

By: Madden

H.B. No. 3910

A BILL TO BE ENTITLED

AN ACT

relating to the requirements to obtain a license to practice cosmetology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 1602, Occupations Code, is amended by adding Section 1602.154 to read as follows:

Sec. 1602.154. LICENSE REQUIREMENTS. The commission by rule shall determine the course of study and number of hours of instruction required to obtain a license issued to an individual under this chapter.

SECTION 2. Section 1602.254(b), Occupations Code, is amended to read as follows:

(b) To be eligible for an operator license, an applicant must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or 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; and

(3) have completed a course of instruction prescribed by commission rule[-

~~[(A) 1,500 hours of instruction in a licensed beauty culture school, or~~

~~[(B) 1,000 hours of instruction in beauty culture~~

1 ~~courses and 500 hours of related high school courses prescribed by~~  
2 ~~the commission in a vocational cosmetology program in a public~~  
3 ~~school].~~

4 SECTION 3. Section 1602.255(b), Occupations Code, is  
5 amended to read as follows:

6 (b) To be eligible for an instructor license, an applicant  
7 must:

- 8 (1) be at least 18 years of age;
- 9 (2) have completed the 12th grade or its equivalent;
- 10 (3) hold an operator license; and
- 11 (4) have completed a course of instruction prescribed  
12 by commission rule [+

13 [~~(A) a course consisting of 750 hours of~~  
14 ~~instruction in cosmetology courses and methods of teaching in:~~

15 [~~(i) a licensed private beauty culture~~  
16 ~~school; or~~

17 [~~(ii) a vocational training program of a~~  
18 ~~publicly financed postsecondary institution; or~~

19 [~~(B) at least:~~

20 [~~(i) two years of verifiable experience as~~  
21 ~~a licensed operator; and~~

22 [~~(ii) 250 hours of instruction in~~  
23 ~~cosmetology in a commission-approved training program].~~

24 SECTION 4. Section 1602.256(b), Occupations Code, is  
25 amended to read as follows:

26 (b) To be eligible for a manicurist specialty license, an  
27 applicant must:

- 1           (1) be at least 17 years of age;
- 2           (2) have obtained a high school diploma or the  
3 equivalent of a high school diploma or have passed a valid  
4 examination administered by a certified testing agency that  
5 measures the person's ability to benefit from training; and
- 6           (3) have completed a course of instruction prescribed  
7 by commission rule [~~600 hours of instruction in manicuring through~~  
8 ~~a commission-approved training program~~].

9           SECTION 5. Section 1602.257(b), Occupations Code, is  
10 amended to read as follows:

11           (b) To be eligible for a facialist specialty license, an  
12 applicant must:

- 13           (1) be at least 17 years of age;
- 14           (2) have obtained a high school diploma or the  
15 equivalent of a high school diploma or have passed a valid  
16 examination administered by a certified testing agency that  
17 measures the person's ability to benefit from training; and
- 18           (3) have completed a course of instruction prescribed  
19 by commission rule [~~750 hours of instruction in facialist specialty~~  
20 ~~through a commission-approved training program~~].

21           SECTION 6. Subchapter F, Chapter 1602, Occupations Code, is  
22 amended by adding Section 1602.2575 to read as follows:

23           Sec. 1602.2575. ELIGIBILITY FOR HAIRDRESSER SPECIALTY  
24 LICENSE. (a) A person holding a hairdresser specialty license may  
25 perform only the practice of cosmetology defined in Sections  
26 1602.002(a)(1) through (5).

27           (b) To be eligible for a hairdresser specialty license, an

1 applicant must:

2 (1) be at least 17 years of age;

3 (2) have obtained a high school diploma or the  
4 equivalent of a high school diploma or have passed a valid  
5 examination administered by a certified testing agency that  
6 measures the person's ability to benefit from training; and

7 (3) meet one of the following requirements:

8 (A) have completed a course of instruction  
9 prescribed by commission rule;

10 (B) have served as an apprentice in a beauty shop  
11 or beauty salon for an amount of time prescribed by commission rule;  
12 or

13 (C) hold an operator license.

14 SECTION 7. Section 1602.451(a), Occupations Code, is  
15 amended to read as follows:

16 (a) The holder of a private beauty culture school license  
17 shall:

18 (1) maintain a sanitary establishment;

19 (2) maintain on its staff and on duty during business  
20 hours one full-time licensed instructor for each 25 students in  
21 attendance;

22 (3) maintain a daily record of students' attendance;

23 (4) establish regular class and instruction hours and  
24 grades;

25 (5) ~~[require a school term of not less than nine months~~  
26 ~~and not less than 1,500 hours instruction for a complete course in~~  
27 ~~cosmetology;~~

1           ~~[(6) require a school term of not less than 600 hours~~  
2 ~~instruction for a complete course in manicuring,~~

3           ~~[(7)]~~ hold examinations before issuing diplomas;

4           (6) ~~[(8)]~~ maintain a copy of the school's curriculum  
5 in a conspicuous place and verify that the curriculum is being  
6 followed;

7           (7) ~~[(9)]~~ publish in the school's catalogue and  
8 enrollment contract a description of the refund policy required  
9 under Section 1602.458; and

10          (8) ~~[(10)]~~ provide the department with information  
11 on:

12                   (A) the current course completion rates of  
13 students who attend a course of instruction offered by the school;  
14 and

15                   (B) job placement rates and employment rates of  
16 students who complete the course of instruction.

17          SECTION 8. Not later than November 1, 2009, the Texas  
18 Commission of Licensing and Regulation shall adopt rules necessary  
19 to implement the changes in law made by this Act.

20          SECTION 9. The changes in law made by this Act apply to an  
21 application for a license submitted on or after January 1, 2010. An  
22 application submitted before January 1, 2010, is governed by the  
23 law in effect on the date the application is submitted, and the  
24 former law is continued in effect for that purpose.

25          SECTION 10. This Act takes effect September 1, 2009.