES. (a) The commission shall establish sanitation rules to prevent the spread of an infectious or contagious disease.

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

SECTION 3. Section 1603.256(c), Occupations Code, is amended to read as follows:

(c) The following persons may administer a practical examination required under this subchapter:

- (1) the department; [ø€]
- (2) a person with whom the department contracts under Section 1603.252; or
- (3) a private beauty culture school or a vocational cosmetology program in a public school licensed under Chapter 1602.

SECTION 4. Not later than March 1, 2018, the Texas Commission of Licensing and Regulation shall adopt rules as necessary to implement Section 1602.254(b-1), Occupations Code, as added by this Act, and Section 1603.256(c), Occupations Code, as amended by this Act.

SECTION 5. The change in law made by this Act to Section 1603.256(c),

Occupations Code, applies to an examination administered on or after the effective date of this Act. An examination administered before the effective date of this Act is governed by the law in effect on the date the examination was administered, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

Occupations Code, applies only to a practical examination administered on or after September 1, 2018.

SECTION 6. Same as engrossed version.