



Brushing Away Unequal Cosmetology Licensing Requirements

Bill Analysis — SB 1087 and HB 2407

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Key Points

- Current statute requires students at private cosmetology schools to take 1,500 hours of instruction. However, students in high school taking approved vocational career courses only need 1,000.
- HB 2407 and SB 1087 would level the playing field by changing the requirement for private cosmetology schools to 1,000 hours.
- High school students may take the exam and receive their license only after 900 hours of instruction, while post-high school students may only take the exam after 1000 hours. HB 2407 and SB 1087 would allow all students to pass the exam after just 900 hours.

SB 1087 and HB 2407 will level the playing field for students pursuing a cosmetology operator's license. Current statute requires that students at private cosmetology schools have a high school diploma and take a further 1,500 hours of instruction in a licensed beauty culture school before they are eligible for a cosmetology operator license ([SB 1087, 1](#)). However, the same statute allows public high school students enrolled in approved vocational courses to take only 1,000 hours of instruction before they are eligible for the same license. This gives high school students a clear competitive advantage, which SB 1087 and HB 2407 correct by setting 1,000 hours as the across-the-board standard for qualifying for a license.

Additionally, prospective license holders are also required to pass a valid examination administered by a certified testing agency before officially exiting the course and receiving their license ([Tex. Occ. Code §1603.255](#)). Currently, high school students are allowed to take the required exam after 900 hours of instruction, while post-high school students must complete 1,000 hours of the course before they can take the exam. While today this is not a problem, it would be once the hours required for both are equalized. SB 1087 and HB 2407 correct this disparity by uniformly allowing all students to take the exam after 900 hours ([HB 2407, 3](#)).

More broadly SB 1087 and HB 2047 and the issues they correct illustrate the arbitrary nature of many occupational licensing laws and regulations today, laws seemingly designed to keep competition away rather than just to keep consumers safe. This particular instance brings to mind the observation of the great economist Adam Smith, who in 1776 commented on how tradesmen sought to establish regulations limiting the number of apprentices per master in order to “restrain the competition to a much smaller number than might otherwise be disposed to enter into the trade” (Smith, 98).

SB 1087 and HB 2047 would not be approved of by these 18th century guild masters. The bills strike down arbitrary restraints on market entry and help to encourage, instead of discourage, potential entrants into the marketplace. In doing so these bills are well in line with the Texas Model of low regulation and high competition and will help Texans as they pursue life, liberty, and property in the Lone Star State.

References

[HB 2407](#). 2017. Introduced. 85th Texas Legislature (R).

[SB 1087](#). 2017. Introduced. 85th Texas Legislature (R).

[Texas Occupations Code §1603.255](#).

Smith, Adam. 1776. *The Wealth of Nations*. New York: Modern Library Edition.

About the Author

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