

By: Hamric, Solomons, Truitt, Dunnam, Wong

H.B. No. 1436

Substitute the following for H.B. No. 1436:

By: Hunter

C.S.H.B. No. 1436

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of barbers and cosmetologists by the Texas Department of Licensing and Regulation and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

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

ARTICLE 1. TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 1.01. Title 9, Occupations Code, is amended by adding Chapter 1603 to read as follows:

CHAPTER 1603. REGULATION OF BARBERING AND COSMETOLOGY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1603.001. GENERAL DEFINITIONS. (a) In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Executive director" means the executive director of the department.

(b) Unless the context clearly indicates otherwise, the definitions in Chapters 1601 and 1602 apply to this chapter.

Sec. 1603.002. REGULATION OF BARBERING AND COSMETOLOGY BY DEPARTMENT OF LICENSING AND REGULATION. The department shall administer this chapter and Chapters 1601 and 1602. A reference in this chapter to the commission's or department's powers or duties

applies only in relation to those chapters, except that this section does not limit the department's or commission's general powers under Chapter 51.

[Sections 1603.003-1603.050 reserved for expansion]

SUBCHAPTER B. ADVISORY BOARDS FOR BARBERING AND COSMETOLOGY

Sec. 1603.051. DUTIES. The advisory boards established under Chapters 1601 and 1602 shall advise the commission on administering this chapter and Chapters 1601 and 1602 regarding barbering or cosmetology, as applicable.

[Sections 1603.052-1603.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1603.101. RULES. The commission shall adopt rules consistent with this chapter for:

(1) the administration of this chapter and the operations of the department in regulating barbering and cosmetology; and

(2) the administration of Chapters 1601 and 1602.

Sec. 1603.102. SANITATION RULES. The commission shall establish sanitation rules to prevent the spread of an infectious or contagious disease.

Sec. 1603.103. INSPECTION OF SCHOOLS, SHOPS, AND FACILITIES BEFORE OPERATION. (a) Until the department determines, by inspection, that the person has established the school, shop, or facility in compliance with this chapter, Chapter 1601, or Chapter 1602, a person may not operate a school, shop, or other facility licensed or permitted under this chapter, Chapter 1601, or Chapter 1602.

1 (b) A school, shop, or other facility that is not approved
2 by the department on initial inspection may be reinspected.

3 (c) The school, shop, or other facility shall pay a fee for
4 each inspection. The commission shall by rule set the amount of the
5 fee.

6 Sec. 1603.104. PERIODIC AND RISK-BASED INSPECTIONS. (a)
7 The department may enter and inspect at any time during business
8 hours:

9 (1) the place of business of any person regulated
10 under this chapter, Chapter 1601, or Chapter 1602; or

11 (2) any place in which the department has probable
12 cause to believe that a certificate, license, or permit holder is
13 practicing in violation of this chapter, Chapter 1601, or Chapter
14 1602 or in violation of a rule or order of the commission or
15 executive director.

16 (b) At least once every two years, the department shall
17 inspect each school, shop, or other facility that holds a license,
18 certificate, or permit under this chapter, Chapter 1601, or Chapter
19 1602.

20 (c) The department shall conduct additional inspections
21 based on a schedule of risk-based inspections using the following
22 criteria:

23 (1) the type and nature of the school, shop, or other
24 facility;

25 (2) whether there has been a prior sanitation
26 violation at the school, shop, or facility;

27 (3) the inspection history of the school, shop, or

1 other facility;

2 (4) any history of complaints involving the school,
3 shop, or other facility; and

4 (5) any other factor determined by the commission by
5 rule.

6 (d) An inspector who discovers a violation of this chapter,
7 Chapter 1601, or Chapter 1602 or of a rule or order of the
8 commission or executive director shall:

9 (1) provide written notice of the violation to the
10 license, certificate, or permit holder on a form prescribed by the
11 department; and

12 (2) file a complaint with the executive director.

13 (e) The school, shop, or other facility shall pay a fee for
14 each inspection performed under Subsection (c). The commission
15 shall by rule set the amount of the fee.

16 Sec. 1603.105. RETENTION OF STUDENT RECORDS. The
17 department may not retain student records, including student
18 transcripts, beyond the time required by state law.

19 Sec. 1603.106. COMMITTEES. The commission may appoint
20 committees that it considers necessary to carry out its duties.

21 [Sections 1603.107-1603.150 reserved for expansion]

22 SUBCHAPTER D. PUBLIC PARTICIPATION AND COMPLAINT PROCEDURES

23 Sec. 1603.151. NOTIFICATION OF PUBLIC INTEREST INFORMATION
24 AND PARTICIPATION. The commission by rule shall establish methods
25 by which consumers and service recipients are notified of the name,
26 mailing address, and telephone number of the department for the
27 purpose of directing complaints to the department regarding

1 barbering and cosmetology. The department may provide for that
2 notice:

3 (1) on each registration form, application, or written
4 contract for services of a person regulated under this chapter,
5 Chapter 1601, or Chapter 1602;

6 (2) on a sign prominently displayed in the place of
7 business of each person regulated under this chapter, Chapter 1601,
8 or Chapter 1602; or

9 (3) in a bill for service provided by a person
10 regulated under this chapter, Chapter 1601, or Chapter 1602.

11 Sec. 1603.152. COMPLAINT JURISDICTION; NOTIFICATION. If
12 the department determines that it lacks jurisdiction to resolve the
13 complaint, the department shall notify the complainant in writing
14 that the department is closing the complaint because it lacks
15 jurisdiction.

16 Sec. 1603.153. ANALYSIS OF COMPLAINTS AND VIOLATIONS. (a)
17 The department shall develop and maintain a system to analyze the
18 processing, sources, and types of complaints filed with the
19 department and the types of violations that occur under this
20 chapter, Chapter 1601, and Chapter 1602.

21 (b) Based on the information under Subsection (a), the
22 department shall analyze trends in violations and complaints that
23 may require further attention or technical assistance to help
24 reduce the frequency of those complaints and violations.

25 (c) The department shall annually compile a statistical
26 analysis of the complaints filed and violations occurring during
27 the preceding year, including:

1 (1) the number of complaints filed;

2 (2) a categorization of complaints filed according to
3 the basis of the complaint and the number of complaints in each
4 category;

5 (3) the number of complaints filed by department
6 staff;

7 (4) the number of complaints filed by persons other
8 than department staff;

9 (5) the number of complaints filed over which the
10 department lacks jurisdiction;

11 (6) the average length of time required to close a
12 complaint or violation from the time the department receives the
13 complaint or otherwise initiates an investigation of a possible
14 violation until the complaint or violation is resolved by a final
15 order or penalty;

16 (7) the number of complaints resolved and the manner
17 in which they were resolved, including:

18 (A) the number of complaints dismissed and the
19 reasons for dismissal; and

20 (B) the number of complaints resulting in
21 disciplinary action and the type of disciplinary action taken; and

22 (8) the number of complaints filed that are
23 unresolved, the number of those complaints filed by department
24 staff, the number of those complaints filed by persons other than
25 department staff, and the average length of time that the
26 unresolved complaints have been on file.

27 Sec. 1603.154. INFORMAL SETTLEMENT CONFERENCE. The

department shall establish guidelines for an informal settlement conference related to a complaint filed with the department.

[Sections 1603.155-1603.200 reserved for expansion]

SUBCHAPTER E. CERTIFICATE, LICENSE, AND PERMIT REQUIREMENTS

Sec. 1603.201. APPLICATION FORM; TIMING. (a) An application for a certificate, license, or permit must be made on a form prescribed and provided by the department.

(b) An application for an operator license, instructor license, manicurist license, or facialist specialty license must be filed with the department not later than the 10th day before the date set for the applicable examination.

Sec. 1603.202. DUPLICATE CERTIFICATE, LICENSE, OR PERMIT. The department shall issue a duplicate certificate, license, or permit to an applicant who:

(1) submits an application for a duplicate certificate, license, or permit to the department; and

(2) pays the required fee.

Sec. 1603.203. PROVISIONAL CERTIFICATE OR LICENSE. (a) The department may issue a provisional certificate or license to an applicant currently licensed in another jurisdiction who seeks a certificate or license in this state and who:

(1) has been licensed in good standing in the profession for which the person seeks the certificate or license for at least two years in another jurisdiction, including a foreign country, that has requirements substantially equivalent to the requirements of this chapter, Chapter 1601, or Chapter 1602, as appropriate; and

1 (2) has passed a national or other examination
2 recognized by the commission relating to the practice of that
3 profession.

4 (b) A provisional certificate or license is valid until the
5 date the department approves or denies the provisional certificate
6 or license holder's application. The department shall issue a
7 certificate or license to the provisional certificate or license
8 holder if:

9 (1) the provisional certificate or license holder is
10 eligible to hold a certificate or license under Chapter 1601 or
11 Chapter 1602; or

12 (2) the provisional certificate or license holder
13 passes the part of the examination under Chapter 1601 or Chapter
14 1602 that relates to the applicant's knowledge and understanding of
15 the laws and rules relating to the practice of the profession in
16 this state and:

17 (A) the department verifies that the provisional
18 certificate or license holder meets the academic and experience
19 requirements for the certificate or license; and

20 (B) the provisional certificate or license
21 holder satisfies any other certificate or license requirements.

22 (c) The department must approve or deny a provisional
23 certificate or license holder's application for a certificate or
24 license not later than the 180th day after the date the provisional
25 certificate or license is issued. The department may extend the
26 180-day period if the results of an examination have not been
27 received by the department before the end of that period.

Sec. 1603.204. RECIPROCAL CERTIFICATE, LICENSE, OR PERMIT.

(a) A person who holds a license, certificate, or permit to practice barbering or cosmetology from another state or country that has standards or work experience requirements that are substantially equivalent to the requirements of this chapter, Chapter 1601, or Chapter 1602 may apply for a license, certificate, or permit to perform the same acts of barbering or cosmetology in this state that the person practiced in the other state or country.

(b) The person must:

(1) submit an application for the license, certificate, or permit to the department; and

(2) pay fees in an amount prescribed by the commission, including any applicable license, certificate, or permit fee.

(c) A person issued a license, certificate, or permit under this section:

(1) may perform the acts of barbering or cosmetology stated on the license, certificate, or permit; and

(2) is subject to the renewal procedures and fees provided in this chapter, Chapter 1601, or Chapter 1602 for the performance of those acts of barbering or cosmetology.

[Sections 1603.205-1603.250 reserved for expansion]

SUBCHAPTER F. EXAMINATION REQUIREMENTS

Sec. 1603.251. DEFINITION. In this subchapter, "examination proctor" means an individual registered under this subchapter to administer a practical examination for the department.

1 Sec. 1603.252. GENERAL EXAMINATION REQUIREMENTS. (a) The
2 department may accept, develop, or contract for the examinations
3 required by this chapter, including the administration of the
4 examinations.

5 (b) The executive director shall determine uniform
6 standards for acceptable performance on an examination for a
7 license or certificate under Chapter 1601 and for a license or
8 certificate under Chapter 1602.

9 (c) The examination must include a written examination as
10 provided by Section 1603.253 and may include a practical
11 examination as provided by Section 1603.257.

12 Sec. 1603.253. WRITTEN EXAMINATION. The commission shall
13 select an examination for each written examination required under
14 this chapter, Chapter 1601, or Chapter 1602. The written
15 examination must be:

16 (1) validated by an independent testing professional;
17 or

18 (2) purchased from a national testing service.

19 Sec. 1603.254. EXAMINATION FOR BARBERS. (a) An applicant
20 for an examination for a certificate or license issued under
21 Chapter 1601 must submit to the department a sworn application on a
22 form prescribed and provided by the department accompanied by:

23 (1) two photographs of the applicant, one of which
24 accompanies the application and one of which is to be returned to
25 the applicant to be presented at the examination; and

26 (2) the appropriate examination fee.

27 (b) The department shall examine applicants for a Class A

1 barber certificate and a teacher's certificate.

2 Sec. 1603.255. EXAMINATION FOR COSMETOLOGISTS. (a) The
3 department shall administer examinations for certificates and
4 licenses issued under Chapter 1602 beginning the first day of each
5 month. If the first day of the month is a legal holiday, the
6 examination shall begin on the following day.

7 (b) The department shall announce the site of an examination
8 for a certificate or license issued under Chapter 1602 not later
9 than six months before the scheduled examination date.

10 Sec. 1603.256. EARLY EXAMINATION. The department, on
11 written request by a student, may provide for the early written
12 examination of an applicant for a Class A barber certificate, a
13 teacher's certificate, or an operator license who has completed at
14 least 1,000 hours of instruction in a department-approved training
15 program.

16 Sec. 1603.257. PRACTICAL EXAMINATION. (a) The commission
17 may require a practical examination as it considers necessary for a
18 license or certificate issued under Chapter 1601 or 1602.

19 (b) The department shall prescribe the method and content of
20 any practical examination.

21 (c) The following persons may administer a practical
22 examination required under this subchapter:

23 (1) the department;

24 (2) a person with whom the department contracts under
25 Section 1603.252; or

26 (3) an examination proctor.

27 Sec. 1603.258. EXAMINATION PROCTOR; REGISTRATION. (a) A

1 person may not act as an examination proctor under this subchapter
2 unless the person is registered with the department under this
3 section.

4 (b) To be eligible for registration as an examination
5 proctor, a person must:

6 (1) meet eligibility requirements determined by
7 commission rule;

8 (2) file with the department an application on a form
9 prescribed by the department; and

10 (3) pay the required fees as determined by the
11 commission by rule.

12 (c) If the department requires an examination proctor to
13 administer a practical examination under this subchapter, the
14 examination proctor shall perform the examination administration
15 function of the department in a competent and professional manner
16 and in compliance with:

17 (1) standards and specifications adopted by the
18 commission under this chapter; and

19 (2) rules adopted by the commission under this
20 chapter.

21 [Sections 1603.259-1603.300 reserved for expansion]

22 SUBCHAPTER G. CERTIFICATE, LICENSE, AND PERMIT RENEWAL

23 Sec. 1603.301. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE
24 PENALTY. The department may deny a person's request to renew a
25 certificate, license, or permit issued under this chapter, Chapter
26 1601, or Chapter 1602 if the person has not paid an administrative
27 penalty imposed under Subchapter F, Chapter 51. This section does

not apply if:

(1) the person's time to pay or request a hearing has not expired under Section 51.304;

(2) the person has requested a hearing under Section 51.304, but the person's time to pay has not expired under Section 51.307; or

(3) the penalty is stayed.

[Sections 1603.302-1603.350 reserved for expansion]

SUBCHAPTER H. PRACTICE PROVISIONS APPLICABLE TO

CHAPTERS 1601 AND 1602

Sec. 1603.351. MINIMUM CURRICULUM FOR SCHOOLS. The commission shall prescribe the minimum curriculum, including the subjects and the number of hours in each subject, taught by a school licensed under this chapter, Chapter 1601, or Chapter 1602, including a private beauty culture school or a vocational cosmetology program in a public school.

Sec. 1603.352. SANITATION REQUIREMENTS FOR CERTAIN SERVICES. (a) A person who holds a license, certificate, or permit issued under this chapter, Chapter 1601, or Chapter 1602 and who performs a barbering service described by Section 1601.002(1)(E) or (F) or a cosmetology service described by Section 1602.002(10) or (11):

(1) shall, before performing the service, disinfect and sterilize with an autoclave each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the

1 service is performed or provided by the person on whom the service
2 is performed.

3 (b) The owner or manager of a barber shop, barber school,
4 beauty shop, specialty shop, or beauty culture school is
5 responsible for providing an autoclave for use in the shop or school
6 as required by Subsection (a). An autoclave used as required by
7 Subsection (a) must be:

8 (1) registered and listed with the federal Food and
9 Drug Administration; and

10 (2) used in accordance with the manufacturer's
11 instructions.

12 [Sections 1603.353-1603.400 reserved for expansion]

13 SUBCHAPTER I. DENIAL AND DISCIPLINARY PROCEDURES

14 Sec. 1603.401. DENIAL, SUSPENSION, OR REVOCATION. The
15 department shall deny an application for issuance or renewal of, or
16 shall suspend or revoke, a certificate, license, or permit if the
17 applicant or person holding the certificate, license, or permit:

18 (1) engages in gross malpractice;

19 (2) knowingly continues to practice while having an
20 infectious or contagious disease;

21 (3) knowingly makes a false or deceptive statement in
22 advertising;

23 (4) advertises, practices, or attempts to practice
24 under another person's name or trade name;

25 (5) engages in fraud or deceit in obtaining a
26 certificate, license, or permit; or

27 (6) engages in an act that violates this chapter,

Chapter 51, Chapter 1601, or Chapter 1602 or a rule or order adopted or issued under those chapters.

[Sections 1603.402-1603.450 reserved for expansion]

SUBCHAPTER J. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 1603.451. INJUNCTIVE RELIEF. (a) If a certificate, license, or permit holder commits a violation of this chapter, Chapter 1601, Chapter 1602, or a commission rule and the violation poses a serious threat to the public health, the attorney general shall initiate a suit for injunction and proceedings for suspension or revocation of the certificate, license, or permit.

(b) In seeking an injunction under this section, the attorney general is not required to allege or prove:

(1) that an adequate remedy at law does not exist; or

(2) that substantial or irreparable damage would result from the continued violation.

Sec. 1603.452. CIVIL PENALTY. (a) A barber, barbershop owner, barber school, or private beauty culture school that violates this chapter, Chapter 1601, Chapter 1602, or a commission rule is liable for a civil penalty in addition to any injunctive relief or other remedy provided by law.

(b) The amount of the civil penalty for a barber or barbershop owner may not exceed \$25 a day for each violation.

(c) The amount of the civil penalty for a barber school or private beauty culture school may not exceed \$1,000 a day for each violation.

(d) The attorney general may sue to collect the civil penalty.

1 Sec. 1603.453. APPEAL BOND NOT REQUIRED. The department is
2 not required to give an appeal bond in a cause arising under this
3 chapter, Chapter 1601, or Chapter 1602.

4 Sec. 1603.454. ENFORCEMENT BY ATTORNEY GENERAL. The
5 attorney general shall represent the department in an action to
6 enforce this chapter, Chapter 1601, or Chapter 1602.

7 ARTICLE 2. REGULATION OF BARBERING

8 SECTION 2.01. Section 1601.001(a), Occupations Code, is
9 amended by amending Subdivisions (3), (4), (5), and (8) and adding
10 Subdivisions (4-a) and (4-b) to read as follows:

11 (3) "Board" means the Advisory [~~State~~] Board on
12 Barbering [~~of Barber Examiners~~].

13 (4) "Certificate" means a certificate of registration
14 issued by the department [~~board~~].

15 (4-a) "Commission" means the Texas Commission of
16 Licensing and Regulation.

17 (4-b) "Department" means the Texas Department of
18 Licensing and Regulation.

19 (5) "License" means a license issued by the department
20 [~~board~~].

21 (8) "Permit" means a permit issued by the department
22 [~~board~~].

23 SECTION 2.02. Section 1601.003, Occupations Code, is
24 amended to read as follows:

25 Sec. 1601.003. APPLICATION OF CHAPTER. This chapter does
26 not apply to a person who:

27 (1) does not represent or advertise to the public

1 directly or indirectly that the person is authorized by the
2 department ~~[board]~~ to practice barbering; and

3 (2) is:

4 (A) a physician or registered nurse licensed in
5 this state and operating within the scope of the person's license;

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

8 (C) a person regulated under Chapter 1602, if the
9 person practices within the scope of a permit, license, or
10 certificate issued by the department under that chapter ~~[Texas~~
11 ~~Cosmetology Commission]~~; or

12 (D) an inmate in the institutional division of
13 the Texas Department of Criminal Justice who performs barbering
14 during the person's incarceration.

15 SECTION 2.03. The heading to Subchapter B, Chapter 1601,
16 Occupations Code, is amended to read as follows:

17 SUBCHAPTER B. ADVISORY ~~[STATE]~~ BOARD ON BARBERING ~~[OF BARBER~~
18 ~~EXAMINERS]~~

19 SECTION 2.04. Section 1601.051(a), Occupations Code, is
20 amended to read as follows:

21 ~~[(a)]~~ The Advisory ~~[State]~~ Board on Barbering ~~[of Barber~~
22 ~~Examiners]~~ consists of five ~~[seven]~~ members appointed by the
23 presiding officer of the commission, with the commission's
24 approval, ~~[governor with the advice and consent of the senate]~~ as
25 follows:

26 (1) two members, each of whom:

27 (A) is engaged in the practice of barbering as a

1 Class A barber [~~and has been for at least five years before being~~
2 ~~appointed~~]; and

3 (B) does not hold a barbershop permit;

4 (2) two members, each of whom [~~one member who~~;

5 [~~(A)~~] is a barbershop owner who holds a
6 barbershop permit; and

7 [~~(B) is engaged in the practice of barbering and~~
8 ~~has been for at least five years before being appointed,~~]

9 (3) one member who holds a permit to conduct or operate
10 a barber school[, ~~and~~

11 [~~(4) three members who represent the public~~].

12 SECTION 2.05. Section 1601.055, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.055. TERMS; VACANCY. (a) Members of the board
15 serve staggered six-year terms, with the terms of one or two [~~or~~
16 ~~three~~] members expiring on the same date each odd-numbered year
17 [~~every two years~~].

18 (b) If a vacancy occurs during a member's term, the
19 presiding officer of the commission, with the commission's
20 approval, [~~governor~~] shall appoint a replacement to fill the
21 unexpired term.

22 SECTION 2.06. Section 1601.058, Occupations Code, is
23 amended to read as follows:

24 Sec. 1601.058. PRESIDING OFFICER. The presiding officer of
25 the commission, with the commission's approval, [~~governor~~] shall
26 designate a board member as presiding officer to serve in that
27 capacity for a two-year term [~~at the will of the governor~~].

SECTION 2.07. Subchapter B, Chapter 1601, Occupations Code, is amended by adding Section 1601.059 to read as follows:

Sec. 1601.059. BOARD DUTIES. (a) The board shall advise the commission and the department on:

- (1) education and curricula for applicants;
- (2) the content of examinations;
- (3) proposed rules and standards on technical issues related to barbering; and
- (4) other issues affecting barbering.

(b) The board shall respond to questions from the department and the commission regarding barbering.

SECTION 2.08. Section 1601.253, Occupations Code, is amended to read as follows:

Sec. 1601.253. ELIGIBILITY FOR CLASS A BARBER CERTIFICATE.

(a) An applicant for a Class A barber certificate must:

- (1) be at least 16 years of age; and
- (2) pass a written and practical examination demonstrating to the department's ~~[board's]~~ satisfaction the applicant's fitness and competence to practice barbering.

(b) The department ~~[board]~~ shall issue a Class A barber certificate to an applicant who:

- (1) complies with the application requirements of this chapter;
- (2) passes the examination with an average grade of at least 75 percent;
- (3) pays the required [a] fee ~~[not to exceed \$100]~~; and
- (4) possesses the other qualifications required by

1 this chapter.

2 SECTION 2.09. Sections 1601.254(a) and (c), Occupations
3 Code, are amended to read as follows:

4 (a) An applicant for a teacher's certificate must:

5 (1) be a Class A barber;

6 (2) have at least five years' experience as a
7 practicing barber in a barbershop, two years of which occurred in
8 the two years preceding the application date; and

9 (3) submit the required ~~[an]~~ examination fee ~~[not to~~
10 ~~exceed \$100]~~ with the application.

11 (c) The department ~~[board]~~ shall issue a teacher's
12 certificate to an applicant who:

13 (1) passes the appropriate examination; and

14 (2) pays the required ~~[a]~~ certificate fee ~~[not to~~
15 ~~exceed:~~

16 ~~[(A) \$100, if the applicant fulfills the~~
17 ~~certificate requirements during the period beginning November 1 of~~
18 ~~an odd-numbered year and extending through October 31 of the~~
19 ~~following year; or~~

20 ~~[(B) \$50, if the applicant fulfills the~~
21 ~~certificate requirements during the period beginning November 1 of~~
22 ~~an even-numbered year and extending through October 31 of the~~
23 ~~following year].~~

24 SECTION 2.10. Sections 1601.256(b) and (d), Occupations
25 Code, are amended to read as follows:

26 (b) An applicant for a barber technician license must:

27 (1) be at least 16 years of age;

(2) have completed the seventh grade or the equivalent of the seventh grade;

(3) have completed a course of instruction in a commission-approved [~~board-approved~~] training program consisting of not less than 300 hours in a period of not less than eight weeks; and

(4) submit the required [~~a \$10 administration~~] fee with the application.

(d) The department [~~board~~] shall issue a barber technician license to an applicant who:

(1) possesses the qualifications described by Subsection (b);

(2) passes the appropriate examination;

(3) pays the required [~~a~~] license fee [~~not to exceed \$100~~]; and

(4) has not committed an act that is a ground for denial of a license.

SECTION 2.11. Sections 1601.257(b) and (c), Occupations Code, are amended to read as follows:

(b) An applicant for a manicurist license must:

(1) be at least 17 [~~16~~] years of age;

(2) have completed the seventh grade or the equivalent of the seventh grade;

(3) have completed a commission-approved [~~board-approved~~] training program consisting of 600 hours of instruction in manicuring; and

(4) submit the required [~~a \$10 administration~~] fee

1 with the application.

2 (c) The department [~~board~~] shall issue a manicurist license
3 to an applicant who:

4 (1) possesses the qualifications described by
5 Subsection (b);

6 (2) passes the appropriate examination;

7 (3) pays the required [~~a~~] license fee [~~not to exceed~~
8 ~~\$30~~]; and

9 (4) has not committed an act that is a ground for
10 denial of a license.

11 SECTION 2.12. Section 1601.260, Occupations Code, is
12 amended to read as follows:

13 Sec. 1601.260. ELIGIBILITY FOR STUDENT PERMIT. (a) An
14 applicant for a permit to be a student in a barber school must:

15 (1) submit an enrollment application to the department
16 [~~board~~] in the form prescribed by the department [~~board~~];

17 (2) have completed the seventh grade;

18 (3) satisfy other requirements specified by the
19 department [~~board~~]; and

20 (4) submit with the application the required [~~a~~]
21 nonrefundable application fee [~~in an amount not to exceed \$25~~].

22 (b) A separate application is required for each enrollment,
23 reenrollment, or transfer enrollment. The application fee applies
24 only to the first enrollment. The department [~~board~~] may not charge
25 the application fee for any later enrollment, reenrollment, or
26 transfer enrollment.

27 SECTION 2.13. Section 1601.265, Occupations Code, is

amended to read as follows:

Sec. 1601.265. WAIVER OF LICENSE REQUIREMENTS; PERSONAL INTERVIEW. (a) The department ~~[board]~~ may waive any license requirement for an applicant holding a license from another state or country that has license requirements substantially equivalent to those of this state.

(b) The department ~~[board]~~ may not require a personal interview as part of the application process.

SECTION 2.14. Section 1601.301(b), Occupations Code, is amended to read as follows:

(b) Not later than the third day after the date the shop opens, a [A] person who owns, operates, or manages a barbershop or specialty shop must ~~[+]~~

~~[(1)]~~ submit an application to the department ~~[board]~~ for an appropriate permit for each shop, accompanied by a fee set by commission rule ~~[, and~~

~~[(2)] register with the board the person's full name and the location of each shop].~~

SECTION 2.15. Section 1601.303, Occupations Code, is amended to read as follows:

Sec. 1601.303. ISSUANCE OF BARBERSHOP PERMIT. The department ~~[board]~~ shall issue a barbershop permit to an applicant if:

(1) the applicant owns the barbershop ~~[holds a Class A barber certificate,~~

~~[(2) the applicant has practiced barbering for at least 12 months]; and~~

1 (2) ~~[(3)]~~ the shop meets the minimum health standards
2 for barbershops set by the commission ~~[board]~~ and all other
3 commission rules ~~[of the board]~~.

4 SECTION 2.16. Sections 1601.304(b) and (c), Occupations
5 Code, are amended to read as follows:

6 (b) An applicant for a manicurist specialty shop permit must
7 submit:

8 (1) an application that includes:

9 (A) the shop's address;

10 (B) the legal description of the premises for
11 which the permit is sought; and

12 (C) any other information required by the
13 department ~~[board]~~; and

14 (2) the required ~~[an]~~ inspection fee ~~[in an amount not~~
15 ~~to exceed \$50]~~.

16 (c) As soon as practicable after receipt of the application
17 and fee, the department ~~[board]~~ shall issue a temporary manicurist
18 specialty shop permit to the applicant. The applicant may operate
19 the applicant's shop under the temporary permit until a permanent
20 permit is issued.

21 SECTION 2.17. Section 1601.305, Occupations Code, is
22 amended to read as follows:

23 Sec. 1601.305. ISSUANCE OF MANICURIST SPECIALTY SHOP
24 PERMIT. The department ~~[board]~~ shall issue a permanent manicurist
25 specialty shop permit to an applicant if:

26 (1) the applicant holds a manicurist license; and

27 (2) the shop meets the minimum health standards for

1 manicurist specialty shops set by the commission [~~board~~], as
2 determined by a department [~~board~~] inspection under Section
3 1603.103, and any other requirements imposed by commission [~~board~~]
4 rule.

5 SECTION 2.18. Section 1601.309, Occupations Code, is
6 amended to read as follows:

7 Sec. 1601.309. PRACTICE BY COSMETOLOGIST AT SPECIALTY SHOP
8 PROHIBITED. A person who holds a license, permit, or certificate
9 issued by the department under Chapter 1602 [~~Texas Cosmetology~~
10 ~~Commission~~] may not practice under that authority at a specialty
11 shop regulated under this chapter.

12 SECTION 2.19. Section 1601.352, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT. (a)
15 An applicant for a barber school permit must demonstrate to the
16 department [~~board~~] that the school meets the requirements of this
17 subchapter for issuance of a permit.

18 (b) Before issuing a barber school permit, the department
19 [~~board~~] must determine that the applicant is financially sound and
20 capable of fulfilling the applicant's commitments for training.

21 SECTION 2.20. Section 1601.353, Occupations Code, is
22 amended to read as follows:

23 Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. (a) The
24 department [~~board~~] may not approve an application for a permit for a
25 barber school that provides training leading to issuance of a Class
26 A barber certificate unless the school has:

27 (1) an adequate school site housed in a substantial

1 building of permanent construction containing at least 2,800 square
2 feet of floor space, divided into:

- 3 (A) a senior department;
- 4 (B) a junior department;
- 5 (C) a class theory room;
- 6 (D) a supply room;
- 7 (E) an office space;
- 8 (F) a dressing and cloak room; and
- 9 (G) two sanitary, modern, separate restrooms,

10 each equipped with one commode and one of which is also equipped
11 with a urinal;

12 (2) a hard-surface floor-covering of tile or other
13 suitable material;

14 (3) at least 20 modern barber chairs, including a
15 cabinet and mirror for each chair;

16 (4) a lavatory behind every two barber chairs;

17 (5) a liquid sterilizer for each barber chair;

18 (6) an adequate number of latherers, vibrators, and
19 hair dryers for student use;

20 (7) adequate lighting for each room;

21 (8) at least 20 classroom chairs, a blackboard,
22 anatomical charts of the head, neck, and face, and one barber chair
23 in the class theory room;

24 (9) a library with library facilities available to
25 students containing at least one medical dictionary and a standard
26 work on human anatomy;

27 (10) adequate drinking fountain facilities, with at

1 least one for each floor;

2 (11) adequate toilet facilities for the students; and

3 (12) adequate fire-fighting equipment.

4 (b) An applicant for a barber school permit must submit to
5 the department [~~board~~]:

6 (1) a detailed drawing and chart of the proposed
7 physical layout of the school, showing the departments, floor
8 space, equipment, lights, and outlets;

9 (2) photographs of the proposed site for the school,
10 including the interior and exterior of the building, rooms, and
11 departments;

12 (3) a detailed copy of the training program;

13 (4) a copy of the catalogue and promotional literature
14 of the school;

15 (5) a copy of the building lease or proposed building
16 lease if the building is not owned by the school;

17 (6) a sworn statement showing the ownership of the
18 school; and

19 (7) the required [~~a~~] permit fee [~~not to exceed~~
20 ~~\$1,000~~].

21 SECTION 2.21. Section 1601.354, Occupations Code, is
22 amended to read as follows:

23 Sec. 1601.354. PREREQUISITES FOR GRADUATION. (a) The
24 department [~~board~~] may not approve an application for a barber
25 school permit unless the school requires as a prerequisite for
26 graduation the following hours of instruction:

27 (1) for a barber technician, 300 hours of instruction

1 completed in a course of not less than eight weeks;

2 (2) for a Class A barber, 1,500 hours of instruction
3 completed in a course of not less than nine months, at least 800
4 hours of which is in the actual practice of cutting hair as a
5 primary service;

6 (3) for a manicurist, 600 hours of instruction
7 completed in a course of not less than 16 weeks; and

8 (4) for a teacher, 1,000 hours of instruction
9 completed in a course of not less than six months.

10 (b) If a barber school offers a refresher course, the course
11 must require at least 300 hours of instruction. The commission
12 [~~board~~] by rule shall set the curriculum for a refresher course.

13 SECTION 2.22. Section 1601.355, Occupations Code, is
14 amended to read as follows:

15 Sec. 1601.355. SUPERVISION AND TEACHING REQUIREMENTS. (a)
16 The department [~~board~~] may not approve an application for a permit
17 for a barber school that provides training leading to issuance of a
18 Class A barber certificate unless the school is under the direct
19 supervision and control of a Class A barber certificate holder who
20 presents evidence of at least five years' experience as a
21 practicing barber.

22 (b) Each barber school for which a permit is sought must
23 have at least one teacher who has a teacher's certificate and is
24 capable and qualified to teach to the students the required
25 curriculum of the school. In addition to satisfying other
26 department [~~board~~] requirements, the teacher must demonstrate to
27 the department [~~board~~]:

(1) through a written and practical examination an ability to teach the curriculum; and

(2) that the teacher is qualified to teach and:

(A) has had at least six months' experience as a teacher in an approved school in this state or in another state approved by the department [~~board~~]; or

(B) has completed 1,000 hours of instruction in a postgraduate course as a student teacher in a department-approved [~~board-approved~~] barber school in this state.

SECTION 2.23. Sections 1601.3571(a) and (b), Occupations Code, are amended to read as follows:

(a) If on January 1 of any year the amount in the barber school tuition protection account is less than \$25,000, the department [~~board~~] shall collect a fee from each barber school during that year by applying a percentage to the school's renewal fee at a rate that will bring the balance of the account to \$25,000.

(b) The comptroller shall invest the account in the same manner as other state funds. Sufficient money from the account shall be appropriated to the department [~~board~~] for the purpose of refunding unused tuition if a barber school ceases operation before its course of instruction is complete. The department [~~board~~] shall administer claims made against the account.

SECTION 2.24. Section 1601.402(c), Occupations Code, is amended to read as follows:

(c) The department [~~board~~] shall issue a renewal certificate or license on receipt of a renewal application in the form prescribed by the department [~~board~~], accompanied by a renewal

1 fee in an amount equal to the original certificate or license fee
2 [~~but not to exceed \$100~~].

3 SECTION 2.25. The heading to Section 1601.404, Occupations
4 Code, is amended to read as follows:

5 Sec. 1601.404. [~~RENEWAL OR~~] REINSTATEMENT OF EXPIRED
6 CERTIFICATE OR LICENSE BY RETIREE.

7 SECTION 2.26. Section 1601.404(c), Occupations Code, is
8 amended to read as follows:

9 (c) A Class A barber or license holder who retires from
10 practice and whose certificate or license has been expired for more
11 than five years may qualify for a new certificate or license by
12 applying to the department [~~board~~] and by:

13 (1) making a proper showing to the department [~~board~~],
14 supported by a personal affidavit;

15 (2) paying the required [~~an~~] examination fee [~~not to~~
16 ~~exceed \$100~~];

17 (3) passing a satisfactory examination conducted by
18 the department [~~board~~]; and

19 (4) paying the fee for an original certificate or
20 license.

21 SECTION 2.27. Section 1601.405, Occupations Code, is
22 amended to read as follows:

23 Sec. 1601.405. RENEWAL WHILE IN ARMED FORCES. (a) The
24 department [~~board~~] may not require a Class A barber, barber
25 technician, teacher, or manicurist who is serving on active duty in
26 the United States armed forces to renew the person's certificate or
27 license.

1 (b) The department [~~board~~] shall issue a renewal
2 certificate or license on application and payment of the required
3 [~~a~~] renewal fee not later than the 90th day after the date the
4 person is released or discharged from active duty in the armed
5 forces. [~~The renewal fee is:~~

6 [~~(1) \$10 if the application and payment are made~~
7 ~~during the period beginning November 1 of an odd-numbered year and~~
8 ~~ending October 31 of the following year; or~~

9 [~~(2) \$5 if the application and payment are made during~~
10 ~~the period beginning November 1 of an even-numbered year and ending~~
11 ~~October 31 of the following year.]~~

12 SECTION 2.28. Section 1601.406, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.406. RENEWAL OF BARBERSHOP OR SPECIALTY SHOP
15 PERMIT. (a) A barbershop permit or specialty shop permit expires
16 on the second anniversary of the date of issuance [~~on July 1 of each~~
17 ~~odd-numbered year~~].

18 (b) A barbershop permit holder may renew the permit by
19 paying the required [~~a~~] renewal fee [~~not to exceed \$70~~].

20 (c) A specialty shop permit holder may renew the permit by
21 submitting to the department [~~board~~] a renewal application
22 accompanied by the required [~~a~~] renewal fee [~~not to exceed \$50~~].

23 SECTION 2.29. Section 1601.407, Occupations Code, is
24 amended to read as follows:

25 Sec. 1601.407. RENEWAL OF BARBER SCHOOL PERMIT. (a) A
26 barber school permit expires on the first anniversary [~~September 1~~]
27 of the date of issuance [~~each year~~].

(b) A barber school may renew its permit by paying the required [a] renewal fee [~~not to exceed \$300~~].

SECTION 2.30. Section 1601.452, Occupations Code, is amended to read as follows:

Sec. 1601.452. DISPLAY OF SANITATION RULES. Each barbershop or specialty shop shall post in the shop a copy of the commission's sanitation [~~board's~~] rules [~~adopted under Section 1601.152~~].

SECTION 2.31. Section 1601.453, Occupations Code, is amended to read as follows:

Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by the department [~~board~~] may practice barbering only at a location for which the department [~~board~~] has issued a barbershop permit, specialty shop permit, or barber school permit.

SECTION 2.32. Section 1601.454, Occupations Code, is amended to read as follows:

Sec. 1601.454. PRACTICE AT FACILITY LICENSED OR PERMITTED AS BARBER AND COSMETOLOGIST FACILITY [~~BY BOARD AND TEXAS COSMETOLOGY COMMISSION~~]. (a) The commission [~~board~~] may not adopt rules to restrict or prohibit practice by a Class A barber or manicurist in a facility solely because the facility is licensed or permitted by [~~both~~] the department under both this chapter and Chapter 1602 [~~board and the Texas Cosmetology Commission~~].

(b) If a facility has a license or permit under both this chapter and Chapter 1602 [~~the board and the Texas Cosmetology Commission license or permit the same facility~~], the commission [~~board~~] may not adopt rules requiring separate treatment of the

1 barbers and cosmetologists practicing in the facility or of their
2 customers, including separate:

- 3 (1) work areas for barbers and cosmetologists;
- 4 (2) waiting areas for customers of the barbers and
5 cosmetologists; or
- 6 (3) restrooms for the barbers and cosmetologists
7 practicing in the facility or for their customers.

8 SECTION 2.33. Section 1601.501, Occupations Code, is
9 amended to read as follows:

10 Sec. 1601.501. DISPLAY OF SHOP [~~BARBERSHOP~~] PERMIT. A
11 barbershop or specialty shop permit holder must display the permit
12 in a conspicuous place in the shop for which the permit is issued.

13 SECTION 2.34. Section 1601.552, Occupations Code, is
14 amended to read as follows:

15 Sec. 1601.552. DISPLAY OF SANITATION RULES. Each barber
16 school shall post in the school a copy of the commission's
17 sanitation [~~board's~~] rules [~~adopted under Section 1601.152~~].

18 SECTION 2.35. Section 1601.554, Occupations Code, is
19 amended to read as follows:

20 Sec. 1601.554. CHANGE OF BARBER SCHOOL OWNERSHIP OR
21 LOCATION. (a) If a barber school changes ownership, the
22 department [~~board~~] must be notified of the change not later than the
23 10th day before the date the change takes effect.

24 (b) A barber school may not change the location of the
25 school unless the school obtains approval from the department
26 [~~board~~] before the change by showing that the proposed location
27 meets the requirements of Subchapter H for issuance of a permit to

1 the school.

2 SECTION 2.36. Section 1601.556, Occupations Code, is
3 amended to read as follows:

4 Sec. 1601.556. INFORMATION PROVIDED TO PROSPECTIVE
5 STUDENT. The holder of a barber school permit shall furnish each
6 prospective student with:

- 7 (1) a course outline;
- 8 (2) a schedule of the tuition and other fees assessed;
- 9 (3) the school's refund policy required under Section
10 1601.563;
- 11 (4) the school's grading policy and rules relating to
12 incomplete grades;
- 13 (5) the school's rules of operation and conduct,
14 including rules relating to absences;
- 15 (6) the department's [~~board's~~] name, mailing address,
16 and telephone number for the purpose of directing complaints to the
17 department [~~board~~]; and
- 18 (7) the current rates of job placement and employment
19 of students who complete a course of training.

20 SECTION 2.37. Section 1601.557, Occupations Code, is
21 amended to read as follows:

22 Sec. 1601.557. COURSE LENGTH AND CURRICULUM
23 CONTENT. (a) A barber school shall submit to the department
24 [~~board~~] for approval the course length and curriculum content for a
25 course offered by the school. The course length and curriculum
26 content shall be designed to reasonably ensure that a student
27 develops the job skills and knowledge necessary for employment.

1 The school may not implement a course length or curriculum content
2 unless it is approved by the department ~~[board]~~.

3 (b) Before issuing or renewing a permit under this chapter,
4 the department ~~[board]~~ shall require a school to account for all
5 course lengths and curriculum contents.

6 SECTION 2.38. Section 1601.559(b), Occupations Code, is
7 amended to read as follows:

8 (b) The department ~~[board]~~ may inspect a school's
9 attendance record book at any time.

10 SECTION 2.39. Section 1601.560(a), Occupations Code, is
11 amended to read as follows:

12 (a) In addition to the teacher required by Section
13 1601.355(b), a barber school that provides training leading to
14 issuance of a Class A barber certificate shall have at least one
15 qualified instructor, holding a Class A certificate, for every 25
16 ~~[20]~~ students on the school's premises ~~[for instruction in~~
17 ~~practical work]~~. A teacher may serve as an instructor in practical
18 work in addition to holding a position as a theory teacher.

19 SECTION 2.40. Section 1601.561, Occupations Code, is
20 amended to read as follows:

21 Sec. 1601.561. REPORTS TO DEPARTMENT ~~[BOARD]~~. (a) A barber
22 school shall maintain ~~[submit]~~ a monthly progress report ~~[to the~~
23 ~~board]~~ regarding each student attending the school. The report
24 must certify the daily attendance record of each student and the
25 number of credit hours earned by each student during the previous
26 month.

27 (b) On a student's completion of a prescribed course of

1 instruction, the school shall notify [~~certify to~~] the department
2 [~~board~~] that the student has completed the required number of hours
3 and is eligible to take the appropriate examination.

4 (c) A barber school permit holder shall furnish to the
5 department [~~board~~]:

6 (1) the current course completion rates of students
7 who attend a course of instruction offered by the school; and

8 (2) job placement rates and employment rates of
9 students who complete a course of instruction.

10 SECTION 2.41. Section 1601.566(d), Occupations Code, is
11 amended to read as follows:

12 (d) The department [~~board~~] may exempt a school from the
13 payment of interest if the school makes a good faith effort to
14 refund the tuition but is unable to locate the student. The school
15 shall provide to the department [~~board~~] on request documentation of
16 the school's effort to locate the student.

17 SECTION 2.42. Section 1601.603, Occupations Code, is
18 amended to read as follows:

19 Sec. 1601.603. DENIAL OF PERMIT; SUIT. (a) If the
20 department [~~board~~] denies an application for a barber school
21 permit, the school may request in writing the reasons for the
22 refusal.

23 (b) If the barber school meets the requirements for issuance
24 of the permit and shows that the requirements of this chapter have
25 been met, and the department [~~board~~] refuses to issue the permit,
26 the school may file suit in a district court in Travis County to
27 require the department [~~board~~] to issue the permit.

1 (c) A suit under Subsection (b) must be filed not later than
2 the 20th day after the date of the department's [~~board's~~] final
3 order denying issuance of the permit, if registered notice of the
4 order is mailed or it is otherwise shown that the school had notice
5 of the order not later than the 10th day after the date the
6 department [~~board~~] entered the order.

7 SECTION 2.43. Section 1601.604(a), Occupations Code, is
8 amended to read as follows:

9 (a) The commission [~~board~~] shall suspend or revoke the
10 permit of a barber school that directly or indirectly violates this
11 chapter.

12 SECTION 2.44. Section 1601.605, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.605. PROBATION FOR ALTERING COURSE LENGTH. The
15 commission [~~board~~] shall place on probation a barber school that
16 alters a course length below or above industry standards until the
17 school:

- 18 (1) provides justification for the alteration; or
19 (2) adjusts the course length to meet industry
20 standards.

21 SECTION 2.45. Sections 1601.606(a), (b), and (c),
22 Occupations Code, are amended to read as follows:

23 (a) If the department [~~board~~] has reasonable cause to
24 believe that a barber school has violated this chapter or a rule
25 adopted under this chapter, the department [~~board~~] may:

- 26 (1) order a peer review of the school; or
27 (2) suspend the admission of students to the school.

1 (b) The peer review shall be conducted by a peer review team
2 consisting of knowledgeable persons selected by the department
3 ~~[board]~~. The department ~~[board]~~ shall attempt to provide a balance
4 on a peer review team between members assigned to the team who are
5 from this state and members who are from other states.

6 (c) The peer review team shall provide the department
7 ~~[board]~~ with an objective assessment of the school's curriculum
8 content and its application.

9 SECTION 2.46. Section 1601.653(a), Occupations Code, is
10 amended to read as follows:

11 (a) A person commits an offense if the person is a barber
12 inspector or other department ~~[board]~~ employee and the person sells
13 barber supplies or engages in a business, other than barbering,
14 that deals directly with a barber, barbershop, specialty shop, or
15 barber school.

16 ARTICLE 3. REGULATION OF COSMETOLOGY

17 SECTION 3.01. Section 1602.001, Occupations Code, is
18 amended to read as follows:

19 Sec. 1602.001. GENERAL DEFINITIONS. In this chapter:

20 (1) "Board" means the Advisory Board on Cosmetology.

21 (2) "Commission" means the Texas [Cosmetology]
22 Commission of Licensing and Regulation.

23 (3) "Department" means the Texas Department of
24 Licensing and Regulation.

25 (4) "Executive director" means the executive director
26 of the department.

27 (5) [+2+] "Public school" includes a public high

1 school, a public junior college, or any other nonprofit tax-exempt
2 institution that conducts a cosmetology program.

3 SECTION 3.02. The heading to Subchapter B, Chapter 1602,
4 Occupations Code, is amended to read as follows:

5 SUBCHAPTER B. ADVISORY BOARD ON [TEXAS] COSMETOLOGY [COMMISSION]

6 SECTION 3.03. The heading to Section 1602.051, Occupations
7 Code, is amended to read as follows:

8 Sec. 1602.051. BOARD [COMMISSION]; MEMBERSHIP.

9 SECTION 3.04. Section 1602.051(a), Occupations Code, is
10 amended to read as follows:

11 [(a)] The Advisory Board on [Texas] Cosmetology
12 [Commission] consists of five [six] members appointed by the
13 presiding officer of the commission, with the commission's
14 approval, [governor with the advice and consent of the senate] as
15 follows:

16 (1) one member who holds a license for a beauty shop
17 that is part of a chain of beauty shops [license];

18 (2) one member who holds a license for a beauty shop
19 that is not part of a chain of beauty shops;

20 (3) one member who holds a private beauty culture
21 school license; and

22 (4) [(3)] two members who each hold an operator
23 license[, and

24 [(4) two members who represent the public].

25 SECTION 3.05. Sections 1602.055(a) and (c), Occupations
26 Code, are amended to read as follows:

27 (a) Members of the board [commission] serve staggered

1 six-year terms, with the terms of one or two members expiring on the
2 same date [~~December 31 of~~] each odd-numbered year.

3 (c) If a vacancy occurs during a member's term, the
4 presiding officer of the commission, with the commission's
5 approval, [~~governor~~] shall appoint a replacement to fill the
6 unexpired term.

7 SECTION 3.06. The heading to Section 1602.058, Occupations
8 Code, is amended to read as follows:

9 Sec. 1602.058. PRESIDING OFFICER[~~, COMMITTEES~~].

10 SECTION 3.07. Section 1602.058(a), Occupations Code, is
11 amended to read as follows:

12 [~~(a)~~] The presiding officer of the commission, with the
13 commission's approval, [~~governor~~] shall designate one member of the
14 commission as presiding officer to serve in that capacity for a
15 two-year term [~~at the pleasure of the governor~~].

16 SECTION 3.08. Subchapter B, Chapter 1602, Occupations Code,
17 is amended by adding Section 1602.060 to read as follows:

18 Sec. 1602.060. BOARD DUTIES. (a) The board shall advise
19 the commission and the department on:

20 (1) education and curricula for applicants;
21 (2) the content of examinations;
22 (3) proposed rules and standards on technical issues
23 related to cosmetology; and

24 (4) other issues affecting cosmetology.

25 (b) The board shall respond to questions from the department
26 and the commission regarding cosmetology.

27 SECTION 3.09. The heading to Subchapter D, Chapter 1602,

Occupations Code, is amended to read as follows:

SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY

SECTION 3.10. Sections 1602.153(a) and (b), Occupations Code, are amended to read as follows:

(a) The department [~~commission~~] may request and, if necessary, compel by subpoena:

(1) the attendance of a witness for examination under oath; and

(2) the production for inspection and copying of records and other evidence relevant to the investigation of an alleged violation of this chapter.

(b) If a person fails to comply with a subpoena issued under this section, the department [~~commission~~], acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by the department [~~commission~~] may be held.

SECTION 3.11. Section 1602.251(c), Occupations Code, is amended to read as follows:

(c) A person licensed by the department [~~commission~~] may practice cosmetology only at a facility operated by a person holding a beauty shop license, private beauty culture school license, or other license issued by the department [~~commission~~].

SECTION 3.12. Section 1602.258(b), Occupations Code, is amended to read as follows:

(b) To be eligible for a specialty certificate, an applicant must:

(1) be at least 17 years of age;

1 (2) have obtained a high school diploma or the
2 equivalent of a high school diploma or have passed a valid
3 examination administered by a certified testing agency that
4 measures the person's ability to benefit from training; and

5 (3) have the necessary requisites as determined by the
6 department ~~[commission]~~ in the particular specialty for which
7 certification is sought, including training through a
8 commission-approved training program.

9 SECTION 3.13. Sections 1602.266(a) and (b), Occupations
10 Code, are amended to read as follows:

11 (a) The department ~~[commission]~~ shall require a student
12 enrolled in a school of cosmetology in this state to hold a permit
13 stating the student's name and the name of the school. The permit
14 shall be displayed in a reasonable manner at the school.

15 (b) The department ~~[commission]~~ shall issue a student
16 permit to an applicant who submits an application to the department
17 ~~[commission]~~ for a student permit accompanied by the required fee.

18 SECTION 3.14. Section 1602.267(b), Occupations Code, is
19 amended to read as follows:

20 (b) The department ~~[commission]~~ shall issue a shampoo
21 apprentice permit to an applicant who[+]

22 ~~[(1)] is at least 16 years of age[, and~~
23 ~~[(2)] submits a certificate of health as required by~~
24 ~~Section 1602.253].~~

25 SECTION 3.15. Section 1602.302(b), Occupations Code, is
26 amended to read as follows:

27 (b) An application for a beauty shop license must be

1 accompanied by the required inspection fee and:

2 (1) be on a form prescribed by the department
3 ~~[commission]~~;

4 (2) contain proof of the particular requisites for a
5 beauty shop established by the commission; and

6 (3) be verified by the applicant.

7 SECTION 3.16. Sections 1602.303(b) and (c), Occupations
8 Code, are amended to read as follows:

9 (b) An application for a private beauty culture school
10 license must be accompanied by the required license fee and
11 inspection fee and:

12 (1) be on a form prescribed by the department
13 ~~[commission]~~;

14 (2) be verified by the applicant;

15 (3) contain a detailed floor plan of the school
16 building divided into two separate areas, one area for instruction
17 in theory and one area for clinic work; and

18 (4) contain a statement that the building:

19 (A) is fireproof;

20 (B) is of permanent construction;

21 (C) contains a minimum of 3,500 square feet of
22 floor space;

23 (D) has separate restrooms for male and female
24 students; and

25 (E) contains, or will contain before classes
26 begin, the equipment established by commission rule as sufficient
27 to properly instruct a minimum of 50 students.

(c) The applicant is entitled to a private beauty culture school license if:

(1) the department [~~commission~~] determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;

(2) the applicant's facilities pass an inspection conducted by the department under Section 1603.103 [~~commission~~]; and

(3) the applicant has not committed an act that constitutes a ground for denial of a license.

SECTION 3.17. Section 1602.305(b), Occupations Code, is amended to read as follows:

(b) An application for a specialty shop license must be accompanied by the required inspection fee and:

(1) be on a form prescribed by the department [~~commission~~];

(2) contain proof of the particular requisites for a specialty shop as established by the commission; and

(3) be verified by the applicant.

SECTION 3.18. Section 1602.306(b), Occupations Code, is amended to read as follows:

(b) An application for a booth rental license must:

(1) be on a form prescribed by the department [~~commission~~];

(2) contain information as required by commission rule; and

(3) be verified by the applicant.

SECTION 3.19. The heading to Section 1602.352, Occupations Code, is amended to read as follows:

Sec. 1602.352. REQUIREMENT FOR FIRST [~~PROCEDURE FOR~~] RENEWAL OF LICENSE [~~OR REINSTATEMENT~~].

SECTION 3.20. Subchapter H, Chapter 1602, Occupations Code, is amended by adding Section 1602.353 to read as follows:

Sec. 1602.353. INACTIVE STATUS. (a) Not later than the 10th day before the expiration date of a certificate or license issued under this chapter, the certificate or license holder may place the certificate or license on inactive status by:

(1) submitting an application for inactive status to the department on a form prescribed by the department; and

(2) paying the required fee.

(b) Except as provided by Subsection (e), a person whose certificate or license is on inactive status is not required to complete continuing education required under this chapter.

(c) A person whose certificate or license is on inactive status may reapply for inactive status before the expiration date of the certificate or license. The person must pay the required fee.

(d) A license holder may not employ a person on inactive status.

(e) A person on inactive status may return the certificate or license to active status by:

(1) applying to the department for active status on a form prescribed by the department;

(2) paying the required fee; and

1 (3) providing evidence satisfactory to the department
2 that the person has completed the number of hours of continuing
3 education that would otherwise have been required for a renewal of
4 an active license for the preceding two-year license period.

5 (f) The commission may set fees and adopt rules to implement
6 this section.

7 SECTION 3.21. Section 1602.405, Occupations Code, is
8 amended to read as follows:

9 Sec. 1602.405. PRACTICE AT FACILITY LICENSED OR PERMITTED
10 AS BARBER AND COSMETOLOGIST FACILITY [~~BY COMMISSION AND STATE BOARD~~
11 ~~OF BARBER EXAMINERS~~]. (a) The commission may not adopt rules to
12 restrict or prohibit practice by a cosmetologist in a facility
13 solely because the facility is licensed or permitted by [~~both~~] the
14 department under both this chapter and Chapter 1601 [~~commission and~~
15 ~~the State Board of Barber Examiners~~].

16 (b) If a facility has a license or permit under both this
17 chapter and Chapter 1601 [~~the commission and the State Board of~~
18 ~~Barber Examiners license the same facility~~], the commission may not
19 adopt rules requiring separate treatment of the barbers and
20 cosmetologists practicing in the facility or of their customers,
21 including separate:

- 22 (1) work areas for barbers and cosmetologists;
23 (2) waiting areas for customers of the barbers and
24 cosmetologists; or
25 (3) restrooms for the barbers and cosmetologists
26 practicing in the facility or for their customers.

27 SECTION 3.22. Section 1602.451(a), Occupations Code, is

amended to read as follows:

(a) The holder of a private beauty culture school license shall:

(1) maintain a sanitary establishment;

(2) maintain on its staff and on duty during business hours one full-time licensed instructor for each 25 students in attendance;

(3) maintain a daily record of students' attendance;

(4) establish regular class and instruction hours and grades;

(5) require a school term of not less than nine months and not less than 1,500 hours instruction for a complete course in cosmetology;

(6) require a school term of not less than 600 hours instruction for a complete course in manicuring;

(7) hold examinations before issuing diplomas;

(8) maintain a copy of the school's curriculum in a conspicuous place and verify that the curriculum is being followed;

(9) publish in the school's catalogue and enrollment contract a description of the refund policy required under Section 1602.458; and

~~(10) [submit to the executive director the name of each student within 10 days after the date the student enrolls in the school and notify the executive director of the withdrawal or graduation of a student not later than the 10th day after the date the student withdraws or graduates; and~~

~~[(11)]~~ provide the department ~~[commission]~~ with

information on:

(A) the current course completion rates of students who attend a course of instruction offered by the school; and

(B) job placement rates and employment rates of students who complete the course of instruction.

SECTION 3.23. Section 1602.452, Occupations Code, is amended to read as follows:

Sec. 1602.452. INFORMATION PROVIDED TO PROSPECTIVE STUDENT. The holder of a private beauty culture school license shall furnish each prospective student with:

- (1) a course outline;
- (2) a schedule of the tuition and other fees assessed;
- (3) the refund policy required under Section 1602.458;
- (4) the school grading policy and rules relating to incomplete grades;
- (5) the school rules of operation and conduct, including rules relating to absences;
- (6) the name, mailing address, and telephone number of the department [~~commission~~] for the purpose of directing complaints to the department [~~commission~~]; and
- (7) the current rates of job placement and employment of students who complete a course of training.

SECTION 3.24. Section 1602.453(c), Occupations Code, is amended to read as follows:

(c) Before issuing or renewing a license under this chapter, the department [~~commission~~] shall require a school to account for

each course length and curriculum content.

SECTION 3.25. Section 1602.454, Occupations Code, is amended to read as follows:

Sec. 1602.454. STUDENT RECORD. A private beauty culture school shall notify ~~[send to]~~ the department ~~[commission]~~ ~~a certified copy of a student's record, indicating all course hours completed by the student and whether the agreed tuition has been paid,~~ when a ~~[the]~~ student~~+~~

~~[(1)] graduates from a course of training offered by the school and is eligible to take the appropriate examination[, or~~

~~[(2)] withdraws or transfers from a course of training without completion of the training].~~

SECTION 3.26. Section 1602.460(d), Occupations Code, is amended to read as follows:

(d) The department ~~[commission]~~ may exempt a school from the payment of interest if the school makes a good faith effort to refund the tuition but is unable to locate the student. The school shall provide to the department ~~[commission]~~ on request documentation of the effort to locate the student.

SECTION 3.27. Section 1602.463(a), Occupations Code, is amended to read as follows:

(a) If a private beauty culture school closes, the department ~~[commission]~~ shall attempt to arrange for students enrolled in the closed school to attend another private beauty culture school.

SECTION 3.28. Sections 1602.464(a) and (b), Occupations Code, are amended to read as follows:

1 (a) If on January 1 of any year the amount in the private
2 beauty culture school tuition protection account is less than
3 \$200,000, the department [~~commission~~] shall collect a fee from each
4 private beauty culture school during that year by applying a
5 percentage to the school's renewal fee at a rate that will bring the
6 balance of the account to \$200,000.

7 (b) The comptroller shall invest the account in the same
8 manner as other state funds. Sufficient money from the account
9 shall be appropriated to the department [~~commission~~] for the
10 purpose described by Section 1602.463. The department [~~commission~~]
11 shall administer claims made against the account.

12 SECTION 3.29. Sections 1602.465(a), (b), and (c),
13 Occupations Code, are amended to read as follows:

14 (a) If the department [~~commission~~] has reasonable cause to
15 believe that a private beauty culture school has violated this
16 chapter or a rule adopted under this chapter, the department
17 [~~commission~~] may:

18 (1) order a peer review of the school; or

19 (2) suspend the admission of students to the school.

20 (b) The peer review shall be conducted by a peer review team
21 consisting of knowledgeable persons selected by the department
22 [~~commission~~]. The department [~~commission~~] shall attempt to provide
23 a balance on each team between members assigned to the team who are
24 from this state and those who are from other states.

25 (c) The team shall provide the department [~~commission~~] with
26 an objective assessment of the content of the school's curriculum
27 and its application.

ARTICLE 4. CONFORMING AMENDMENTS

SECTION 4.01. Section 232.002, Family Code, is amended to read as follows:

Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER. The following are licensing authorities subject to this chapter:

- (1) Department of Agriculture;
- (2) ~~[Texas Commission on Alcohol and Drug Abuse,~~
- ~~[(3)]~~ Texas Alcoholic Beverage Commission;
- (3) ~~[(4)]~~ Texas Appraiser Licensing and Certification Board;
- (4) ~~[(5)]~~ Texas Board of Architectural Examiners;
- (5) ~~[(6)]~~ ~~State Board of Barber Examiners,~~
- ~~[(7)]~~ Texas Board of Chiropractic Examiners;
- (6) ~~[(8)]~~ Comptroller of Public Accounts;
- (7) ~~[(9)]~~ ~~Texas Cosmetology Commission,~~
- ~~[(10)]~~ Court Reporters Certification Board;
- (8) ~~[(11)]~~ State Board of Dental Examiners;
- (9) ~~[(12)]~~ Texas State Board of Examiners of Dietitians;
- (10) ~~[(13)]~~ Texas Funeral Service Commission;
- (11) ~~[(14)]~~ ~~Texas~~ Department of State Health Services ~~[Health]~~;
- (12) ~~[(15)]~~ ~~Texas~~ Department of Aging and Disability ~~[Human]~~ Services;
- (13) ~~[(16)]~~ Texas Board of Professional Land Surveying;
- (14) ~~[(17)]~~ Texas Department of Licensing and

1 Regulation;

2 (15) [~~(18)~~] Texas State Board of Examiners of Marriage

3 and Family Therapists;

4 (16) [~~(19)~~] Texas State Board of Medical Examiners;

5 (17) [~~(20)~~] Midwifery Board;

6 (18) [~~(21)~~] Texas Commission on Environmental

7 Quality;

8 (19) [~~(22)~~] Board of Nurse Examiners;

9 (20) [~~(23)~~] Texas Board of Occupational Therapy

10 Examiners;

11 (21) [~~(24)~~] Texas Optometry Board;

12 (22) [~~(25)~~] Parks and Wildlife Department;

13 (23) [~~(26)~~] Texas State Board of Examiners of

14 Perfusionists;

15 (24) [~~(27)~~] Texas State Board of Pharmacy;

16 (25) [~~(28)~~] Texas Board of Physical Therapy

17 Examiners;

18 (26) [~~(29)~~] Texas State Board of Plumbing Examiners;

19 (27) [~~(30)~~] Texas State Board of Podiatric Medical

20 Examiners;

21 (28) [~~(31)~~] Polygraph Examiners Board;

22 (29) [~~(32)~~] Texas [~~Commission on~~] Private Security

23 Board;

24 (30) [~~(33)~~] Texas State Board of Examiners of

25 Professional Counselors;

26 (31) [~~(34)~~] Texas Board of Professional Engineers;

27 (32) [~~(35)~~] Department of Family and Protective [~~and~~

~~Regulatory~~] Services;

(33) [~~(36)~~] Texas State Board of Examiners of
Psychologists;

(34) [~~(37)~~] Texas State Board of Public Accountancy;

(35) [~~(38)~~] Department of Public Safety of the State
of Texas;

(36) [~~(39)~~] Public Utility Commission of Texas;

(37) [~~(40)~~] Railroad Commission of Texas;

(38) [~~(41)~~] Texas Real Estate Commission;

(39) [~~(42)~~] State Bar of Texas;

(40) [~~(43)~~] Texas State Board of Social Worker
Examiners;

(41) [~~(44)~~] State Board of Examiners for
Speech-Language Pathology and Audiology;

(42) [~~(45)~~] Texas Structural Pest Control Board;

(43) [~~(46)~~] Board of Tax Professional Examiners;

(44) [~~(47)~~] Secretary of State;

(45) [~~(48)~~] Supreme Court of Texas;

(46) [~~(49)~~] Texas Transportation Commission;

(47) [~~(50)~~] State Board of Veterinary Medical
Examiners;

(48) [~~(51)~~] Texas Ethics Commission;

(49) [~~(52)~~] Advisory Board of Athletic Trainers;

(50) [~~(53)~~] State Committee of Examiners in the
Fitting and Dispensing of Hearing Instruments;

(51) [~~(54)~~] Texas Board of Licensure for Professional
Medical Physicists;

1 (52) [~~(55)~~] Texas Department of Insurance;
2 (53) [~~(56)~~] Texas Board of Orthotics and Prosthetics;
3 (54) [~~(57)~~] savings and loan commissioner;
4 (55) [~~(58)~~] Texas Juvenile Probation Commission; and
5 (56) [~~(59)~~] Texas Lottery Commission under Chapter
6 466, Government Code.

7 SECTION 4.02. Section 411.122(d), Government Code, is
8 amended to read as follows:

9 (d) The following state agencies are subject to this
10 section:

11 (1) Texas Appraiser Licensing and Certification
12 Board;

13 (2) Texas Board of Architectural Examiners;

14 (3) [~~State Board of Barber Examiners,~~

15 ~~(4)]~~ Texas Board of Chiropractic Examiners;

16 (4) [~~(5) — Texas Cosmetology Commission,~~

17 ~~(6)]~~ State Board of Dental Examiners;

18 (5) [~~(7)]~~ Texas Board of Professional Engineers;

19 (6) [~~(8)]~~ Texas Funeral Service Commission;

20 (7) [~~(9)]~~ Texas Board of Professional Geoscientists;

21 (8) [~~(10) — Texas]~~ Department of State Health Services,

22 except as provided by Section 411.110, and agencies attached to the
23 department, including:

24 (A) Texas State Board of Examiners of Dietitians;

25 (B) Texas State Board of Examiners of Marriage
26 and Family Therapists;

27 (C) Midwifery Board;

(D) Texas State Board of Examiners of
Perfusionists;

(E) Texas State Board of Examiners of
Professional Counselors;

(F) Texas State Board of Social Worker Examiners;

(G) State Board of Examiners for Speech-Language
Pathology and Audiology;

(H) Advisory Board of Athletic Trainers;

(I) State Committee of Examiners in the Fitting
and Dispensing of Hearing Instruments;

(J) Texas Board of Licensure for Professional
Medical Physicists; and

(K) Texas Board of Orthotics and Prosthetics;

(9) [~~(11)~~] Texas Board of Professional Land
Surveying;

(10) [~~(12)~~] Texas Department of Licensing and
Regulation, except as provided by Section 411.093;

(11) [~~(13)~~] Texas Commission on Environmental
Quality;

(12) [~~(14)~~] Texas Board of Occupational Therapy
Examiners;

(13) [~~(15)~~] Texas Optometry Board;

(14) [~~(16)~~] Texas State Board of Pharmacy;

(15) [~~(17)~~] Texas Board of Physical Therapy
Examiners;

(16) [~~(18)~~] Texas State Board of Plumbing Examiners;

(17) [~~(19)~~] Texas State Board of Podiatric Medical

Examiners;

(18) [~~(20)~~] Polygraph Examiners Board;

(19) [~~(21)~~] Texas State Board of Examiners of
Psychologists;

(20) [~~(22)~~] Texas Real Estate Commission;

(21) [~~(23)~~] Board of Tax Professional Examiners;

(22) [~~(24)~~] Texas Department of Transportation;

(23) [~~(25)~~] State Board of Veterinary Medical
Examiners;

(24) [~~(26)~~] ~~Board of Vocational Nurse Examiners;~~

(27) [~~(27)~~] Texas Department of Housing and Community
Affairs;

(25) [~~(28)~~] secretary of state;

(26) [~~(29)~~] state fire marshal;

(27) [~~(30)~~] Texas Education Agency; and

(28) [~~(31)~~] Department of Agriculture.

SECTION 4.03. Section 2054.352(a), Government Code, is
amended to read as follows:

(a) The following licensing entities shall participate in
the system established under Section 2054.353[~~, as added by Chapter~~
~~353, Acts of the 77th Legislature, Regular Session, 2001~~]:

(1) [~~State Board of Barber Examiners;~~

(2) [~~(2)~~] Texas Board of Chiropractic Examiners;

(2) [~~(3)~~] ~~Texas Cosmetology Commission;~~

(4) [~~(4)~~] Court Reporters Certification Board;

(3) [~~(5)~~] State Board of Dental Examiners;

(4) [~~(6)~~] Texas Funeral Service Commission;

1 (5) [~~(7)~~] Texas Board of Professional Land Surveying;
2 (6) [~~(8)~~] Texas State Board of Medical Examiners;
3 (7) [~~(9)~~] Board of Nurse Examiners;
4 (8) [~~(10)~~] Texas Optometry Board;
5 (9) [~~(11)~~] Texas Structural Pest Control Board;
6 (10) [~~(12)~~] Texas State Board of Pharmacy;
7 (11) [~~(13)~~] Executive Council of Physical Therapy and
8 Occupational Therapy Examiners;
9 (12) [~~(14)~~] Texas State Board of Plumbing Examiners;
10 (13) [~~(15)~~] Texas State Board of Podiatric Medical
11 Examiners;
12 (14) [~~(16)~~] Board of Tax Professional Examiners;
13 (15) [~~(17)~~] Polygraph Examiners Board;
14 (16) [~~(18)~~] Texas State Board of Examiners of
15 Psychologists;
16 (17) [~~(19)~~] State Board of Veterinary Medical
17 Examiners;
18 (18) [~~(20)~~] Texas Real Estate Commission;
19 (19) [~~(21)~~] Texas Appraiser Licensing and
20 Certification Board;
21 (20) [~~(22)~~] Texas Department of Licensing and
22 Regulation;
23 (21) [~~(24)~~] Texas State Board of Public Accountancy;
24 (22) [~~(25)~~] State Board for Educator Certification;
25 (23) [~~(26)~~] Texas Board of Professional Engineers;
26 (24) [~~(27)~~ ~~Texas~~] Department of State Health
27 Services;

1 (25) [~~(28)~~] Texas Board of Architectural Examiners;
2 (26) [~~(29)~~] Texas Racing Commission;
3 (27) [~~(30)~~] Commission on Law Enforcement Officer
4 Standards and Education; and
5 (28) [~~(31)~~] Texas [~~Commission on~~] Private Security
6 Board.

7 ARTICLE 5. REPEALER

8 SECTION 5.01. The following laws are repealed:

9 (1) Subchapters C, D, E, and O, Chapter 1601,
10 Occupations Code;
11 (2) Subchapters C, E, and K, Chapter 1602, Occupations
12 Code; and
13 (3) Sections 1601.004, 1601.051(b) and (c), 1601.052,
14 1601.053, 1601.054, 1601.056, 1601.057, 1601.252, 1601.261,
15 1601.262, 1601.263, 1601.264, 1601.266, 1601.267, 1601.302,
16 1601.310, 1601.311, 1601.356, 1601.401, 1601.402(d), 1601.403,
17 1601.404(a) and (b), 1601.408, 1601.502, 1601.503, 1601.506,
18 1601.601, 1601.651, 1601.654, 1602.004, 1602.051(b) and (c),
19 1602.052, 1602.053, 1602.054, 1602.055(b), 1602.056, 1602.057,
20 1602.058(b), 1602.059, 1602.151, 1602.152, 1602.154, 1602.155,
21 1602.252, 1602.253, as amended by Chapter 1282, Acts of the 78th
22 Legislature, Regular Session, 2003, 1602.259, 1602.260, 1602.261,
23 1602.263, 1602.264, 1602.265, 1602.303(d), 1602.304(b),
24 1602.351(d), 1602.352(b)-(f), 1602.407, 1602.551, 1602.552,
25 1602.553, and 1602.555, Occupations Code.

26 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

27 SECTION 6.01. (a) The State Board of Barber Examiners and

1 the Texas Cosmetology Commission are abolished but continue in
2 existence until January 1, 2006, for the sole purpose of
3 transferring obligations, property, full-time equivalent
4 positions, rights, powers, and duties to the Texas Department of
5 Licensing and Regulation. The Texas Department of Licensing and
6 Regulation assumes all of the obligations, property, full-time
7 equivalent positions, rights, powers, and duties of the State Board
8 of Barber Examiners and the Texas Cosmetology Commission, as they
9 exist immediately before the effective date of this Act. All
10 unexpended funds appropriated to the State Board of Barber
11 Examiners and the Texas Cosmetology Commission are transferred to
12 the Texas Department of Licensing and Regulation. The transfer of
13 the obligations, property, full-time equivalent positions, rights,
14 powers, and duties of the State Board of Barber Examiners and the
15 Texas Cosmetology Commission to the Texas Department of Licensing
16 and Regulation must be completed not later than January 1, 2006.

17 (b) All rules of the State Board of Barber Examiners and the
18 Texas Cosmetology Commission are continued in effect as rules of
19 the Texas Commission of Licensing and Regulation until superseded
20 by a rule of the Texas Commission of Licensing and Regulation. A
21 certificate, license, or permit issued by the State Board of Barber
22 Examiners or the Texas Cosmetology Commission is continued in
23 effect as provided by the law in effect immediately before the
24 effective date of this Act. A complaint, investigation, contested
25 case, or other proceeding pending on the effective date of this Act
26 is continued without change in status after the effective date of
27 this Act. An inspection or other activity conducted by the State

1 Board of Barber Examiners or the Texas Cosmetology Commission is
2 considered to be an inspection or activity conducted by the Texas
3 Department of Licensing and Regulation, including an inspection or
4 other activity conducted for purposes of allowing a school, shop,
5 or facility to continue to operate under Section 1603.103,
6 Occupations Code, as added by this Act.

7 (c) A reference in another law or an administrative rule to
8 the State Board of Barber Examiners or the Texas Cosmetology
9 Commission means the Texas Department of Licensing and Regulation.

10 SECTION 6.02. Sections 1602.353 and 1603.352, Occupations
11 Code, as added by this Act, take effect January 1, 2006.

12 SECTION 6.03. This Act takes effect September 1, 2005.