

## **BILL ANALYSIS**

Senate Research Center  
82R22155 MAW-F

H.B. 2727  
By: Thompson (Whitmire)  
Business & Commerce  
5/6/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 2727 amends current law relating to the regulation by the Texas Department of Licensing and Regulation of the application of eyelash extensions and private beauty culture schools and provides a criminal penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation (TCLR) is modified in SECTION 2 (Section 1602.255, Occupations Code) of this bill.

Rulemaking authority is expressly granted to TCLR in SECTION 4 (Section 1602.2572, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1602.002(a), Occupations Code, to redefine, in this chapter, "cosmetology."

SECTION 2. Amends Section 1602.255(c), Occupations Code, as follows:

(c) Requires the Texas Commission of Licensing and Regulation (TCLR) to adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of cosmetology defined in Sections 1602.002(a)(7) (relating to beautifying a person's face, neck, or arms), (9) (relating to removing superfluous hair from a person's body), (10) (relating to treating a person's nails), and (12), rather than defined in Sections 1600.002 (7), (9), and (10).

SECTION 3. Amends Section 1602.257(a), Occupations Code, as follows:

(a) Authorizes a person holding a facialist specialty license to perform only the practice of cosmetology defined in Sections 1602.002(a)(6) (relating to cleansing, stimulating a person's scalp, face, neck, or arms), (7), (8) (relating to administering facial treatments), (9), and (12), rather than Sections 1602.002(a)(6) through (9),

SECTION 4. Amends Subchapter F, Chapter 1602, Occupations Code, by adding Sections 1602.2571 and 1602.2572, as follows:

Sec. 1602.2571. ELIGIBILITY FOR A SPECIALTY LICENSE IN EYELASH EXTENSION APPLICATION. (a) Authorizes a person holding a specialty license in eyelash extension application to perform only the practice of cosmetology defined in Section 1602.002(a)(12).

(b) Requires an applicant, to be eligible for a specialty license in eyelash extension application, to:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and

(3) have completed a training program described by Section 1602.2572 that has been approved by TCLR.

Sec. 1602.2572. EYELASH EXTENSION APPLICATION TRAINING PROGRAM.

(a) Requires that an eyelash extension application training program include at least 320 hours of classroom instruction and practical experience, including at least eight hours of theoretical instruction, and include instruction in the following areas:

(1) recognizing infectious or contagious diseases of the eye and allergic reactions to materials;

(2) proper sanitation practices;

(3) occupational health and safety practices;

(4) eyelash extension application procedures; and

(5) eyelash extension isolation and separation procedures.

(b) Requires an instructor at an eyelash extension application training program to comply with Section 1602.251(b) (relating to prohibiting a person from teaching cosmetology unless the person holds an instructor license or performs the instruction in a private beauty culture school).

(c) Requires TCLR to adopt rules regarding eyelash extension application training programs and authorizes TCLR establish or designate approved training programs.

SECTION 5. Amends Section 1602.262(a), Occupations Code, to entitle an applicant for an operator license, instructor license, manicurist specialty license, facialist specialty license, or specialty license in eyelash extension application to the license if the applicant meets certain conditions.

SECTION 6. Amends Sections 1602.303(a) and (b), Occupations Code, as follows:

(a) Authorizes a person holding a private beauty culture school license to maintain an establishment in which any practice of cosmetology is taught, including providing an eyelash extension application training program described by Section 1602.2572.

(b) Requires that an application for a private beauty culture school license be accompanied by the required license fee and inspection fee and:

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

(2) be verified by the applicant; and

(3) contain a statement that the building:

(A) is of permanent construction and is divided into at least two separate areas: one area for instruction in theory, and one area for clinic work;

(B) contains a minimum of 2,000 square feet, rather than 3,500 square feet, of floor space if the building is located in a municipality with a population of more than 50,000, or 1,000 square feet of floor space if the building is located in a municipality with a population of 50,000 or less;

(C) has access to permanent restrooms and adequate drinking fountain facilities, rather than has separate restrooms for male and female students; and

(D) contains, or will contain before classes begin, the equipment established by TCLR rule as sufficient to properly instruct a minimum of 10 students, rather than a minimum 50 students.

SECTION 7. Amends Section 1602.305(a), Occupations Code, to authorize a person holding a specialty shop license to maintain an establishment in which only the practice of cosmetology as defined in Section 1602.002(a)(2), (4), (7), (9), (10), or (12) is performed, rather than as defined in Section 1602.002(2), (4), (7), (9), or (10) is performed.

SECTION 8. (a) Requires the Texas Department of Licensing and Regulation (TDLR) to issue a specialty license in eyelash extension application under Section 1602.2571, Occupations Code, as added by this Act, to an applicant who:

(1) submits an application on a form prescribed by TDLR not later than April 1, 2012;

(2) meets the eligibility requirements of Sections 1602.2571(b)(1) and (2), Occupations Code, as added by this Act;

(3) submits proof of either successful completion of a training program provided by an eyelash extension manufacturer or distributor that is approved by TDLR, or completion of at least 240 hours of verifiable practical experience performing the practice of cosmetology defined in Section 1602.002(a)(12), Occupations Code, as added by this Act, at a facility licensed under this chapter; and

(4) pays the required application fee.

(b) Provides that a license issued under this section may be renewed in the same manner as a specialty license in eyelash extension application issued under Section 1602.2571, Occupations Code, as added by this Act.

(c) Provides that this section expires March 1, 2013.

SECTION 9. (a) Requires TCLR, not later than February 1, 2012, to adopt rules to implement Sections 1602.2571 and 1602.2572, Occupations Code, as added by this Act, and Section 8 of this Act.

(b) Provides that a person is not required to hold a specialty license in eyelash extension application issued under Section 1602.2571, Occupations Code, as added by this Act, until June 1, 2012.

SECTION 10. Makes application of the changes in law made by this Act to Section 1602.303, Occupations Code, prospective.

SECTION 11. Effective date: upon passage or September 1, 2011.