

By: Allen

H.B. No. 823

Substitute the following for H.B. No. 823:

By: Herrero

C.S.H.B. No. 823

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of an inmate for certain occupational
3 licenses and the practice of certain occupations by an inmate of the
4 Texas Department of Criminal Justice.

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

6 SECTION 1. Subchapter H, Chapter 51, Occupations Code, is
7 amended by adding Section 51.4042 to read as follows:

8 Sec. 51.4042. ELIGIBILITY OF INMATES FOR CERTAIN LICENSES.

9 Notwithstanding any other law, the commission may adopt rules
10 authorizing the issuance of a license under Chapter 1302, 1305, or
11 1603 to an applicant who is an inmate of the Texas Department of
12 Criminal Justice.

13 SECTION 2. Subchapter B, Chapter 1302, Occupations Code, is
14 amended by adding Section 1302.062 to read as follows:

15 Sec. 1302.062. INMATES. This chapter does not apply to a
16 person who performs air conditioning and refrigeration-related
17 work as an inmate in the Texas Department of Criminal Justice if the
18 work is performed as part of a reentry program or under supervision
19 acceptable to the department.

20 SECTION 3. Section 1305.003, Occupations Code, is amended
21 by adding Subsection (a-1) to read as follows:

22 (a-1) This chapter does not apply to a person who performs
23 electrical work as an inmate in the Texas Department of Criminal
24 Justice if the work is performed as part of a reentry program or

1 under supervision acceptable to the department.

2 SECTION 4. Section 1603.0013, Occupations Code, is amended
3 to read as follows:

4 Sec. 1603.0013. APPLICATION OF CHAPTER. (a) This chapter
5 does not apply to a person who:

6 (1) does not represent or advertise to the public
7 directly or indirectly that the person is authorized by the
8 department to practice barbering or cosmetology and the person is:

9 (A) licensed in this state to practice medicine,
10 dentistry, podiatry, chiropractic, or nursing and operating within
11 the scope of the person's license;

12 (B) a commissioned or authorized medical or
13 surgical officer of the United States armed forces; or

14 (C) an inmate in the institutional division of
15 the Texas Department of Criminal Justice who performs barbering or
16 cosmetology during the person's incarceration;

17 (2) provides a service in an emergency;

18 (3) is in the business of or receives compensation for
19 makeup applications only;

20 (4) provides a cosmetic service as a volunteer or an
21 employee performing regular duties at a licensed nursing or
22 convalescent custodial or personal care home to a patient residing
23 in the home;

24 (5) owns, operates, or manages a licensed nursing or
25 convalescent custodial or personal care home that allows a person
26 with an operator license to perform cosmetic services for patients
27 residing in the home on an occasional but not daily basis;

1 (6) provides an incidental cosmetic service, or owns,
2 operates, or manages the location where that service is provided,
3 if the primary purpose of the service is to enable or assist the
4 recipient of the service to participate as the subject of:

5 (A) a photographic sitting at a permanent
6 establishment that charges a fee exclusively for a photographic
7 sitting;

8 (B) a television appearance; or

9 (C) the filming of a motion picture; or

10 (7) performs only natural hair braiding, including
11 braiding a person's hair, trimming hair extensions only as
12 applicable to the braiding process, and attaching commercial hair
13 by braiding and without the use of chemicals or adhesives.

14 (b) This chapter does not apply to a person who performs
15 barbering or cosmetology as an inmate in the Texas Department of
16 Criminal Justice if the work is performed as part of a reentry
17 program or under supervision acceptable to the department.

18 SECTION 5. This Act takes effect September 1, 2023.