

BILL ANALYSIS

Senate Research Center
83R2995 MAW-F

S.B. 362
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Business & Commerce
2/14/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 362 allows a licensed cosmetologist to use a safety razor to shave a client's neck and face areas, while preserving a barber's exclusive right to use a straight-edge razor. Presently, only barbers, licensed tattoo artists, and health care providers can use safety razors when treating clients. Thirty-eight states allow cosmetologists to use safety razors.

In 2000, cosmetologists earned the right to trim beards. In 2008, the Texas Department of Licensing and Registration (TDLR) determined that the Occupations Code did not allow cosmetologists to use disposable, guarded, safety razors to trim beards. Subsequently, courts have upheld TDLR's interpretation of the Occupation Code and have found that it is up to the legislature to change the code to include safety razor authorization.

H.B. 1793, an identical bill filed during the 82nd Legislature, Regular Session, in 2011, passed the House and was referred to the Senate Business and Commerce Committee, but failed to move out of committee before the session ended.

As proposed, S.B. 362 amends current law relating to the practice of cosmetology.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1602.002(a), Occupations Code, to redefine "cosmetology" to include among certain preparatory or ancillary services in treating a person's hair, the trimming a person's hair or shaving a person's neck with a safety razor, and to include treating a person's mustache or beard by shaving with a safety razor.

SECTION 2. Effective date: September 1, 2013.