

1-1 By: Pitts (Senate Sponsor - Averitt) H.B. No. 3460
1-2 (In the Senate - Received from the House May 7, 2003;
1-3 May 9, 2003, read first time and referred to Committee on Health
1-4 and Human Services; May 23, 2003, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to regulation of the practice of cosmetology.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 1602.254(b), Occupations Code, is
1-11 amended to read as follows:

1-12 (b) To be eligible for an operator license, an applicant
1-13 must:

1-14 (1) be at least 17 years of age;

1-15 (2) have obtained a high school diploma or the
1-16 equivalent of a high school diploma or have passed a valid
1-17 examination administered by a certified testing agency that
1-18 measures the person's ability to benefit from training [~~completed~~
1-19 ~~the seventh grade or its equivalent~~]; and

1-20 (3) have completed:

1-21 (A) 1,500 hours of instruction in a licensed
1-22 beauty culture school; or

1-23 (B) 1,000 hours of instruction in beauty culture
1-24 courses and 500 hours of related high school courses prescribed by
1-25 the commission in a vocational cosmetology program in a public
1-26 school.

1-27 SECTION 2. Section 1602.256(b), Occupations Code, is
1-28 amended to read as follows:

1-29 (b) To be eligible for a manicurist license, an applicant
1-30 must:

1-31 (1) be at least 17 years of age;

1-32 (2) have obtained a high school diploma or the
1-33 equivalent of a high school diploma or have passed a valid
1-34 examination administered by a certified testing agency that
1-35 measures the person's ability to benefit from training [~~completed~~
1-36 ~~the seventh grade or its equivalent~~]; and

1-37 (3) have completed 600 hours of instruction in
1-38 manicuring through a commission-approved training program.

1-39 SECTION 3. Section 1602.257(b), Occupations Code, is
1-40 amended to read as follows:

1-41 (b) To be eligible for a facialist specialty license, an
1-42 applicant must:

1-43 (1) be at least 17 years of age;

1-44 (2) have obtained a high school diploma or the
1-45 equivalent of a high school diploma or have passed a valid
1-46 examination administered by a certified testing agency that
1-47 measures the person's ability to benefit from training [~~completed~~
1-48 ~~the seventh grade or its equivalent~~]; and

1-49 (3) have completed 750 hours of instruction in
1-50 facialist specialty through a commission-approved training program
1-51 [the necessary requisites in the facialist specialty as determined
1-52 by the commission].

1-53 SECTION 4. Section 1602.258(b), Occupations Code, is
1-54 amended to read as follows:

1-55 (b) To be eligible for a specialty certificate, an applicant
1-56 must:

1-57 (1) be at least 17 years of age;

1-58 (2) have obtained a high school diploma or the
1-59 equivalent of a high school diploma or have passed a valid
1-60 examination administered by a certified testing agency that
1-61 measures the person's ability to benefit from training [~~completed~~
1-62 ~~the seventh grade or its equivalent~~]; and

1-63 (3) have the necessary requisites as determined by the
1-64 commission in the particular specialty for which certification is

2-1 sought, including training through a commission-approved training
2-2 program.

2-3 SECTION 5. Section 1602.261, Occupations Code, is amended
2-4 to read as follows:

2-5 Sec. 1602.261. EXAMINATION RESULTS. (a) The commission
2-6 shall notify each examinee of the results of the examination not
2-7 later than the 30th day after the date an examination is
2-8 administered. If an examination is graded or reviewed by a national
2-9 testing service, the commission shall notify each examinee of the
2-10 results of the examination not later than the 14th day after the
2-11 date the commission receives the results from the testing service.

2-12 (b) If the notice of examination results graded or reviewed
2-13 by a national testing service will be delayed for longer than 90
2-14 days after the examination date, the commission shall notify the
2-15 examinee of the reason for the delay before the 90th day.

2-16 [~~(c) If the examinee is a student in a vocational
2-17 cosmetology program in a public school, the commission shall grade
2-18 the examination and may not submit the examination for grading by a
2-19 national testing service.~~]

2-20 (c) [~~(d)~~] If requested in writing by a person who fails the
2-21 examination, the commission shall send to the person not later than
2-22 the 60th day after the day the request is received by the commission
2-23 an analysis of the person's performance on the examination.

2-24 SECTION 6. Section 1602.304, Occupations Code, is amended
2-25 to read as follows:

2-26 Sec. 1602.304. PUBLIC SECONDARY OR POSTSECONDARY BEAUTY
2-27 CULTURE SCHOOL CERTIFICATE. (a) Each application for a license
2-28 [~~certification~~] as a public secondary or public post secondary
2-29 beauty culture school must be accompanied by the required license
2-30 [~~inspection~~] fee.

2-31 (b) The commission shall charge an inspection fee for each
2-32 inspection trip required before approval of the license
2-33 [~~certificate~~].

2-34 SECTION 7. Section 1602.351(c), Occupations Code, is
2-35 amended to read as follows:

2-36 (c) A private beauty culture school license or a public
2-37 secondary or postsecondary beauty culture school license expires on
2-38 the anniversary of the date the license is issued.

2-39 SECTION 8. Section 1602.354, Occupations Code, is amended
2-40 to read as follows:

2-41 Sec. 1602.354. CONTINUING EDUCATION. The commission will
2-42 by rule [~~may~~] recognize, prepare, or administer continuing
2-43 education programs for the practice of cosmetology. Participation
2-44 in the programs is mandatory for all license renewals [~~voluntary~~].

2-45 SECTION 9. This Act takes effect September 1, 2003, except
2-46 that Section 8 of this Act and the amendment to Section
2-47 1602.257(b)(3) in Section 3 of this Act take effect September 1,
2-48 2004.

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