

BILL ANALYSIS

C.S.H.B. 3149
By: Wong
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there are no provisions to allow for a cosmetology licensee to go to inactive status if that person decides to stop practicing cosmetology services for a period of time. Therefore, if a cosmetology licensee takes an extended leave of absence from the profession because that person decides to raise a family, or moves away from Texas with the intent to someday return, that person must keep up their license in Texas. This means that in some instances the licensee has to travel back to Texas to take continuing education courses, and has to pay fees related to the license. HB 3149 allows a person to have an inactive status for a cosmetology license, provided that the license holder complete all continuing education requirements and pay all necessary fees before the active license can be reinstated.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Cosmetology Commission in SECTION 2 of this bill.

ANALYSIS

SECTION 1

Amends Subchapter H, Chapter 1602 of the Occupations Code by adding Section 1602.353 to provide for inactive status of a cosmetology license.

Section 1602.353(a) provides that a holder of a license may be granted inactive status if that person applies for that status not later than 10 days before the license expires and if that person pays the required fee.

Section 1602.353(b) provides that the holder of a license does not have to complete continuing education requirements while the license status is inactive.

Section 1602.353(c) provides that the holder of an inactive license must reapply for inactive license status yearly.

Section 1602.353(d) provides that an inactive license holder may not perform cosmetology services.

Section 1602.353(e) provides that an instructor with an inactive license may not teach.

Section 1602.353(f) provides that the holder of a license to operate a vocational or other school that teaches cosmetology may not employ an instructor that holds an inactive license.

Section 1602.353(g) provides that active status may be regained by applying for reinstatement, providing documentation that the applicable continuing education requirements have been met, and paying the required fee.

SECTION 2

The Texas Cosmetology Commission shall adopt all necessary forms, rules and procedures by January 1, 2006. A person may not apply for inactive license status until January 1, 2006. This act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by making corrections to conforming language in the bill.