

## **BILL ANALYSIS**

H.B. 3460  
By: Pitts  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

This act is needed to address five matters relevant to the licensing and education of cosmetologists in Texas. Currently, new applicants for a cosmetology license are not required to have a high school diploma, GED, or demonstrate their ability to benefit from training. Cosmetologists often use chemicals and highly-specialized procedures to perform services such as permanents, installing artificial nails, facial treatments, and other newly developing treatments. Currently, facialist specialists are required to receive 600 hours of instruction in the processes of the treatment.

To examine license applicants, the Texas Cosmetology Commission currently uses written licensure examinations purchased from a national testing service in order to ensure that the tests are fully validated and legally defensible. The current cosmetology statute, however, prohibits the commission from submitting examinations of public school students to a national testing service for grading, even though the same statute allows the commission to do so for private beauty school students. The current prohibition results in the incurrance of unnecessary additional labor and computer-related costs for the agency to implement procedures to grade the national written exams here in Austin. This is particularly true in view of the fact that the national testing service the commission currently uses has grading technology that would enable the commission to receive the grades for all student exams within 24 hours of submission of the answer sheets. Thus, there would be no delay involved in submitting all exams for grading by the national service.

Cosmetology schools fall in two primary categories: 1) public secondary and post-secondary vocational programs; and 2) private beauty culture schools. While private schools must obtain a license (\$500 license fee) and renew that license every year (\$200 renewal fee), public school vocational programs must only obtain a certificate, with no fee, and need not renew the certificate as long as the program exists.

The cosmetology industry is continually changing and incorporating new chemical applications and more advanced treatments. In addition, rules and regulations of the commission often change to adapt to the changing aspects of the cosmetology industry. Without mandatory continuing education, there is simply no means to insure that the 140,000 plus licensed cosmetologists in Texas are abreast of changes in the industry and the changing regulations of the commission, particularly those changes directly affecting public health and safety.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Cosmetology Commission in SECTION 8(Section 1602.354, Occupations Code) of this bill.

### **ANALYSIS**

The act requires that, in order to be eligible for a cosmetology operator's license, a person must have obtained a high school diploma, the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training.

The act requires that, in order to be eligible for a manicure license, a person must have obtained a high school diploma, the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training.

The act requires that, in order to be eligible for a facial license, a person must have obtained a high school diploma, the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training. In addition, this

subsection is amended to require that an applicant for a facial license complete 750 hours of instruction in facialist specialty through a commission-approved training program.

The act requires that, in order to be eligible for a specialty certificate, a person must have obtained a high school diploma, the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training.

The act eliminates language that prohibits the Texas Cosmetology Commission from submitting the examinations of students of public school vocational programs to a national testing service for grading.

The act requires that public secondary and post secondary beauty culture schools must obtain a license from the Texas Cosmetology Commission and pay the prescribed license fee.

The act adds language specifying that a license issued to a public secondary or post secondary beauty culture school expires on the anniversary of the date the license is issued.

The act makes continuing education mandatory rather than voluntary for all license renewals and allowing the Texas Cosmetology Commission to recognize, prepare, and administer such programs by commission rule.

**EFFECTIVE DATE**

September 1, 2003