

BILL ANALYSIS

H.B. 4857
By: Wilson
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Gordon Logan, founder and chief executive officer of Sports Clips, contacted our office to share his experience with the state's system of licensing and regulating cosmetologists, and he indicated that the current system restricts economic mobility and creates barriers to workforce entry when licensed cosmetologists attempt to move across state lines or need to work in another state on a temporary basis. According to Mr. Logan and several other operators of cosmetology-related businesses, despite the high demand for services, licensees are currently limited to providing services within state borders, which is particularly burdensome for military spouses who are highly mobile. H.B. 4857 seeks to address this issue by adopting the cosmetology licensure compact, which would increase license portability, support relocating military spouses, foster workforce development, and increase access to services for Texas residents while maintaining the state's existing regulatory structure applicable to cosmetologists.

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. 4857 adopts the cosmetology licensure compact to facilitate the interstate practice and regulation of cosmetology with the goals of improving public access to, and the safety of, cosmetology services and reducing unnecessary burdens related to cosmetology licensure. The bill sets out the compact's provisions, including provisions relating to the following:

- the objectives designed to be achieved by the compact;
- eligibility requirements for states to join and remain in the compact;
- the multistate licensing program for the practice of cosmetology;
- the requirement that a licensee hold only one home state license at any given time and procedures for obtaining a new home state license under the program;
- a home state's exclusive authority to impose an adverse action against a licensee's multistate license issued by the home state and the authority of each member state's licensing authority to take certain other adverse actions against the licensee;
- the designation of a home state for active duty military personnel and their spouses;
- the establishment of the Cosmetology Licensure Compact Commission as an instrumentality of the compact states acting jointly and the commission's governance structure, powers and duties, rulemaking, meeting procedures, liability for certain claims, and financing, including through annual assessments levied on and collected from member states and fees imposed on licensees to fund the commission;

- the authority of the compact commission and member state licensing authorities;
- the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and certain investigative information on all licensed individuals in member states;
- oversight, dispute resolution, and enforcement by the commission or the applicable branch of state government;
- the process for amending or withdrawing from the compact; and
- the construction and severability of the compact's provisions, as well as the binding effect of the compact and other state laws.

The compact takes effect on the date on which the compact statute is enacted into law in the 10th member state.

EFFECTIVE DATE

91st day after the last day of the legislative session.