

BILL ANALYSIS

H.B. 3174
By: Pitts
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The current statute governing the cosmetology industry requires an applicant for a cosmetology license to submit, as part of their licensure application, a health certificate signed by medical staff indicating that the applicant is free of tuberculosis or contagious diseases. This health certificate requirement applies to both new and renewal license applications. The bill would repeal this requirement for both new and renewal licenses. The purpose of the bill is to remove a requirement that serves a minimal health-related purpose and prevents the agency from using Texas on-line productively for license renewals.

With respect to its health-related function, the Disease Control and Prevention Bureau of the Texas Department of Health has indicated that the health certificate requirement is sufficiently antiquated as to be removable without jeopardizing the public health. In the first place, no doctor can credibly sign the health certificate since that would require testing the applicant for all known infectious diseases--a formidable and expensive undertaking that is not attempted by doctors currently. Second, most chronic infectious diseases are not transferred by the respiratory route, which is the only avenue available to transmit a disease to a person who is merely having a haircut. Third, most infectious diseases are of the minor and temporary sort (e.g., cold, flu) and cannot be protected against through requiring cosmetologists to submit to a health examination every two years. Finally, with respect to untreated pulmonary tuberculosis, the Texas Department of Health notes that the prevalence of such conditions in the beauty industry is expected to be quite low and does not warrant some type of occupation-specific screening. No other licensee population is subject to such health certificate requirements.

While serving little health-related function, the health certificate requirement serves as a burdensome documentation requirement that prevents licensees from making productive use of TexasOnline to renew their license. The Texas Cosmetology Commission currently processes over 90,000 new and renewal applications annually. The Legislature presumably created TexasOnline with the intent of automating the licensing process as much as possible and enabling licensees to receive their license as soon as possible. However, even if a cosmetology licensee submits a renewal form on-line, they must still mail in a health certificate before they can obtain their license, resulting in much confusion and unneeded time spent by our licensing staff to manually process additional documentation and correspond with licensees who have failed to deliver their certificate. Texas On-line was created to alleviate this burden. However, the health certificate requirement prevents the agency and the industry from benefiting from these technological advances. Since Texas On-line has been operating, less than 700 cosmetology licensees out of 50,000 licensees who have renewed their license during that time have renewed on-line.

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

Repeals Section 1601.253, Occupations Code, which currently requires an applicant for a new cosmetology license to submit a certificate of health that shows the applicant to be free from tuberculosis or any contagious disease. Repeals Section 1602.353, Occupations Code, which contains the health certificate requirement for renewal applicants.

EFFECTIVE DATE

September 1, 2003