

1-1 By: Guillen (Senate Sponsor - Schwertner) H.B. No. 2304
 1-2 (In the Senate - Received from the House May 10, 2017;
 1-3 May 10, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 22, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 22, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2304 By: Schwertner

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of barbering and cosmetology.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 1602.254(b), Occupations Code, is
 1-24 amended to read as follows:
 1-25 (b) To be eligible for an operator license, an applicant
 1-26 must meet the requirements of Subsection (c) or:
 1-27 (1) be at least 17 years of age;
 1-28 (2) have obtained a high school diploma or the
 1-29 equivalent of a high school diploma or have passed a valid
 1-30 examination administered by a certified testing agency that
 1-31 measures the person's ability to benefit from training; and
 1-32 (3) have completed:
 1-33 (A) 1,000 [~~1,500~~] hours of instruction in a
 1-34 licensed beauty culture school; or
 1-35 (B) 1,000 hours of instruction in beauty culture
 1-36 courses and 500 hours of related high school courses prescribed by
 1-37 the commission in a vocational cosmetology program in a public
 1-38 school.
 1-39 SECTION 2. Section 1602.451(a), Occupations Code, is
 1-40 amended to read as follows:
 1-41 (a) The holder of a private beauty culture school license
 1-42 shall:
 1-43 (1) maintain a sanitary establishment;
 1-44 (2) maintain on duty one licensed instructor for each
 1-45 25 students in attendance;
 1-46 (3) maintain a daily record of students' attendance;
 1-47 (4) establish regular class and instruction hours and
 1-48 grades;
 1-49 (5) require a school term of not less than six [~~nine~~]
 1-50 months and not less than 1,000 [~~1,500~~] hours instruction for a
 1-51 complete course in cosmetology;
 1-52 (6) require a school term of not less than 600 hours
 1-53 instruction for a complete course in manicuring;
 1-54 (7) hold examinations before issuing diplomas;
 1-55 (8) maintain a copy of the school's curriculum in a
 1-56 conspicuous place and verify that the curriculum is being followed;
 1-57 (9) publish in the school's catalogue and enrollment
 1-58 contract a description of the refund policy required under Section
 1-59 1602.458; and
 1-60 (10) provide the department with information on:

2-1 (A) the current course completion rates of
2-2 students who attend a course of instruction offered by the school;
2-3 and

2-4 (B) job placement rates and employment rates of
2-5 students who complete the course of instruction.

2-6 SECTION 3. Section 1603.102, Occupations Code, is amended
2-7 to read as follows:

2-8 Sec. 1603.102. SANITATION RULES. (a) The commission shall
2-9 establish sanitation rules to prevent the spread of an infectious
2-10 or contagious disease.

2-11 (b) Rules adopted under this section applicable to an
2-12 individual or facility regulated under Chapter 1602 shall be
2-13 consistent with the standards and terminology related to safety and
2-14 sanitation that are commonly used in the cosmetology industry.

2-15 SECTION 4. Section 1603.255, Occupations Code, is amended
2-16 to read as follows:

2-17 Sec. 1603.255. EARLY EXAMINATION. The department may allow
2-18 for the early written examination of a student who has completed the
2-19 following number of hours of instruction in a department-approved
2-20 training program:

2-21 (1) 1,000 hours for a student seeking a Class A barber
2-22 certificate [~~or operator license~~] in a private barber [~~or~~
2-23 ~~cosmetology~~] school; [~~or~~]

2-24 (2) 900 hours for a student seeking an operator
2-25 license in a private cosmetology school; or

2-26 (3) 900 hours for a student seeking a Class A barber
2-27 certificate or operator license in a publicly funded barber or
2-28 cosmetology school.

2-29 SECTION 5. Section 1603.256(c), Occupations Code, is
2-30 amended to read as follows:

2-31 (c) The following persons may administer a practical
2-32 examination required under this subchapter:

2-33 (1) the department; [~~or~~]

2-34 (2) a person with whom the department contracts under
2-35 Section 1603.252; or

2-36 (3) a private beauty culture school or a vocational
2-37 cosmetology program in a public school licensed under this chapter
2-38 or Chapter 1602.

2-39 SECTION 6. Section 1603.351, Occupations Code, is amended
2-40 by adding Subsection (a-1) to read as follows:

2-41 (a-1) Notwithstanding any other law, the commission may
2-42 adopt rules to:

2-43 (1) authorize a school licensed under this chapter,
2-44 Chapter 1601, or Chapter 1602 to account for any hours of
2-45 instruction completed under those chapters on the basis of clock
2-46 hours or credit hours; and

2-47 (2) establish standards for determining the
2-48 equivalency and conversion of clock hours to credit hours and
2-49 credit hours to clock hours.

2-50 SECTION 7. As soon as practicable after the effective date
2-51 of this Act, the Texas Commission of Licensing and Regulation shall
2-52 adopt rules implementing Chapter 1602, Occupations Code, as amended
2-53 by this Act.

2-54 SECTION 8. The change in law made by this Act to Section
2-55 1602.254(b), Occupations Code, applies only to an application for
2-56 an operator license submitted on or after September 1, 2018. An
2-57 application for an operator license submitted before that date is
2-58 governed by the law in effect on the date the application was
2-59 submitted, and the former law is continued in effect for that
2-60 purpose.

2-61 SECTION 9. The change in law made by this Act to Section
2-62 1603.256(c), Occupations Code, applies to an examination
2-63 administered on or after the effective date of this Act. An
2-64 examination administered before the effective date of this Act is
2-65 governed by the law in effect on the date the examination was
2-66 administered, and that law is continued in effect for that purpose.

2-67 SECTION 10. (a) The changes in law made by this Act do not
2-68 affect the validity of a proceeding pending before a court or other
2-69 governmental entity on the effective date of this Act.

3-1 (b) An offense or other violation of law committed before
3-2 the effective date of this Act is governed by the law in effect when
3-3 the offense or violation was committed, and the former law is
3-4 continued in effect for that purpose. For purposes of this
3-5 subsection, an offense or violation was committed before the
3-6 effective date of this Act if any element of the offense or
3-7 violation occurred before that date.

3-8 SECTION 11. This Act takes effect September 1, 2017.

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