

1-1 By: Wong (Senate Sponsor - Van de Putte) H.B. No. 1304
1-2 (In the Senate - Received from the House April 20, 2005;
1-3 April 21, 2005, read first time and referred to Committee on
1-4 Business and Commerce; May 9, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; May 9, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1304 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to sanitation requirements for certain barbering and
1-11 cosmetology services.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 1601.506, Occupations Code, is amended
1-14 by adding Subsections (e) and (f) to read as follows:

1-15 (e) A person who holds a license, certificate, or permit
1-16 issued under this chapter and who performs a barbering service
1-17 described by Section 1601.002(1)(E) or (F):

1-18 (1) shall, before performing the service, disinfect
1-19 and sterilize with an autoclave or a dry heat, ultraviolet, or other
1-20 board-approved sterilizer each nondisposable instrument used to
1-21 perform the service; and

1-22 (2) may use a disposable supply or instrument only if
1-23 that supply or instrument is purchased at the location where the
1-24 service is performed or provided by the person on whom the service
1-25 is performed.

1-26 (f) The owner or manager of a barbershop, specialty shop, or
1-27 barber school is responsible for providing an autoclave or a dry
1-28 heat, ultraviolet, or other board-approved sterilizer for use in
1-29 the shop or school as required by Subsection (e). An autoclave or a
1-30 dry heat, ultraviolet, or other board-approved sterilizer used as
1-31 required by Subsection (e) must be:

1-32 (1) registered and listed with the federal Food and
1-33 Drug Administration; and

1-34 (2) used in accordance with the manufacturer's
1-35 instructions.

1-36 SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is
1-37 amended by adding Section 1602.408 to read as follows:

1-38 Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN
1-39 SERVICES. (a) A person who holds a license, certificate, or permit
1-40 issued under this chapter and who performs a cosmetology service
1-41 described by Section 1602.002(10) or (11):

1-42 (1) shall, before performing the service, disinfect
1-43 and sterilize with an autoclave or a dry heat, ultraviolet, or other
1-44 commission-approved sterilizer each nondisposable instrument used
1-45 to perform the service; and

1-46 (2) may use a disposable supply or instrument only if
1-47 that supply or instrument is purchased at the location where the
1-48 service is performed or provided by the person on whom the service
1-49 is performed.

1-50 (b) The owner or manager of a beauty shop, specialty shop,
1-51 or beauty culture school is responsible for providing an autoclave
1-52 or a dry heat, ultraviolet, or other commission-approved sterilizer
1-53 for use in the shop or school as required by Subsection (a). An
1-54 autoclave or a dry heat, ultraviolet, or other commission-approved
1-55 sterilizer used as required by Subsection (a) must be:

1-56 (1) registered and listed with the federal Food and
1-57 Drug Administration; and

1-58 (2) used in accordance with the manufacturer's
1-59 instructions.

1-60 SECTION 3. This Act takes effect January 1, 2006.

1-61 * * * * *