

1-1 By: Hernandez (Senate Sponsor - Zaffirini) H.B. No. 2739
 1-2 (In the Senate - Received from the House May 5, 2017;
 1-3 May 8, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 21, 2017, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 21, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the regulation of barber schools, private beauty
 1-20 culture schools, and other facilities used to teach or perform the
 1-21 practice of barbering or cosmetology.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 1601.353, Occupations Code, is amended
 1-24 to read as follows:

1-25 Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. (a) The
 1-26 department may approve an application for a permit for a barber
 1-27 school that offers instruction to persons seeking a certificate
 1-28 under Section 1601.253 if the school:

1-29 (1) is located in:

1-30 (A) a municipality with a population of more than
 1-31 50,000 that has a building of permanent construction containing at
 1-32 least 2,000 square feet of floor space, including classroom and
 1-33 practical areas, covered in a hard-surface floor-covering of tile
 1-34 or other suitable material; or

1-35 (B) a municipality with a population of 50,000 or
 1-36 less or an unincorporated area of a county that has a building of
 1-37 permanent construction containing at least 1,000 square feet of
 1-38 floor space, including classroom and practical areas, covered in a
 1-39 hard-surface floor-covering of tile or other suitable material;

1-40 (2) has the following equipment:

1-41 (A) at least 10 student workstations that include
 1-42 a chair that reclines, a back bar, and a wall mirror;

1-43 (B) a sink behind every two workstations;

1-44 (C) adequate lighting for each room;

1-45 (D) at least 10 classroom chairs and other
 1-46 materials necessary to teach the required subjects; and

1-47 (E) access to permanent restrooms and adequate
 1-48 drinking fountain facilities; and

1-49 (3) meets any other requirement set by the commission.

1-50 (b) The department may approve an application for a permit
 1-51 for a barber school that offers instruction to persons seeking a
 1-52 certificate, license, or permit under this chapter, other than a
 1-53 certificate under Section 1601.253, if the school:

1-54 (1) has adequate space, equipment, and instructional
 1-55 material, as determined by the commission, to provide quality
 1-56 classroom training; and

1-57 (2) meets any other requirement set by the commission.

1-58 (c) A barber school that satisfies the requirements of
 1-59 Subsection (a) may offer instruction in barbering to persons
 1-60 seeking any certificate, license, or permit under this chapter.

1-61 (d) Instruction received at a barber school subject to

2-1 Subsection (b) may not be used to satisfy the requirements to obtain
2-2 a Class A barber certificate under Section 1601.253.

2-3 SECTION 2. Section 1602.303, Occupations Code, is amended
2-4 to read as follows:

2-5 Sec. 1602.303. PRIVATE BEAUTY CULTURE SCHOOL LICENSE.

2-6 (a) ~~[A person holding a private beauty culture school license may~~
2-7 ~~maintain an establishment in which any practice of cosmetology is~~
2-8 ~~taught, including providing an eyelash extension application~~
2-9 ~~training program described by Section 1602.2572.~~

2-10 ~~[(b)]~~ An application for a private beauty culture school
2-11 license to instruct persons seeking a license under Section
2-12 1602.254 must be accompanied by the required license fee and
2-13 inspection fee and:

2-14 (1) be on a form prescribed by the department;

2-15 (2) be verified by the applicant; and

2-16 (3) contain a statement that the building:

2-17 (A) is of permanent construction and is divided
2-18 into at least two separate areas:

2-19 (i) one area for instruction in theory; and

2-20 (ii) one area for clinic work;

2-21 (B) contains a minimum of:

2-22 (i) 2,800 square feet of floor space if the
2-23 building is located in a county with a population of more than
2-24 100,000; or

2-25 (ii) 1,800 square feet of floor space if the
2-26 building is located in a county with a population of 100,000 or
2-27 less;

2-28 (C) has access to permanent restrooms and
2-29 adequate drinking fountain facilities; and

2-30 (D) contains, or will contain before classes
2-31 begin, the equipment established by commission rule as sufficient
2-32 to properly instruct a minimum of 10 students.

2-33 (b) An application for a private beauty culture school
2-34 license to instruct persons seeking a license or certificate under
2-35 this chapter, other than a license under Section 1602.254, must be
2-36 accompanied by the required license fee and inspection fee and:

2-37 (1) be on a form prescribed by the department;

2-38 (2) be verified by the applicant;

2-39 (3) contain a statement that the building:

2-40 (A) is of permanent construction and is divided
2-41 into at least two separate areas:

2-42 (i) one area for instruction in theory; and

2-43 (ii) one area for clinic work;

2-44 (B) has adequate space, equipment, and
2-45 instructional material, as determined by the commission, to provide
2-46 quality classroom training; and

2-47 (C) has access to permanent restrooms and
2-48 adequate drinking fountain facilities; and

2-49 (4) meet any other requirement set by the commission.

2-50 (c) The applicant is entitled to a private beauty culture
2-51 school license if:

2-52 (1) the department determines that the applicant is
2-53 financially sound and capable of fulfilling the school's
2-54 commitments for training;

2-55 (2) the applicant's facilities pass an inspection
2-56 conducted by the department under Section 1603.103; ~~and~~

2-57 (3) the applicant has not committed an act that
2-58 constitutes a ground for denial of a license; and

2-59 (4) the applicant meets any other requirement set by
2-60 the commission.

2-61 (d) A private beauty culture school that satisfies the
2-62 requirements of Subsection (a) may offer instruction in cosmetology
2-63 to persons seeking any license or certificate under this chapter.

2-64 (e) Instruction received at a private beauty culture school
2-65 subject to Subsection (b) may not be used to satisfy the
2-66 requirements to obtain an operator license under Section 1602.254.

2-67 SECTION 3. The heading to Section 1603.104, Occupations
2-68 Code, is amended to read as follows:

2-69 Sec. 1603.104. PERIODIC ~~[AND RISK-BASED]~~ INSPECTIONS.

3-1 SECTION 4. Sections 1603.104(c) and (e), Occupations Code,
3-2 are repealed.

3-3 SECTION 5. As soon as practicable after the effective date
3-4 of this Act, the Texas Commission of Licensing and Regulation shall
3-5 adopt rules to implement Sections 1601.353 and 1602.303,
3-6 Occupations Code, as amended by this Act.

3-7 SECTION 6. This Act takes effect September 1, 2017.

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