

## **BILL ANALYSIS**

H.B. 2739  
By: Hernandez  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note a recent strategic planning process undertaken by the Texas Department of Licensing and Regulation indicated that certain regulations and licensing requirements for barbering and cosmetology programs are too burdensome and can be revised without endangering public health, safety, or welfare. H.B. 2739 seeks to provide greater flexibility and lower operational costs for these programs and related facilities by revising, among other requirements, applicable facility square footage, equipment, and inspection requirements.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2739 amends the Occupations Code to limit the applicability of statutory provisions establishing facilities and equipment requirements for an applicant for a barber school permit to a barber school that offers instruction to persons seeking a Class A barber certificate. The bill authorizes a barber school that satisfies those facilities and equipment requirements to offer instruction in barbering to persons seeking any certificate, license, or permit under statutory provisions relating to barbers. The bill authorizes the Texas Department of Licensing and Regulation (TDLR) to approve an application for a permit for a barber school that offers instruction to persons seeking a certificate, license, or permit under statutory provisions relating to barbers, other than a Class A barber certificate, if the school has adequate space, equipment, and instructional material, as determined by the Texas Commission of Licensing and Regulation, to provide quality classroom training and meets any other requirement set by the commission. The bill prohibits instruction received at a barber school offering instruction to persons other than those seeking a Class A barber certificate from being used to satisfy the requirements to obtain a Class A barber certificate.

H.B. 2739 removes the authorization for a person holding a private beauty culture school license to maintain an establishment in which any practice of cosmetology is taught. The bill limits the applicability of statutory provisions establishing requirements for an application for a private beauty culture school license to an application for such a license to instruct persons seeking an operator license. The bill requires an application for a private beauty culture school license to instruct persons seeking a license or certificate under statutory provisions relating to cosmetologists, other than an operator license, to be accompanied by the required license and inspection fees, be on a form prescribed by TDLR, be verified by the applicant, and meet any

other requirement set by the commission. The bill requires such an application to contain a statement that the building is of permanent construction and is divided into at least two separate areas, one for instruction in theory and one for clinical work; has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training; and has access to permanent restrooms and adequate drinking fountain facilities. The bill includes as a condition for an applicant's entitlement to a private beauty culture school license that the application meet any other requirement set by the commission. The bill authorizes a private beauty culture school that satisfies the application requirements for a private beauty culture school license to instruct persons seeking an operator license to offer instruction in cosmetology to persons seeking any license or certificate under statutory provisions relating to cosmetologists but prohibits instruction received at a private beauty culture school licensed to instruct persons seeking a cosmetology license or certificate other than an operator license from being used to satisfy the requirements to obtain an operator license. The bill requires the commission to adopt rules to implement the bill's provisions relating to barber school and private beauty culture school requirements.

H.B. 2739 repeals Sections 1603.104(c) and (e), Occupations Code, relating to the requirement for TDLR to conduct inspections of certain persons and places of business regulated under statutory provisions governing barbers and cosmetologists based on a schedule of risk-based inspections.

**EFFECTIVE DATE**

September 1, 2017.