

Chapter 496

H.B. No. 2739

1 AN ACT

2 relating to the regulation of barber schools, private beauty  
3 culture schools, and other facilities used to teach or perform the  
4 practice of barbering or cosmetology.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 1601.353, Occupations Code, is amended  
7 to read as follows:

8 Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. (a) The  
9 department may approve an application for a permit for a barber  
10 school that offers instruction to persons seeking a certificate  
11 under Section 1601.253 if the school:

12 (1) is located in:

13 (A) a municipality with a population of more than  
14 50,000 that has a building of permanent construction containing at  
15 least 2,000 square feet of floor space, including classroom and  
16 practical areas, covered in a hard-surface floor-covering of tile  
17 or other suitable material; or

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

23 (2) has the following equipment:

24 (A) at least 10 student workstations that include

- 1 a chair that reclines, a back bar, and a wall mirror;
- 2 (B) a sink behind every two workstations;
- 3 (C) adequate lighting for each room;
- 4 (D) at least 10 classroom chairs and other  
5 materials necessary to teach the required subjects; and
- 6 (E) access to permanent restrooms and adequate  
7 drinking fountain facilities; and
- 8 (3) meets any other requirement set by the commission.
- 9 (b) The department may approve an application for a permit  
10 for a barber school that offers instruction to persons seeking a  
11 certificate, license, or permit under this chapter, other than a  
12 certificate under Section 1601.253, if the school:
- 13 (1) has adequate space, equipment, and instructional  
14 material, as determined by the commission, to provide quality  
15 classroom training; and
- 16 (2) meets any other requirement set by the commission.
- 17 (c) A barber school that satisfies the requirements of  
18 Subsection (a) may offer instruction in barbering to persons  
19 seeking any certificate, license, or permit under this chapter.
- 20 (d) Instruction received at a barber school subject to  
21 Subsection (b) may not be used to satisfy the requirements to obtain  
22 a Class A barber certificate under Section 1601.253.

23 SECTION 2. Section 1602.303, Occupations Code, is amended  
24 to read as follows:

25 Sec. 1602.303. PRIVATE BEAUTY CULTURE SCHOOL LICENSE.  
26 (a) ~~[A person holding a private beauty culture school license may~~  
27 ~~maintain an establishment in which any practice of cosmetology is~~

1 ~~taught, including providing an eyelash extension application~~  
2 ~~training program described by Section 1602.2572.~~

3       ~~(b)~~ An application for a private beauty culture school  
4 license to instruct persons seeking a license under Section  
5 1602.254 must be accompanied by the required license fee and  
6 inspection fee and:

7           (1) be on a form prescribed by the department;

8           (2) be verified by the applicant; and

9           (3) contain a statement that the building:

10                   (A) is of permanent construction and is divided  
11 into at least two separate areas:

12                           (i) one area for instruction in theory; and

13                           (ii) one area for clinic work;

14                   (B) contains a minimum of:

15                           (i) 2,800 square feet of floor space if the  
16 building is located in a county with a population of more than  
17 100,000; or

18                           (ii) 1,800 square feet of floor space if the  
19 building is located in a county with a population of 100,000 or  
20 less;

21                   (C) has access to permanent restrooms and  
22 adequate drinking fountain facilities; and

23                   (D) contains, or will contain before classes  
24 begin, the equipment established by commission rule as sufficient  
25 to properly instruct a minimum of 10 students.

26       (b) An application for a private beauty culture school  
27 license to instruct persons seeking a license or certificate under

1 this chapter, other than a license under Section 1602.254, must be  
2 accompanied by the required license fee and inspection fee and:

- 3 (1) be on a form prescribed by the department;  
4 (2) be verified by the applicant;  
5 (3) contain a statement that the building:

6 (A) is of permanent construction and is divided  
7 into at least two separate areas:

- 8 (i) one area for instruction in theory; and  
9 (ii) one area for clinic work;

10 (B) has adequate space, equipment, and  
11 instructional material, as determined by the commission, to provide  
12 quality classroom training; and

13 (C) has access to permanent restrooms and  
14 adequate drinking fountain facilities; and

15 (4) meet any other requirement set by the commission.

16 (c) The applicant is entitled to a private beauty culture  
17 school license if:

18 (1) the department determines that the applicant is  
19 financially sound and capable of fulfilling the school's  
20 commitments for training;

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

23 (3) the applicant has not committed an act that  
24 constitutes a ground for denial of a license; and

25 (4) the applicant meets any other requirement set by  
26 the commission.

27 (d) A private beauty culture school that satisfies the

1 requirements of Subsection (a) may offer instruction in cosmetology  
2 to persons seeking any license or certificate under this chapter.

3 (e) Instruction received at a private beauty culture school  
4 subject to Subsection (b) may not be used to satisfy the  
5 requirements to obtain an operator license under Section 1602.254.

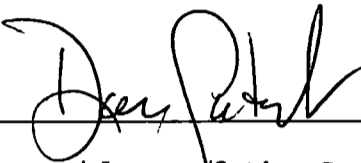
6 SECTION 3. The heading to Section 1603.104, Occupations  
7 Code, is amended to read as follows:

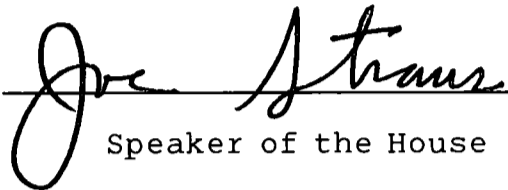
8 Sec. 1603.104. PERIODIC [~~AND RISK-BASED~~] INSPECTIONS.

9 SECTION 4. Sections 1603.104(c) and (e), Occupations Code,  
10 are repealed.

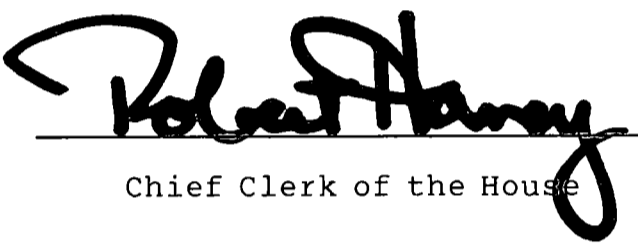
11 SECTION 5. As soon as practicable after the effective date  
12 of this Act, the Texas Commission of Licensing and Regulation shall  
13 adopt rules to implement Sections 1601.353 and 1602.303,  
14 Occupations Code, as amended by this Act.

15 SECTION 6. This Act takes effect September 1, 2017.

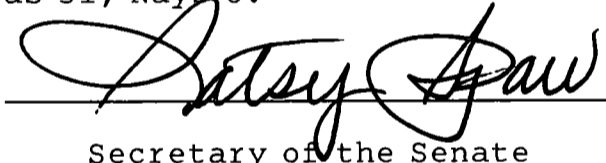
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2739 was passed by the House on May 4, 2017, by the following vote: Yeas 142, Nays 1, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House


I certify that H.B. No. 2739 was passed by the Senate on May 24, 2017, by the following vote: Yeas 31, Nays 0.

  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 6-7-2017  
Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
7:00 PM O'CLOCK

JUN 09 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 9, 2017**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2739** by Hernandez (Relating to the regulation of barber schools, private beauty culture schools, and other facilities used to teach or perform the practice of barbering or cosmetology.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Occupations Code relating to the regulation of barber schools, private beauty culture schools, and other facilities used to teach or perform the practice of barbering or cosmetology.

The Texas Department of Licensing and Regulation (TDLR) indicates it could absorb the costs associated with the bill within its current resources. TDLR estimates there would be a revenue gain to General Revenue of approximately \$12,500 per fiscal year from new school licensing and inspection fees.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** UP, CL, EH, JQ

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 13, 2017**

**TO:** Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2739** by Hernandez (Relating to the regulation of barber schools, private beauty culture schools, and other facilities used to teach or perform the practice of barbering or cosmetology.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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