

BILL ANALYSIS

Senate Research Center
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By: Zaffirini
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is burdensome to licensees and wasteful of public resources to administer licensing programs that do little to protect the public good. For that reason, the Texas Department of Licensing and Regulation (TDLR) has undertaken a strategic initiative to identify licensing programs and activities that could be deregulated without threatening public health, safety, and welfare. TDLR has taken few enforcement actions relating to shampooing, and deregulation of the practice would pose minimal risk to consumers. Currently, Chapters 1601 and 1602, Occupations Code, which require a license for barbering, define barbering to include shampooing. S.B. 1503 strikes "shampooing" from the definition of "barbering" for purposes of the licensing requirement.

As proposed, S.B. 1503 amends current law relating to abolishing shampoo apprentice permits and shampoo specialty certificates.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation (TCLR) is modified in SECTION 4 (Section 1602.255, Occupations Code) of this bill.

Rulemaking authority previously granted to TCLR is rescinded in SECTION 15 (Sections 1601.261 and 1602.267, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1601.002, Occupations Code, to redefine "barbering," "practicing barbering," and "practice of barbering" by deleting existing text relating to treating a person's hair by shampooing or shampooing or conditioning and making nonsubstantive changes.

SECTION 2. Amends Section 1601.256(a), Occupations Code, to delete existing text authorizing a person holding a barber technician license to perform barbering as defined by Section 1601.002(I) (relating to shampooing and conditioning) and make a conforming change.

SECTION 3. Amends Section 1602.002(a), Occupations Code, to redefine "cosmetology" by deleting existing text relating to treating a person's hair by shampooing or shampooing and conditioning and making nonsubstantive changes.

SECTION 4. Amends Section 1602.255(c), Occupations Code, to require the Texas Commission of Licensing and Regulation (TCLR) to adopt rules for the licensing of specialty instructors to teach specialty course in the practice of cosmetology defined in Sections 1602.002(a)(5) (relating to defining "cosmetology" as beautifying certain body parts using certain items), (7) (relating to defining "cosmetology" as removing superfluous hair using certain methods), (8) (relating to defining "cosmetology" as certain nail treatments), and (10) (relating to defining "cosmetology" as applying eyelash extensions), rather than Section 1602.002(a)(6), (8), (9), and (11).

SECTION 5. Amends Section 1602.256(a), Occupations Code, to authorize a person holding a manicurist specialty license to perform only the practice of cosmetology defined in Section 1602.002(a)(8) or (9) (relating to defining "cosmetology" as administering certain hand and foot treatments), rather than Section 1602.002(a)(9) or (10).

SECTION 6. Amends Section 1602.257(a), Occupations Code, to authorize a person holding an esthetician specialty license to perform only the practice of cosmetology defined in Sections 1602.002(a)(4) (relating to defining "cosmetology" as certain cleansing, stimulating, or massaging a person's scalp face, neck, or arms), (5), (6) (relating to defining "cosmetology" as administering facial treatments), (7), and (10), rather than Sections 1602.002(a)(5), (6), (7), (8), and (11).

SECTION 7. Amends Section 1602.2571(a), Occupations Code, to authorize a person holding a specialty license in eyelash extension application to perform only the practice of cosmetology defined in Section 1602.002(a)(10), rather than Section 1602.002(a)(11).

SECTION 8. Amends Section 1602.259(a), Occupations Code, to authorize a person holding a hair weaving specialty certificate to perform only the practice of cosmetology defined in Section 1602.002(a)(11) (relating to defining "cosmetology" as weaving a person's hair), rather than Sections 1602.002(a)(2) and (12).

SECTION 9. Amends Section 1602.260(a), Occupations Code, to authorize a person holding a wig specialty certificate to perform only the practice of cosmetology defined in Section 1602.002(a)(2) (relating to defining "cosmetology" as servicing a person's wig or artificial hairpiece), rather than Section 1602.002(a)(3).

SECTION 10. Amends Section 1602.261(a), Occupations Code, to authorize a person holding a manicurist/esthetician specialty license to perform only the practice of cosmetology defined in Sections 1602.002(a)(4) through (9), rather than Sections 1602.002(a)(5) through (10).

SECTION 11. Amends Section 1602.305(a), Occupations Code, to authorize a person holding a specialty shop license to maintain an establishment in which only the practice of cosmetology as defined in Section 1602.002(a)(2), (5), (7), (8), or (10), rather than Section 1602.002(a)(3), (6), (8), (9), and (11), is performed.

SECTION 12. Amends Section 1602.354(a), Occupations Code, to delete text providing that participation in cosmetology continuing education programs is mandatory for all license renewals, other than renewal of a shampoo specialty certificate.

SECTION 13. Amends Section 1602.403(c), Occupations Code, to delete text prohibiting a person holding a beauty shop license or specialty shop license from employing a person to shampoo or condition a person's hair unless the person holds a shampoo apprentice permit or a student permit.

SECTION 14. Amends Section 1603.352(a), Occupations Code, to change reference to Section 1602.002(a)(9) or (10) to Section 1602.002(a)(8) or (9).

SECTION 15. Repealer: Section 1601.260(c) (relating to authorizing a person holding a student permit to shampoo or condition a person's hair), Occupations Code.

Repealer: Section 1601.261 (Eligibility for Shampoo Apprentice Permit), Occupations Code.

Repealer: Section 1601.301(c) (relating to authorizing a person who owns a certain shop to employ a person holding a student permit to shampoo or condition hair), Occupations Code.

Repealer: Section 1602.266(c) (relating to authorizing a person holding a student permit to shampoo or condition a person's hair), Occupations Code.

Repealer: Section 1602.267 (Shampoo Apprentice Permit), Occupations Code.

Repealer: Section 1602.301(c) (relating to authorizing a person who owns a certain shop to employ a person holding a student permit to shampoo or condition someone's hair), Occupations Code.

Repealer: Section 1602.456(b-1) (relating to prohibiting a private beauty culture school or public school in which a student permit holder is enrolled from receiving compensation for certain services performed), Occupations Code.

SECTION 16. Provides that on the effective date of this Act a shampoo apprentice permit issued under former Section 1601.261 or 1602.267, Occupations Code, expires, and a shampoo specialty certificate issued under Chapter 1602 (Cosmetologists) expires.

SECTION 17. (a) Provides that the changes in law made by this Act do not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

(b) Provides that an offense or other violation of law committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose Provides that, for purposes of this subsection, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

SECTION 18. Effective date: September 1, 2017.