

## **BILL ANALYSIS**

C.S.H.B. 1403  
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Government Reform  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The State Board of Barber Examiners and the Cosmetology Commission share virtually the same duties, and as a result of the 77th Legislative Session, they office in the same Austin location. Consolidation of the two agencies would help ensure efficient and effective government by reducing duplicity in staff and overhead costs. A 1979, 1981, 1985, and 1989 Sunset Report found that merging the Board of Barber Examiners and Cosmetology Commission would reduce duplication of costs and efforts.

This bill will merge the two agencies by establishing the Texas Commission on Barbering and Cosmetology.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Barbering and Cosmetology in SECTION 1 (Sec. 1603.151, Sec. 1603.153, and Sec. 1603.154, Occupations Code); SECTION 4 (Sec. 1601.151, Occupations Code); SECTION 5 (Sec. 1601.152, Occupations Code); SECTION 8 (Sec. 1601.155, Occupations Code); SECTION 33 (Sec. 1601.354, Occupations Code); and SECTION 37 (Sec. 1601.401, Occupations Code) of this bill.

It is the committee's opinion that rulemaking authority is being transferred from the State Board of Barber Examiners and the Texas Cosmetology Commission to the Texas Commission on Barbering and Cosmetology in SECTION 76 of this bill.

### **ANALYSIS**

C.S.H.B. 1403 amends the Occupations and Family codes. The bill provides that the Texas Commission on Barbering and Cosmetology is subject to the Texas Sunset Act (Sec. 1603.002, Occupations Code). The bill states that the Commission consists of nine members appointed by the Governor. Of the Commission membership, three members must hold a barber license under Chapter 1601, one of whom must hold Class A barber license, one of whom must own a barbershop, and one of whom must own a barber school. Three members must hold a cosmetology license under Chapter 1602, one of whom must hold a operator license, one of whom must own a beauty or specialty shop, and one of whom must own a private beauty culture school. Three must be public members (Sec. 1603.051, Occupations Code).

The bill provides that a person may not be a public member of the Commission if the person or the person's spouse: is registered, certified, or licensed by a regulatory agency in the field of barbering or cosmetology; is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the Commission; owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the Commission; or uses or receives a substantial amount of tangible goods, services, or money from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses (Sec. 1603.052, Occupations Code). The bill states that the Commission may employ an executive director (Sec. 1603.101, Occupations Code).

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute reduces the number of board members on the Commission to nine. The requirements for board membership are adjusted accordingly and are set forth in the substitute (Sec. 1603.051, Occupations Code).

The substitute also changes the original to allow the Commission to issue a barber certificate or license when presented a health certificate from a physician, advanced practice nurse, or licensed physician assistant stating the barber applicant does not have an infectious or contagious disease. Current law states that, for a barber applicant, only a health certificate from a physician is acceptable, whereas a cosmetology applicant may submit a health certificate from a physician, advanced practice nurse, or licensed physician assistant (Sec. 1601.264, Occupations Code).