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*Licensing and Regulation*

## Barbering and cosmetology licensing statutes revised

[February 9](#) — Laws governing barbering and cosmetology licensing in Texas were revised last year during the regular session of the 87th Legislature. State lawmakers enacted the changes as part of a broader review by the Sunset Advisory Commission of the Texas Department of Licensing and Regulation (TDLR).

[HB 1560](#) by Goldman consolidated cosmetology and barbering under a single board and licensing structure and combined similar licenses in the previously separate programs. It did not merge the main class A barber and cosmetology operator licenses. The bill requires TDLR to adopt rules necessary to implement the bill's changes by September 1, 2023, and the agency has provided guidance for the transition to license holders in [barbering](#) and [cosmetology](#) on its website. A new Barbering and Cosmetology Advisory [Board](#) met for the first time in January.

Supporters of the changes said they would help TDLR more efficiently oversee these industries and would reduce barriers to entry and advancement for industry professionals. They said the longstanding bifurcation between regulation of barbering and regulation of cosmetology was inefficient and unnecessary to protect the public interest. According to supporters, separate licensing imposed an administrative burden on TDLR since cosmetology and barbering licensees make up a plurality of the population overseen by the agency.

HB 1560 ended the statutory bifurcation and consolidated certain licenses in the barbering and cosmetology programs, such as the manicurist, esthetician/technician, and hair weaving licenses, that supporters said were equivalent in terms of required skills and qualifications. The bill also consolidated the previously separate licenses for places of business. Rather than separate licenses for barbershops and salons, a single license will be

available for an “establishment” in which either barbering or cosmetology, or both, may be performed.

Supporters of the changes said the division between the programs was based not on substantive differences of skill and required training but mostly on different marketing strategies stemming from outdated cultural assumptions about a gender divide between the two industries' respective clientele. The division also had resulted in varied training and fee requirements for similar licenses and unequal penalties for identical violations, supporters of the changes said, despite recent legislative attempts to minimize divergences.

The bill also eliminated barbering and cosmetology instructor licenses, which supporters said required unnecessary additional training for already experienced professionals. Critics of this change said that training in barbering or cosmetology does not necessarily prepare a person to provide instruction in those fields. HB 1560 also eliminated all wig specialist licenses.

— *Luke Landtroop*

*Criminal Justice, State Budget*

## TCOLE implements new law enforcement training required by 87th Legislature

[February 16](#) — The fiscal 2022-23 Texas state budget appropriated \$1.5 million to the Texas Commission on Law Enforcement (TCOLE) for training for law enforcement officers, county jailers, and telecommunicators. The agency is using the funds to update training, revise and increase online courses, develop and evaluate tests, and reimburse volunteers on TCOLE's curriculum committees for travel and per diem expenses. Law enforcement training schools use the courses developed by TCOLE to train officers and others.

**Development of training budget.** During initial development of the fiscal 2022-23 budget, the agency requested \$1.5 million for training development and oversight. The request was an increase of about 105 percent from fiscal 2020-21 levels of \$745,077. Supporters of the request said the funds were needed to update existing courses, to make more training available online, and to address increasing needs for law enforcement training. Supporters said the money would be necessary for requirements that might be enacted by the 87th Legislature, some in response to well-publicized events that resulted in calls for changes in officer training.

The House-passed version of the budget included \$877,023 for the agency's training in fiscal 2022-23, and the Senate's budget included \$1.5 million, the amount finally approved. The fiscal 2022-23 funding will allow for an increase from one to seven staff positions for the agency's training efforts.

**Increased training requirements.** The 87th Legislature enacted at least three bills with new requirements for TCOLE to develop training on specific subjects. The most extensive new requirements were in [HB 3712](#) by E. Thompson. The bill establishes several topics for TCOLE's basic peace officer training licensing course and requires the program to be a minimum of 720 hours.

Before enactment of HB 3712, TCOLE had developed a 696-hour program, but no minimum number of hours was in statute.

HB 3712, which was contingent on the funds being appropriated to TCOLE, requires the basic training course to include training on:

- the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint in searches and arrests, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another;
- the duty of a peace officer to intervene to stop or prevent another officer from using force against a person suspected of committing an offense if the amount of force exceeds what is reasonable under the circumstances and the officer knows or should know that the other officer's use of force violates state or federal law, puts a person at risk of bodily injury and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person, and is not required to apprehend the suspect; and
- the duty of a peace officer who encounters an injured person during official duties to immediately and as necessary request emergency medical services and to provide first aid or treatment to the extent of the officer's skills and training, unless the request or the provision of first aid or treatment would expose the officer or another to a risk of bodily injury or the officer is injured and physically unable to make a request or provide treatment.

The bill also requires TCOLE to develop model training curriculum and policies for law enforcement agencies and to specify mandated topics for up to 16 hours of the 40 hours of continuing education officers must take every 24 months.

HB 3712 set a January 1, 2022, deadline for TCOLE to modify the basic peace officer training curriculum and develop model curriculum, and the agency met that deadline. The new content requirements apply only to those who begin the basic peace officer training course on or after July 1, 2022.

Other bills approved by the 87th Legislature require the agency to develop training outside of the basic peace officer licensing course. [HB 786](#) by Oliverson requires TCOLE's training program for a telecommunicator's license to include cardiopulmonary resuscitation training. [HB 2831](#) by White and Spiller requires TCOLE to work with the Commission on Jail Standards to develop a training program for interacting with a person with an intellectual or developmental disability who is confined in a county jail. Both bills were effective September 1, 2021, and TCOLE has met the requirements.

— Kellie A. Dworaczyk