

BILL ANALYSIS

C.S.H.B. 2727
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Observers identify eyelash extensions as a relatively new method of enhancing the length and thickness of eyelashes whereby semipermanent, single fiber, thread-like materials are bonded to each natural lash. Interested parties observe that the application of lash extensions is a highly technical and meticulous process requiring education in the science behind the procedure, safety training, and hands-on training to ensure safe application. Those parties note, however, that training for cosmetologists and facialists does not include any specific training in the application of eyelash extensions. Furthermore, the parties note that persons who have been trained by product manufacturers undergo hundreds of additional hours of training as a cosmetologist or facialist, although such training is often unrelated to a trainee's chosen specialty. C.S.H.B. 2727 seeks to address these matters by regulating issues related to the application of eyelash extensions.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 2, 4, and 9 of this bill.

ANALYSIS

C.S.H.B. 2727 amends the Occupations Code to expand the definition of "cosmetology," for purposes of provisions relating to licensure and regulation, to include the practice of performing or offering to perform for compensation the application of semipermanent, thread-like extensions composed of single fibers to a person's eyelashes. The bill authorizes a person holding a specialty license in eyelash extension application to perform only the practice of cosmetology relating to the application of semipermanent extensions to a person's eyelashes and requires an applicant, to be eligible for a specialty license in eyelash extension application, to be at least 17 years of age, 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 to have completed a training program described by the bill's provisions that has been approved by the Texas Commission of Licensing and Regulation.

C.S.H.B. 2727 establishes that an eyelash extension application training program must include at least 320 hours of classroom instruction and practical experience, including at least eight hours of theoretical instruction, and include instruction in the following areas: recognizing infectious or contagious diseases of the eye and allergic reactions to materials, proper sanitation practices, occupational health and safety practices, eyelash extension application procedures, and eyelash extension isolation and separation procedures. The bill requires an instructor at an eyelash extension application training program to comply with provisions of law governing cosmetology instruction.

C.S.H.B. 2727 requires the Texas Commission of Licensing and Regulation, not later than February 1, 2012, to adopt rules regarding eyelash extension application training programs and

authorizes the commission to establish or designate approved training programs. The bill adds the licensing of specialty instructors to teach specialty courses in the practice of the application of semipermanent eyelash extensions to those practices of cosmetology for which the commission is required to adopt rules.

C.S.H.B. 2727 adds the application of semipermanent eyelash extensions to those cosmetology practices authorized to be performed by a person holding a facialist specialty license. The bill adds an applicant for a specialty license in eyelash extension application to those applicants entitled to a license if the applicant meets specified eligibility requirements.

C.S.H.B. 2727 includes providing an eyelash extension application training program to those practices of cosmetology taught in an establishment authorized to be maintained by a person holding a private beauty culture school license. The bill alters the statement of building features that is required to accompany a private beauty culture school license application as follows:

- the building contains a minimum of 2,000 square feet, rather than 3,500 square feet, of floor space if the building is located in a municipality with a population of more than 50,000 or contains a minimum of 1,000 square feet of floor space if the building is located in a municipality with a population of 50,000 or less;
- the building has access to permanent restrooms and adequate drinking fountain facilities, and removes the required assertion that the building has separate restrooms for male and female students; and
- the building contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 10 students, rather than 50 students.

C.S.H.B. 2727 adds the application of semipermanent eyelash extensions to those cosmetology practices authorized to be performed by a person holding a specialty shop license.

C.S.H.B. 2727 adds temporary provisions, set to expire March 1, 2013, requiring the Texas Department of Licensing and Regulation (TDLR) to issue a specialty license in eyelash extension application to an applicant who submits an application on a form prescribed by TDLR not later than April 1, 2012; meets the eligibility requirements under the bill's provisions; submits proof of either successful completion of a training program provided by an eyelash extension manufacturer or distributor that is approved by TDLR or completion of at least 240 hours of verifiable practical experience performing the application of semipermanent eyelash extensions at a facility licensed under provisions of law governing cosmetology; and pays the required application fee. The bill authorizes a specialty license in eyelash extension application to be renewed in the same manner as a specialty license in eyelash extension application issued under the bill's provisions.

C.S.H.B. 2727 specifies that a person is not required to hold a specialty license in eyelash extension application issued under the bill's provisions until June 1, 2012.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2727 differs from the original by expanding the definition of "cosmetology" to include the practice of performing or offering to perform for compensation the application of semipermanent, thread-like extensions composed of single fibers to a person's eyelashes, whereas the original expands the definition of "cosmetology" to include the practice of performing or offering to perform for compensation the application of semipermanent extensions to a person's eyelashes.

C.S.H.B. 2727 differs from the original by adding the licensing of specialty instructors to teach specialty courses in the practice of the application of semipermanent eyelash extensions to those practices of cosmetology for which the Texas Commission of Licensing and Regulation is required to adopt rules, whereas the original requires the commission to adopt rules establishing reasonable standards for the materials used in the application of semipermanent eyelash extensions.

C.S.H.B. 2727 differs from the original by establishing eligibility requirements for a specialty license in eyelash extension application, whereas the original establishes eligibility requirements for a specialty certificate in eyelash extension application. The substitute contains a provision not included in the original requiring an applicant, to be eligible for a specialty license in eyelash extension application, to 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. The substitute differs from the original by requiring an applicant, to be eligible for a specialty license in eyelash extension application, to have completed a training program described by the bill's provisions that has been approved by the commission, rather than an apprenticeship training program approved by the commission, as in the original.

C.S.H.B. 2727 contains provisions not included in the original providing for specific requirements relating to the areas of instruction in an eyelash extension application training program. The substitute differs from the original by requiring the commission to adopt rules regarding eyelash extension application training programs and authorizing the commission to establish or designate approved training programs, whereas the original requires the commission to adopt rules regarding the apprenticeship training program and authorizes the commission to establish or designate approved apprenticeship training programs. The substitute omits a provision included in the original prohibiting such rules from requiring that a person complete more than 50 hours of training in order to be eligible for the specialty certificate. The substitute omits a temporary provision included in the original, set to expire September 1, 2013, requiring the rules to allow an applicant to satisfy a portion or all of the apprenticeship training program requirement by demonstrating relevant work experience completed before September 1, 2011.

C.S.H.B. 2727 contains a provision not included in the original adding the application of semipermanent eyelash extensions to those cosmetology practices authorized to be performed by a person holding a facialist specialty license.

C.S.H.B. 2727 contains a provision not included in the original adding an applicant for a specialty license in eyelash extension application to those applicants entitled to a license if the applicant meets certain specified requirements.

C.S.H.B. 2727 contains a provision not included in the original that includes providing an eyelash extension application training program to those practices of cosmetology taught in an establishment authorized to be maintained by a person holding a private beauty culture school license and changing certain requirements for the statement that must accompany an application for a private beauty culture school license. The substitute contains a provision not included in the original adding the application of semipermanent eyelash extensions to those cosmetology practices authorized to be performed by a person holding a specialty shop license.

C.S.H.B. 2727 contains temporary provisions not included in the original, set to expire March 1, 2013, requiring the Texas Department of Licensing and Regulation (TDLR) to issue a specialty license in eyelash extension application to an applicant who submits an application on a form prescribed by TDLR not later than April 1, 2012, and meets certain specified eligibility requirements.

C.S.H.B. 2727 differs from the original by requiring the Texas Commission of Licensing and

Regulation to adopt rules to implement provisions of the bill relating to eligibility for a specialty licenses in eyelash extension application and an eyelash extension application training program not later than February 1, 2012, whereas the original specifies not later than December 1, 2011.

C.S.H.B. 2727 differs from the original by specifying that a person is not required to hold a specialty license in eyelash extension application issued under the bill's provisions until June 1, 2012, whereas the original specifies that a person is not required to hold a specialty certificate issued under the bill's provisions until January 1, 2012.

C.S.H.B. 2727 contains a saving provision not included in the original.

C.S.H.B. 2727 differs from the original by making the bill effective on passage or, if the bill does not receive the necessary vote, September 1, 2011, whereas the original makes the bill effective September 1, 2011.

C.S.H.B. 2727 differs from the original in nonsubstantive ways.