

## **BILL ANALYSIS**

C.S.H.B. 3325  
By: Gutierrez  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that many of the private beauty culture schools and barber schools currently are constrained by specific and cumbersome requirements and that current law prevents potential beauty and barber schools from obtaining the necessary permits or licenses to do business and operate within their communities, helping people pursue their career goals. The parties assert that current law is acting as an obstacle against an affordable education and the creation of jobs. C.S.H.B. 3325 seeks to address this issue by amending the applicable law.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3325 amends the Occupations Code to make statutory provisions establishing facilities and equipment requirements for an applicant for a barber school permit, as a condition for approval of the permit application by the Texas Department of Licensing and Regulation (TDLR), applicable only to a barber school that offers instruction to persons seeking a Class A barber certificate. The bill 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 statutory provisions governing barbers, other than a Class A barber certificate, if the school has adequate space, equipment, and instructional material, as determined by the Texas Commission of Licensing and Regulation, to provide quality classroom training and meets any other requirements set by the commission. The bill authorizes a barber school that satisfies the statutory facilities and equipment requirements to offer instruction in barbering to persons seeking any certificate, license, or permit under statutory provisions governing barbers but prohibits the instruction received at a barber school that offers instruction only to persons seeking a certificate, license, or permit other than a Class A barber certificate from being used to satisfy the requirements to obtain a Class A barber certificate.

C.S.H.B. 3325 removes the authority of a person holding a private beauty culture school license to maintain an establishment in which any practice of cosmetology is taught. The bill makes the statutory requirements relating to an application for a private beauty culture school license applicable only to an application for such a license to instruct persons seeking an operator license. The bill requires an application for a private beauty culture school license to instruct persons seeking a license or certificate under statutory provisions governing cosmetologists, other than an operator license, to be accompanied by the required license fee and inspection fee, be on a form prescribed by TDLR, and be verified by the applicant. The bill also requires such an application to contain a statement that the building is of permanent construction and is divided into at least two specified separate areas, one for instruction in theory and another for clinic

work; has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training; and has access to permanent restrooms and adequate drinking fountain facilities and further requires the application to meet any other requirement set by the commission. The bill adds to the conditions under which an applicant for a private beauty culture school license is entitled to such a license the condition that the applicant meet any other requirement set by the commission. The bill authorizes a private beauty culture school that satisfies the statutory requirements of an application for a private beauty culture school license to offer instruction in cosmetology to persons seeking any license or certificate under statutory provisions governing cosmetologists but prohibits instruction received at a private beauty culture school that offers instruction only to persons seeking a license or certificate other than an operator license from being used to satisfy the requirements to obtain an operator license.

C.S.H.B. 3325 requires the commission, as soon as practicable after the bill's effective date, to adopt rules to implement the bill's provisions.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3325 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 1601.353, Occupations Code, is amended to read as follows:

Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. The department may approve an application for a permit for a barber school if the school:

(1) has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training

[is located in:

~~[(A) a municipality with a population of more than 50,000 that has a building of permanent construction containing at least 2,000 square feet of floor space, including classroom and practical areas, covered in a hard-surface floor-covering of tile or other suitable material; or~~

~~[(B) a municipality with a population of 50,000 or less or an unincorporated area of a county that has a building of permanent construction containing at least 1,000 square feet of floor space, including classroom and practical areas, covered in a hard-surface floor-covering of tile or other suitable material]; and~~

(2) [has the following equipment:

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1601.353, Occupations Code, is amended to read as follows:

Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. (a) The department may approve an application for a permit for a barber school that offers instruction to persons seeking a certificate under Section 1601.253 if the school:

(See Sec. 1601.353(b)(1) below.)

(1) is located in:

(A) a municipality with a population of more than 50,000 that has a building of permanent construction containing at least 2,000 square feet of floor space, including classroom and practical areas, covered in a hard-surface floor-covering of tile or other suitable material; or

(B) a municipality with a population of 50,000 or less or an unincorporated area of a county that has a building of permanent construction containing at least 1,000 square feet of floor space, including classroom and practical areas, covered in a hard-surface floor-covering of tile or other suitable material;

(2) has the following equipment:

~~[(A) at least 10 student workstations that include a chair that reclines, a back bar, and a wall mirror;~~  
~~[(B) a sink behind every two workstations;~~  
~~[(C) adequate lighting for each room;~~  
~~[(D) at least 10 classroom chairs and other materials necessary to teach the required subjects; and~~  
~~[(E) access to permanent restrooms and adequate drinking fountain facilities; and~~  
~~[(3)] meets any other requirement set by the commission.~~

See Sec. 1601.353(1) above.

SECTION 2. Sections 1602.303(b) and (c), Occupations Code, are amended to read as follows:

(b) An application for a private beauty culture school license must be accompanied by the required license fee and inspection fee and:

- (1) be on a form prescribed by the department;
- (2) be verified by the applicant; and
- (3) contain a statement that the building has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom

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(A) at least 10 student workstations that include a chair that reclines, a back bar, and a wall mirror;  
(B) a sink behind every two workstations;  
(C) adequate lighting for each room;  
(D) at least 10 classroom chairs and other materials necessary to teach the required subjects; and  
(E) access to permanent restrooms and adequate drinking fountain facilities; and  
(3) meets any other requirement set by the commission.

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

(1) has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training; and

(2) meets any other requirement set by the commission.

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

(d) Instruction received at a barber school subject to Subsection (b) may not be used to satisfy the requirements to obtain a Class A barber certificate under Section 1601.253.

SECTION 2. Section 1602.303, Occupations Code, is amended to read as follows:

Sec. 1602.303. PRIVATE BEAUTY CULTURE SCHOOL LICENSE. (a) ~~[A person holding a private beauty culture school license may maintain an establishment in which any practice of cosmetology is taught, including providing an eyelash extension application training program described by Section 1602.2572.~~

[(b)] An application for a private beauty culture school license to instruct persons seeking a license under Section 1602.254 must be accompanied by the required license fee and inspection fee and:

- (1) be on a form prescribed by the department;
- (2) be verified by the applicant; and
- (3) contain a statement that the building:  
(See Section 1602.303(b)(3)(B) below.)

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training[:

~~[(A) is of permanent construction and is divided into at least two separate areas:~~

~~[(i) one area for instruction in theory; and~~

~~[(ii) one area for clinic work;~~

~~[(B) contains a minimum of:~~

~~[(i) 2,800 square feet of floor space if the building is located in a county with a population of more than 100,000; or~~

~~[(ii) 1,800 square feet of floor space if the building is located in a county with a population of 100,000 or less;~~

~~[(C) has access to permanent restrooms and adequate drinking fountain facilities; and~~

~~[(D) contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 10 students].~~

*See Sec. 1602.303(b)(3) above.*

(c) The applicant is entitled to a private beauty culture school license if:

(1) the department determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;

(2) the applicant's facilities pass an inspection conducted by the department under Section 1603.103; ~~and~~

(3) the applicant has not committed an act that constitutes a ground for denial of a license; and

(4) the applicant meets any other requirement set by the commission.

(A) is of permanent construction and is divided into at least two separate areas:

(i) one area for instruction in theory; and

(ii) one area for clinic work;

(B) contains a minimum of:

(i) 2,800 square feet of floor space if the building is located in a county with a population of more than 100,000; or

(ii) 1,800 square feet of floor space if the building is located in a county with a population of 100,000 or less;

(C) has access to permanent restrooms and adequate drinking fountain facilities; and

(D) contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 10 students.

(b) An application for a private beauty culture school license to instruct persons seeking a license or certificate under this chapter, other than a license under Section 1602.254, must be accompanied by the required license fee and inspection fee and:

(1) be on a form prescribed by the department;

(2) be verified by the applicant;

(3) contain a statement that the building:

(A) is of permanent construction and is divided into at least two separate areas:

(i) one area for instruction in theory; and

(ii) one area for clinic work;

(B) has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training; and

(C) has access to permanent restrooms and adequate drinking fountain facilities; and

(4) meets any other requirement set by the commission.

(c) The applicant is entitled to a private beauty culture school license if:

(1) the department determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;

(2) the applicant's facilities pass an inspection conducted by the department under Section 1603.103; ~~and~~

(3) the applicant has not committed an act that constitutes a ground for denial of a license; and

(4) the applicant meets any other requirement set by the commission.

(d) A private beauty culture school that satisfies the requirements of Subsection (a) may offer instruction in cosmetology to persons seeking any license or certificate

under this chapter.

(e) Instruction received at a private beauty culture school subject to Subsection (b) may not be used to satisfy the requirements to obtain an operator license under Section 1602.254.

SECTION 3. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt rules to implement Sections 1601.353 and 1602.303, Occupations Code, as amended by this Act.

SECTION 3. Same as introduced version.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 4. Same as introduced version.