

Minnesota Legislators Need More Time to Finalize Budget

For the first time since January less than half of the nation's state legislatures are actively meeting. On Monday, Minnesota's legislature adjourned their regular session without finalizing most of the state's \$48 billion budget. Therefore, legislators will reconvene in special session later this week to finalize remaining spending measures.

The Omnibus State Government Appropriations Bill – SF 2227 – is one of the measures that will need to be finalized during the special session. As previously reported, an amendment to this bill has been circulated to deregulate hair styling, and makeup and eyelash extension services in the state. The amendment text, which was drafted by the Institute for Justice, can be found at the link below.

https://sspa.memberclicks.net/assets/docs/Legislative/SF2227_Amendment_makeupe-hairstyling-eyelash%20deregulation2019.pdf

Texas' Senate passed HB 2847 on Monday. As currently drafted, the measure includes language that would reduce the course of instruction for cosmetology from 1,500 to 1,000 hours. It would also permit cosmetology students to take the licensure examination at 900 hours and allow schools to administer the practical examination. The bill was returned to the House to address Senate amendments. Texas' legislature is scheduled to adjourn May 27th and will not reconvene in regular session until 2021.

Missouri's House of Representatives voted 99 to 45 last week to pass SB 204. As currently drafted, the measure provides for a 1,000-hour hairdresser license. It also contains language stipulating that when manicuring is learned during cosmetology training, the student shall not be required to take the 400-hour course otherwise required to manicure nails. Similarly, "when the classified occupation of esthetician is taken in conjunction with the classified occupation of cosmetologists, the student shall not be required to serve the extra 500 hours otherwise required to include the practice of esthetics."

Additionally, SB 204 would enact the "Expanded Workforce Access Act of 2019." Accordingly, each state licensing authority would be required to license individuals who successfully complete an apprenticeship approved by the appropriate licensing authority or the U.S. Department of Labor and has passed the required licensure examination. The bill states "the number of working hours required for a competency-based apprenticeship or a hybrid apprenticeship under 29 CFR 29.5 shall not exceed the number of educational hours otherwise required for a non-apprenticeship license for the specific profession."

The bill was returned to the Senate to address House amendments. After the Senate subsequently refused to concur with the House, a conference committee was established to reconcile the bill.

In Nevada, the Assembly Commerce and Labor Committee favorably reported SB 208 last week to the Assembly floor, where it will be considered on the consent calendar. This bipartisan measure would reduce the course of instruction at a school for hair designer licensure from 1,200 to 1,000 hours and similarly reduce the course of instruction at a school for esthetics licensure from 900 to 600 hours. Apprenticeship training hours would receive corresponding hour reductions to 2,000 hours for hair design and 1,200 hours for esthetics. The bill also removes electrolysis from the scope of practice for cosmetology and adds both "eyelash extensions" and "eyelash perming" to the practice of esthetics.

Maine's legislature passed LD 103 -- "An Act to Ensure the Integrity of For-profit Colleges" – last week. Once enrolled, the bill will be sent to Governor Janet Mills (D) for signature into law. As previously reported, the measure requires for-profit colleges to report a significant amount of new information, including the amount of funds spend on “educational instruction,” “advertising” and “executive salaries.”

More significantly, the bill states that for-profit colleges must spend at least 50% of their total spending on “instruction” and no more than 15% of its total spending on advertising.

The measure expands the definition of a "for-profit college or university" to include “a postsecondary institution that is regulated by the Department of Education or the State Board of Education, is eligible to participate in federal student aid programs and is operated by a private, for-profit business.” While schools of cosmetology and barbering are subject to approval by the Director of the Office of Professional and Occupational Regulation under Title 32, chapter 126 are exempt from Maine Department of Education oversight, the provisions of this bill may be impactful to AACSB members who have programs outside of the scope of the Barbering and Cosmetology Licensing Program. (Please note that this information should not be construed as legal advice or as an official interpretation of the bill. It is strongly recommended that Maine school officials contact their state regulator(s) and/or an attorney to determine the applicability of LD 103's provisions.)

Several California bills that would tighten regulation of private postsecondary schools, including cosmetology schools, were amended and reported by the Assembly Appropriations Committee to the Assembly floor. The bills include:

AB 1340 (reported 13 to 4) would require the Bureau for Private Postsecondary Education (BPPE) to promulgate a gainful employment (GE) rule based on debt-to-earning rates

AB 1343 (reported 13 to 4) which as amended would establish an 85-15 Rule, beginning January 1, 2023, for institutions with revenues greater than \$2.5 million or require no less than 50 percent of the institution's revenue dedicated to student instruction.

AB 1346 (reported 18 to 0) which as amended would allow former Corinthian College students residing in California to receive a Student Tuition Recovery Fund payment.

In Oklahoma, a conference committee report to SB 101 was approved and subsequently passed by the state's House of Representatives. As currently drafted, the measure would allow the State Board of Cosmetology and Barbering to issue a reciprocity license without examination provided that the applicant holds a valid license from another state, is at least 18 years old, and has passed an Oklahoma law and regulations test administered by the Board. The measure also revises the qualifications for massage therapy licensure.

Finally, Oregon's House of Representative voted 59 to 0 last week to send SB 422 to Governor Kate Brown (D). As previously reported, the bill expands the definition of "natural hair care" to include shampooing and conditioning.

The text and current status of bills mentioned in this update can be found in AACSB's Bill Tracking Portal at:

<https://www.billtrack50.com/Public/Stakeholder/Jt1r123hjU2jC1MOSr6KVA/Embedded>.

Please do not hesitate to contact me at bnewman@abingdonstrategies.com or by phone at [202-491-5254](tel:202-491-5254) with comments or questions.

Bill Introduction

New Jersey A5376

This bill provides that persons who, prior to moving to New Jersey, rendered barbering services in a professional capacity in another state or foreign country that does not issue licenses to render barbering services, may qualify for a temporary permit under the three-year pilot program established in P.L.2019, c.20 (C.45:5B-28). Under the bill, a temporary permit issued under the pilot program shall be valid for a period of 120 days and shall be subject to extension if the applicant continues to meet the requirements of the pilot program and the application for issuance of a license remains pending.