

By: Schwertner

S.B. No. 1120

A BILL TO BE ENTITLED

AN ACT

relating to certain prohibited practices by a barber or cosmetologist.

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

SECTION 1. Subchapter E-1, Chapter 1603, Occupations Code, is amended by adding Section 1603.2110 to read as follows:

Sec. 1603.2110. PROHIBITED PRACTICES. (a) Except as provided by Subsection (b), a person performing a barbering or cosmetology service within the scope of a license or permit issued under this subchapter may not:

(1) make an incision into the dermis layer of a person's skin, including for purposes of injecting a medication or other substance; or

(2) use a prescription medical device approved by the United States Food and Drug Administration.

(b) A person holding a license or permit issued under this subchapter may perform an act described by Subsection (a) as part of a barbering or cosmetology service if the person is licensed to perform that act in this state or is otherwise authorized by law to perform that act. In a disciplinary action by the commission related to an act in violation of Subsection (a), the license or permit holder has the burden of proving by a preponderance of the evidence that the person is licensed or otherwise authorized to perform the act.

1 (c) This section does not affect the authority of another
2 state agency regulating a profession to enforce any law related to
3 that profession.

4 SECTION 2. Section 1603.2110, Occupations Code, as added by
5 this Act, applies only to conduct that occurs on or after the
6 effective date of this Act. Conduct that occurs before the
7 effective date of this Act is governed by the law in effect on the
8 date the conduct occurred, and the former law is continued in effect
9 for that purpose.

10 SECTION 3. This Act takes effect September 1, 2023.