

BILL ANALYSIS

Senate Research Center

S.B. 1088
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there are several factors negatively impacting the cosmetology industry, including inconsistencies between clock and credit hours, antiquated sanitation provisions, and administration of the required practical examinations.

The Texas Department of Licensing and Regulation (TDLR) is allowed by statute to compute instruction time based on clock hours, but certain cosmetology schools, including high schools and junior colleges, use credit hours to obtain a cosmetology license. The problem is that there is no consistent formula to provide for conversion between clock and credit hours, creating opportunities for unfairness and confusion. What one school may consider a proper conversion of clock to credit hours may be different from another school's formula. This bill requires TDLR to establish and implement a set formula to fairly and consistently equate credit hours and clock hours.

Second, current sanitation provisions are overly specific and require the use of outdated practices that are no longer used by the industry. Sanitation regulations should be aligned with current industry standards to allow sanitation requirements to evolve over time as those standards improve, and include new techniques and products that will better protect the public. S.B. 1088 corrects this problem by requiring sanitation and safety rules to be updated and made consistent with the current standard industry terminology.

Finally, the practical examination is the last step in successfully obtaining a license in cosmetology. TDLR either administers the exam or contracts test administration to a third party. This restricts the ability of students to take the practical examination at the location of their program. S.B. 1088 expands students' options and accessibility to this exam by allowing private beauty culture schools and vocational cosmetology programs to administer the practical examination in addition to TDLR and their contractors.

As proposed, S.B. 1088 amends current law relating to cosmetology licensing and sanitation requirements.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 2 (Section 1603.102, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1602.254, Occupations Code, by adding Subsection (b-1), as follows:

(b-1) Authorizes a requirement under Subsection (b)(3) (relating to requiring a cosmetology license operator to have completed a certain number of hours of instruction) to be fulfilled, in whole or in part, by academic credit hours. Requires the attribution of academic credit hours to be made in accordance with a formula, adopted by Texas Commission of Licensing and Regulation (TCLR) rule, that TCLR determines fairly equates academic credit hours with clock hours of instruction.

SECTION 2. Amends Section 1603.102, Occupations Code, as follows:

Sec. 1603.102. SANITATION RULES. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Requires rules adopted under this section applicable to an individual or facility regulated under Chapter 1602 (Cosmetologists) to be consistent with the standards and terminology related to safety and sanitation that are commonly used in the cosmetology industry.

SECTION 3. Amends Section 1603.256(c), Occupations Code, to include a private beauty culture school or a vocational cosmetology program in a public school licensed under this chapter (Regulation of Barbering and Cosmetology) or Chapter 1602 as certain persons authorized to administer a practical examination required under this subchapter (Examination Requirements).

SECTION 4. Makes application of Section 1603.256(c), Occupations Code, prospective.

SECTION 5. Effective date: September 1, 2017.