

BILL ANALYSIS

C.S.H.B. 2120
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Occupations Code currently requires that a barber or cosmetology school and a barbering or cosmetology establishment on the same premises be separated by a permanent wall, which helps ensure that clients do not confuse students for fully licensed practitioners and that standards for schools and establishments are distinct. However, public secondary schools are increasingly working to expand opportunities for students to gain practical experience through innovative education programs. As such, some of the traditional protections in statute are not necessary to preserve the school-establishment distinction. C.S.H.B. 2120 seeks to allow schools and establishments to operate on the same premises at a public secondary school without a dividing wall to blend hands-on training and observation with more standard coursework.

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 rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2120 amends the Occupations Code to authorize a person to operate a licensed barbering or cosmetology establishment on the same premises as a public secondary school licensed to operate a school for instruction in the practice of barbering or cosmetology without separating the facilities by a wall or other permanent structure. The bill authorizes the Texas Commission of Licensing and Regulation (TCLR) to adopt rules as necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2120 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute provide for the operation of a licensed barbering or cosmetology establishment on the same site as a public secondary school licensed to operate a school for instruction in the practice of barbering or cosmetology without having to separate the

establishment from the school. However, whereas the introduced authorized the school to obtain a license to operate the establishment, the substitute authorizes a person with an establishment license to operate the establishment.

The substitute omits provisions in the introduced that did the following:

- authorized the public secondary school to employ at the school or establishment a person holding an individual practitioner license to perform only the practices of barbering or cosmetology for which the person is licensed;
- authorized a student permit holder enrolled in the school to be employed or practice barbering or cosmetology at the establishment licensed at the school; and
- provided for potential enforcement actions against an establishment or school for violations of law relating to identification of and work performed by a student.

Whereas the introduced required TCLR to adopt rules for a public secondary school that operates an establishment and a school on the same campus, including rules establishing standards for a license or permit holder who practices barbering or cosmetology at the establishment or school, the substitute authorizes TCLR instead to adopt rules as necessary to implement the bill's provisions.

The substitute changes the bill's effective date from January 1, 2024, as in the introduced, to September 1, 2023.