

By: Whitmire

S.B. No. 411

A BILL TO BE ENTITLED

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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

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

4 [Sections 1603.003-1603.050 reserved for expansion]

5 SUBCHAPTER B. ADVISORY BOARDS FOR BARBERING AND COSMETOLOGY

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

10 [Sections 1603.052-1603.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

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

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

17 (2) the administration of Chapters 1601 and 1602.

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

21 Sec. 1603.103. INSPECTION OF SCHOOLS, SHOPS, AND FACILITIES
22 BEFORE OPERATION. (a) Until the department determines, by
23 inspection, that the person has established the school, shop, or
24 facility in compliance with this chapter, Chapter 1601, or Chapter
25 1602, a person may not operate a school, shop, or other facility
26 licensed or permitted under this chapter, Chapter 1601, or Chapter
27 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.

7 (a) The department may enter and inspect at any time during
8 business 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.

17 (a) The department shall develop and maintain a system to analyze
18 the 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

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

3 [Sections 1603.155-1603.200 reserved for expansion]

4 SUBCHAPTER E. CERTIFICATE, LICENSE, AND PERMIT REQUIREMENTS

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

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

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

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

17 (2) pays the required fee.

18 Sec. 1603.203. PROVISIONAL CERTIFICATE OR LICENSE.

19 (a) The department may issue a provisional certificate or license
20 to an applicant currently licensed in another jurisdiction who
21 seeks a certificate or license in this state and who:

22 (1) has been licensed in good standing in the
23 profession for which the person seeks the certificate or license
24 for at least two years in another jurisdiction, including a foreign
25 country, that has requirements substantially equivalent to the
26 requirements of this chapter, Chapter 1601, or Chapter 1602, as
27 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.

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

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

9 (b) The person must:

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

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

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

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

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

22 [Sections 1603.205-1603.250 reserved for expansion]

23 SUBCHAPTER F. EXAMINATION REQUIREMENTS

24 Sec. 1603.251. DEFINITION. In this subchapter,
25 "examination proctor" means an individual registered under this
26 subchapter to administer a practical examination for the
27 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 and
10 may include a practical examination as provided by Section
11 1603.256.

12 Sec. 1603.253. EXAMINATION FOR BARBERS. (a) An applicant
13 for an examination for a certificate or license issued under
14 Chapter 1601 must submit to the department a sworn application on a
15 form prescribed and provided by the department accompanied by:

16 (1) two photographs of the applicant, one of which
17 accompanies the application and one of which is to be returned to
18 the applicant to be presented at the examination; and

19 (2) the appropriate examination fee.

20 (b) The department shall examine applicants for a Class A
21 barber certificate and a teacher's certificate.

22 Sec. 1603.254. EXAMINATION FOR COSMETOLOGISTS. (a) The
23 department shall administer examinations for certificates and
24 licenses issued under Chapter 1602 beginning the first day of each
25 month. If the first day of the month is a legal holiday, the
26 examination shall begin on the following day.

27 (b) The department shall announce the site of an examination

1 for a certificate or license issued under Chapter 1602 not later
2 than six months before the scheduled examination date.

3 Sec. 1603.255. EARLY EXAMINATION. The department, on
4 written request by a student, may provide for the early written
5 examination of an applicant for a Class A barber certificate, a
6 teacher's certificate, or an operator license who has completed at
7 least 1,000 hours of instruction in a department-approved training
8 program.

9 Sec. 1603.256. PRACTICAL EXAMINATION. (a) The commission
10 may require a practical examination as it considers necessary for a
11 license or certificate issued under Chapter 1601 or 1602.

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

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

16 (1) the department;

17 (2) a person with whom the department contracts under
18 Section 1603.252; or

19 (3) an examination proctor.

20 Sec. 1603.257. EXAMINATION PROCTOR; REGISTRATION. (a) A
21 person may not act as an examination proctor under this subchapter
22 unless the person is registered with the department under this
23 section.

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

26 (1) meet eligibility requirements determined by
27 commission rule;

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

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

5 (c) If the department requires an examination proctor to
6 administer a practical examination under this subchapter, the
7 examination proctor shall perform the examination administration
8 function of the department in a competent and professional manner
9 and in compliance with:

10 (1) standards and specifications adopted by the
11 commission under this chapter; and

12 (2) rules adopted by the commission under this
13 chapter.

14 [Sections 1603.258-1603.300 reserved for expansion]

15 SUBCHAPTER G. CERTIFICATE, LICENSE, AND PERMIT RENEWAL

16 Sec. 1603.301. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE
17 PENALTY. The department may deny a person's request to renew a
18 certificate, license, or permit issued under this chapter, Chapter
19 1601, or Chapter 1602 if the person has not paid an administrative
20 penalty imposed under Subchapter F, Chapter 51. This section does
21 not apply if:

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

24 (2) the person has requested a hearing under Section
25 51.304, but the person's time to pay has not expired under Section
26 51.307; or

27 (3) the penalty is stayed.

1 [Sections 1603.302-1603.350 reserved for expansion]

2 SUBCHAPTER H. PRACTICE PROVISIONS APPLICABLE TO CHAPTERS 1601 AND

3 1602

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

10 Sec. 1603.352. SANITATION REQUIREMENTS FOR CERTAIN
11 SERVICES. (a) A person who holds a license, certificate, or
12 permit issued under this chapter, Chapter 1601, or Chapter 1602 and
13 who performs a barbering service described by Section
14 1601.002(1)(E) or (F) or a cosmetology service described by Section
15 1602.002(10) or (11):

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

19 (2) may use a disposable supply or instrument only if
20 that supply or instrument is purchased at the location where the
21 service is performed or provided by the person on whom the service
22 is performed.

23 (b) The owner or manager of a barbershop, barber school,
24 beauty shop, specialty shop, or beauty culture school is
25 responsible for providing an autoclave for use in the shop or school
26 as required by Subsection (a). An autoclave used as required by
27 Subsection (a) must be:

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

3 (2) used in accordance with the manufacturer's
4 instructions.

5 [Sections 1603.353-1603.400 reserved for expansion]

6 SUBCHAPTER I. DENIAL AND DISCIPLINARY PROCEDURES

7 Sec. 1603.401. DENIAL, SUSPENSION, OR REVOCATION. The
8 department shall deny an application for issuance or renewal of, or
9 shall suspend or revoke, a certificate, license, or permit if the
10 applicant or person holding the certificate, license, or permit:

11 (1) engages in gross malpractice;

12 (2) knowingly continues to practice while having an
13 infectious or contagious disease;

14 (3) knowingly makes a false or deceptive statement in
15 advertising;

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

18 (5) engages in fraud or deceit in obtaining a
19 certificate, license, or permit; or

20 (6) engages in an act that violates this chapter,
21 Chapter 51, Chapter 1601, or Chapter 1602 or a rule or order adopted
22 or issued under those chapters.

23 [Sections 1603.402-1603.450 reserved for expansion]

24 SUBCHAPTER J. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

25 Sec. 1603.451. INJUNCTIVE RELIEF. (a) If a certificate,
26 license, or permit holder commits a violation of this chapter,
27 Chapter 1601, Chapter 1602, or a commission rule and the violation

1 poses a serious threat to the public health, the attorney general
2 shall initiate a suit for injunction and proceedings for suspension
3 or revocation of the certificate, license, or permit.

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

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

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

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

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

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

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

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

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

ARTICLE 2. REGULATION OF BARBERING

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

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

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

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

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

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

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

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

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

(1) does not represent or advertise to the public directly or indirectly that the person is authorized by the department [~~board~~] to practice barbering; and

(2) is:

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

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

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

7 (D) an inmate in the institutional division of
8 the Texas Department of Criminal Justice who performs barbering
9 during the person's incarceration.

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

12 SUBCHAPTER B. ADVISORY [~~STATE~~] BOARD ON BARBERING [~~OF BARBER~~
13 ~~EXAMINERS~~]

14 SECTION 2.04. Subsection (a), Section 1601.051,
15 Occupations Code, is amended to read as follows:

16 [~~(a)~~] The Advisory [~~State~~] Board on Barbering [~~of Barber~~
17 ~~Examiners~~] consists of five [~~seven~~] members appointed by the
18 presiding officer of the commission, with the commission's
19 approval, [~~governor with the advice and consent of the senate~~] as
20 follows:

21 (1) two members, each of whom:

22 (A) is engaged in the practice of barbering as a
23 Class A barber [~~and has been for at least five years before being~~
24 ~~appointed~~]; and

25 (B) does not hold a barbershop permit;

26 (2) two members, each of whom [~~one member who:~~

27 [~~(A)~~] is a barbershop owner who holds a

1 barbershop permit; and

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

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

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

7 SECTION 2.05. Section 1601.055, Occupations Code, is
8 amended to read as follows:

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

13 (b) If a vacancy occurs during a member's term, the
14 presiding officer of the commission, with the commission's
15 approval, [governor] shall appoint a replacement to fill the
16 unexpired term.

17 SECTION 2.06. Section 1601.058, Occupations Code, is
18 amended to read as follows:

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

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

25 Sec. 1601.059. BOARD DUTIES. The board shall:

26 (1) advise the commission on rules, enforcement, and
27 licensing requirements;

1 (2) recommend to the commission standards of practice,
2 conduct, and ethics for persons regulated under this chapter and
3 Chapter 1603;

4 (3) advise the commission in establishing education
5 requirements for initial applicants; and

6 (4) advise the commission regarding examinations and,
7 at the request of the commission, assist in administering an
8 examination.

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

11 Sec. 1601.253. ELIGIBILITY FOR CLASS A BARBER CERTIFICATE.

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

13 (1) be at least 16 years of age; and

14 (2) pass a written and practical examination
15 demonstrating to the department's [~~board's~~] satisfaction the
16 applicant's fitness and competence to practice barbering.

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

19 (1) complies with the application requirements of this
20 chapter;

21 (2) passes the examination with an average grade of at
22 least 75 percent;

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

24 (4) possesses the other qualifications required by
25 this chapter.

26 SECTION 2.09. Subsections (a) and (c), Section 1601.254,
27 Occupations Code, are amended to read as follows:

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

2 (1) be a Class A barber;

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

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

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

10 (1) passes the appropriate examination; and

11 (2) pays the required [~~a~~] certificate fee [~~not to~~
12 ~~exceed~~].

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

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

21 SECTION 2.10. Subsections (b) and (d), Section 1601.256,
22 Occupations Code, are amended to read as follows:

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

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

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

27 (3) have completed a course of instruction in a

1 commission-approved [~~board-approved~~] training program consisting
2 of not less than 300 hours in a period of not less than eight weeks;
3 and

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

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

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

10 (2) passes the appropriate examination;

11 (3) pays the required [~~a~~] license fee [~~not to exceed~~
12 ~~\$100~~]; and

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

15 SECTION 2.11. Subsections (b) and (c), Section 1601.257,
16 Occupations Code, are amended to read as follows:

17 (b) An applicant for a manicurist license must:

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

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

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

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

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

- 1 (1) possesses the qualifications described by
2 Subsection (b);
- 3 (2) passes the appropriate examination;
- 4 (3) pays the required [~~a~~] license fee [~~not to exceed~~
5 ~~\$30~~]; and
- 6 (4) has not committed an act that is a ground for
7 denial of a license.

8 SECTION 2.12. Section 1601.260, Occupations Code, is
9 amended to read as follows:

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

- 12 (1) submit an enrollment application to the department
13 [~~board~~] in the form prescribed by the department [~~board~~];
- 14 (2) have completed the seventh grade;
- 15 (3) satisfy other requirements specified by the
16 department [~~board~~]; and
- 17 (4) submit with the application the required [~~a~~]
18 nonrefundable application fee [~~in an amount not to exceed \$25~~].

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

24 SECTION 2.13. Section 1601.265, Occupations Code, is
25 amended to read as follows:

26 Sec. 1601.265. WAIVER OF LICENSE REQUIREMENTS; PERSONAL
27 INTERVIEW. (a) The department [~~board~~] may waive any license

1 requirement for an applicant holding a license from another state
2 or country that has license requirements substantially equivalent
3 to those of this state.

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

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

8 (b) A person who owns, operates, or manages a barbershop or
9 specialty shop must:

10 (1) submit an application to the department [~~board~~]
11 for an appropriate permit for each shop; and

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

14 SECTION 2.15. Section 1601.302, Occupations Code, is
15 amended to read as follows:

16 Sec. 1601.302. TEMPORARY BARBERSHOP PERMIT. (a) A person
17 who opens a new barbershop shall submit, not later than the third
18 day after the date the shop opens, an application to the department
19 [~~board~~] for a temporary barbershop permit accompanied by the
20 required [~~an~~] inspection fee [~~not to exceed \$70~~].

21 (b) The application must provide:

22 (1) the permanent address of the barbershop;

23 (2) the legal description of the premises to be
24 licensed; and

25 (3) other information required by the department
26 [~~board~~].

27 SECTION 2.16. Section 1601.303, Occupations Code, is

1 amended to read as follows:

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

- 5 (1) the applicant holds a Class A barber certificate;
- 6 (2) the applicant has practiced barbering for at least
7 12 months; and
- 8 (3) the shop meets the minimum health standards for
9 barbershops set by the commission [~~board~~] and all other rules of the
10 commission [~~board~~].

11 SECTION 2.17. Subsections (b) and (c), Section 1601.304,
12 Occupations Code, are amended to read as follows:

13 (b) An applicant for a manicurist specialty shop permit must
14 submit:

- 15 (1) an application that includes:
- 16 (A) the shop's address;
- 17 (B) the legal description of the premises for
18 which the permit is sought; and
- 19 (C) any other information required by the
20 department [~~board~~]; and
- 21 (2) the required [~~an~~] inspection fee [~~in an amount not~~
22 ~~to exceed \$50~~].

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

1 SECTION 2.18. Section 1601.305, Occupations Code, is
2 amended to read as follows:

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

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

7 (2) the shop meets the minimum health standards for
8 manicurist specialty shops set by the commission [~~board~~], as
9 determined by a department [~~board~~] inspection under Section
10 1603.103, and any other requirements imposed by commission [~~board~~]
11 rule.

12 SECTION 2.19. Section 1601.309, Occupations Code, is
13 amended to read as follows:

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

19 SECTION 2.20. Section 1601.310, Occupations Code, is
20 amended to read as follows:

21 Sec. 1601.310. RELOCATION OF SPECIALTY SHOP. (a) The
22 holder of a specialty shop permit may move the person's specialty
23 shop to a different location if the person receives department
24 [~~board~~] approval for the new location.

25 (b) The permit holder must notify the department [~~board~~] of
26 the move not later than the 10th day before the date the move is
27 scheduled to occur.

1 SECTION 2.21. Section 1601.352, Occupations Code, is
2 amended to read as follows:

3 Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT.

4 (a) An applicant for a barber school permit must demonstrate to
5 the department [~~board~~] that the school meets the requirements of
6 this subchapter for issuance of a permit.

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

10 SECTION 2.22. Section 1601.353, Occupations Code, is
11 amended to read as follows:

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

16 (1) an adequate school site housed in a substantial
17 building of permanent construction containing at least 2,800 square
18 feet of floor space, divided into:

- 19 (A) a senior department;
- 20 (B) a junior department;
- 21 (C) a class theory room;
- 22 (D) a supply room;
- 23 (E) an office space;
- 24 (F) a dressing and cloak room; and
- 25 (G) two sanitary, modern, separate restrooms,
26 each equipped with one commode and one of which is also equipped
27 with a urinal;

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

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

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

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

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

9 (7) adequate lighting for each room;

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

13 (9) a library with library facilities available to
14 students containing at least one medical dictionary and a standard
15 work on human anatomy;

16 (10) adequate drinking fountain facilities, with at
17 least one for each floor;

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

19 (12) adequate fire-fighting equipment.

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

22 (1) a detailed drawing and chart of the proposed
23 physical layout of the school, showing the departments, floor
24 space, equipment, lights, and outlets;

25 (2) photographs of the proposed site for the school,
26 including the interior and exterior of the building, rooms, and
27 departments;

- 1 (3) a detailed copy of the training program;
- 2 (4) a copy of the catalogue and promotional literature
- 3 of the school;
- 4 (5) a copy of the building lease or proposed building
- 5 lease if the building is not owned by the school;
- 6 (6) a sworn statement showing the ownership of the
- 7 school; and
- 8 (7) the required [a] permit fee [~~not to exceed~~
- 9 ~~\$1,000~~].

10 SECTION 2.23. Section 1601.354, Occupations Code, is
11 amended to read as follows:

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

16 (1) for a barber technician, 300 hours of instruction
17 completed in a course of not less than eight weeks;

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

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

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

26 (b) If a barber school offers a refresher course, the course
27 must require at least 300 hours of instruction. The commission

1 ~~[board]~~ by rule shall set the curriculum for a refresher course.

2 SECTION 2.24. Section 1601.355, Occupations Code, is
3 amended to read as follows:

4 Sec. 1601.355. SUPERVISION AND TEACHING REQUIREMENTS.

5 (a) The department ~~[board]~~ may not approve an application for a
6 permit for a barber school that provides training leading to
7 issuance of a Class A barber certificate unless the school is under
8 the direct supervision and control of a Class A barber certificate
9 holder who presents evidence of at least five years' experience as a
10 practicing barber.

11 (b) Each barber school for which a permit is sought must
12 have at least one teacher who has a teacher's certificate and is
13 capable and qualified to teach to the students the required
14 curriculum of the school. In addition to satisfying other
15 department ~~[board]~~ requirements, the teacher must demonstrate to
16 the department ~~[board]~~:

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

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

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

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

26 SECTION 2.25. Subsections (a) and (b), Section 1601.3571,
27 Occupations Code, are amended to read as follows:

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

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

12 SECTION 2.26. Subsection (c), Section 1601.402,
13 Occupations Code, is amended to read as follows:

14 (c) The department [~~board~~] shall issue a renewal
15 certificate or license on receipt of a renewal application in the
16 form prescribed by the department [~~board~~], accompanied by a renewal
17 fee in an amount equal to the original certificate or license fee
18 [~~but not to exceed \$100~~].

19 SECTION 2.27. The heading to Section 1601.404, Occupations
20 Code, is amended to read as follows:

21 Sec. 1601.404. [~~RENEWAL OR~~] REINSTATEMENT OF EXPIRED
22 CERTIFICATE OR LICENSE BY RETIREE.

23 SECTION 2.28. Section 1601.404(c), Occupations Code, is
24 amended to read as follows:

25 (c) A Class A barber or license holder who retires from
26 practice and whose certificate or license has been expired for more
27 than five years may qualify for a new certificate or license by

1 applying to the department [~~board~~] and by:

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

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

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

8 (4) paying the fee for an original certificate or
9 license.

10 SECTION 2.29. Section 1601.405, Occupations Code, is
11 amended to read as follows:

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

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

22 [~~(1) \$10 if the application and payment are made~~
23 ~~during the period beginning November 1 of an odd-numbered year and~~
24 ~~ending October 31 of the following year; or~~

25 [~~(2) \$5 if the application and payment are made during~~
26 ~~the period beginning November 1 of an even-numbered year and ending~~
27 ~~October 31 of the following year.]~~

1 SECTION 2.30. Section 1601.406, Occupations Code, is
2 amended to read as follows:

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

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

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

12 SECTION 2.31. Section 1601.407, Occupations Code, is
13 amended to read as follows:

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

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

19 SECTION 2.32. Section 1601.452, Occupations Code, is
20 amended to read as follows:

21 Sec. 1601.452. DISPLAY OF SANITATION RULES. Each
22 barbershop or specialty shop shall post in the shop a copy of the
23 commission's sanitation [~~board's~~] rules [~~adopted under Section~~
24 ~~1601.152~~].

25 SECTION 2.33. Section 1601.453, Occupations Code, is
26 amended to read as follows:

27 Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by

1 the department [~~board~~] may practice barbering only at a location
2 for which the department [~~board~~] has issued a barbershop permit,
3 specialty shop permit, or barber school permit.

4 SECTION 2.34. Section 1601.454, Occupations Code, is
5 amended to read as follows:

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

13 (b) If a facility has a license or permit under both this
14 chapter and Chapter 1602 [~~the board and the Texas Cosmetology~~
15 ~~Commission license or permit the same facility~~], the commission
16 [~~board~~] may not adopt rules requiring separate treatment of the
17 barbers and cosmetologists practicing in the facility or of their
18 customers, including separate:

19 (1) work areas for barbers and cosmetologists;

20 (2) waiting areas for customers of the barbers and
21 cosmetologists; or

22 (3) restrooms for the barbers and cosmetologists
23 practicing in the facility or for their customers.

24 SECTION 2.35. Section 1601.502, Occupations Code, is
25 amended to read as follows:

26 Sec. 1601.502. SUPERVISION OF BARBERSHOP. A person may not
27 operate a barbershop unless:

1 (1) the shop is at all times under the exclusive
2 supervision and management of a Class A barber; and

3 (2) no person is practicing on the premises by
4 authority of a license, permit, or certificate issued by the
5 department under Chapter 1602 [~~Texas Cosmetology Commission~~],
6 except as allowed by other law.

7 SECTION 2.36. Section 1601.503, Occupations Code, is
8 amended to read as follows:

9 Sec. 1601.503. NOTIFICATION OF CHANGE OF LOCATION. A
10 person operating under a barbershop permit may move the operation
11 to another location approved by the department [~~board~~] if the
12 person notifies the department [~~board~~] not later than the 10th day
13 before the date of the move.

14 SECTION 2.37. Section 1601.552, Occupations Code, is
15 amended to read as follows:

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

19 SECTION 2.38. Section 1601.554, Occupations Code, is
20 amended to read as follows:

21 Sec. 1601.554. CHANGE OF BARBER SCHOOL OWNERSHIP OR
22 LOCATION. (a) If a barber school changes ownership, the
23 department [~~board~~] must be notified of the change not later than the
24 10th day before the date the change takes effect.

25 (b) A barber school may not change the location of the
26 school unless the school obtains approval from the department
27 [~~board~~] before the change by showing that the proposed location

1 meets the requirements of Subchapter H for issuance of a permit to
2 the school.

3 SECTION 2.39. Section 1601.556, Occupations Code, is
4 amended to read as follows:

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

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

21 SECTION 2.40. Section 1601.557, Occupations Code, is
22 amended to read as follows:

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

1 job skills and knowledge necessary for employment. The school may
2 not implement a course length or curriculum content unless it is
3 approved by the department [~~board~~].

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

7 SECTION 2.41. Subsection (b), Section 1601.559,
8 Occupations Code, is amended to read as follows:

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

11 SECTION 2.42. Section 1601.561, Occupations Code, is
12 amended to read as follows:

13 Sec. 1601.561. REPORTS TO DEPARTMENT [~~BOARD~~]. (a) A
14 barber school shall maintain [~~submit~~] a monthly progress report [~~to~~
15 ~~the board~~] regarding each student attending the school. The report
16 must certify the daily attendance record of each student and the
17 number of credit hours earned by each student during the previous
18 month.

19 (b) On a student's completion of a prescribed course of
20 instruction, the school shall notify [~~certify to~~] the department
21 [~~board~~] that the student has completed the required number of hours
22 and is eligible to take the appropriate examination.

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

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

27 (2) job placement rates and employment rates of

1 students who complete a course of instruction.

2 SECTION 2.43. Subsection (d), Section 1601.566,
3 Occupations Code, is amended to read as follows:

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

9 SECTION 2.44. Section 1601.603, Occupations Code, is
10 amended to read as follows:

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

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

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

26 SECTION 2.45. Subsection (a), Section 1601.604,
27 Occupations Code, is amended to read as follows:

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

4 SECTION 2.46. Section 1601.605, Occupations Code, is
5 amended to read as follows:

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

10 (1) provides justification for the alteration; or

11 (2) adjusts the course length to meet industry
12 standards.

13 SECTION 2.47. Subsections (a), (b), and (c), Section
14 1601.606, Occupations Code, are amended to read as follows:

15 (a) If the department [~~board~~] has reasonable cause to
16 believe that a barber school has violated this chapter or a rule
17 adopted under this chapter, the department [~~board~~] 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 [~~board~~]. The department [~~board~~] shall attempt to provide a balance
23 on a peer review team between members assigned to the team who are
24 from this state and members who are from other states.

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

1 SECTION 2.48. Subsection (a), Section 1601.653,
2 Occupations Code, is amended to read as follows:

3 (a) A person commits an offense if the person is a barber
4 inspector or other department [~~board~~] employee and the person sells
5 barber supplies or engages in a business, other than barbering,
6 that deals directly with a barber, barbershop, specialty shop, or
7 barber school.

8 ARTICLE 3. REGULATION OF COSMETOLOGY

9 SECTION 3.01. Section 1602.001, Occupations Code, is
10 amended to read as follows:

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

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

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

15 (3) "Department" means the Texas Department of
16 Licensing and Regulation.

17 (4) "Executive director" means the executive director
18 of the department.

19 (5) [~~(2)~~] "Public school" includes a public high
20 school, a public junior college, or any other nonprofit tax-exempt
21 institution that conducts a cosmetology program.

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

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

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

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

1 SECTION 3.04. Subsection (a), Section 1602.051,
2 Occupations Code, is amended to read as follows:

3 ~~[(a)]~~ The Advisory Board on ~~[Texas]~~ Cosmetology
4 ~~[Commission]~~ consists of five ~~[six]~~ members appointed by the
5 presiding officer of the commission, with the commission's
6 approval, ~~[governor with the advice and consent of the senate]~~ as
7 follows:

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

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

12 (3) one member who holds a private beauty culture
13 school license; and

14 (4) ~~[(3)]~~ two members who each hold an operator
15 license~~, and~~

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

17 SECTION 3.05. Subsections (a) and (c), Section 1602.055,
18 Occupations Code, are amended to read as follows:

19 (a) Members of the board ~~[commission]~~ serve staggered
20 six-year terms, with the terms of one or two members expiring on the
21 same date ~~[December 31 of]~~ each odd-numbered year.

22 (c) If a vacancy occurs during a member's term, the
23 presiding officer of the commission, with the commission's
24 approval, ~~[governor]~~ shall appoint a replacement to fill the
25 unexpired term.

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

1 Sec. 1602.058. PRESIDING OFFICER[~~;~~ ~~COMMITTEES~~].

2 SECTION 3.07. Subsection (a), Section 1602.058,
3 Occupations Code, is amended to read as follows:

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

8 SECTION 3.08. Subchapter B, Chapter 1602, is amended by
9 adding Section 1602.060 to read as follows:

10 Sec. 1602.060. BOARD DUTIES. The board shall:

11 (1) advise the commission on rules, enforcement,
12 licensing requirements, and continuing education;

13 (2) recommend to the commission standards of practice,
14 conduct, and ethics for persons regulated under this chapter and
15 Chapter 1603; and

16 (3) advise the commission in establishing education
17 requirements for initial applicants.

18 SECTION 3.09. The heading to Subchapter D, Chapter 1602,
19 Occupations Code, is amended to read as follows:

20 SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY

21 SECTION 3.10. Subsections (a) and (b), Section 1602.153,
22 Occupations Code, are amended to read as follows:

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

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

27 (2) the production for inspection and copying of

1 records and other evidence relevant to the investigation of an
2 alleged violation of this chapter.

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

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

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

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

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

18 (1) be at least 17 years of age;

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

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

27 SECTION 3.13. Subsections (a) and (b), Section 1602.266,

1 Occupations Code, are amended to read as follows:

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

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

9 SECTION 3.14. Subsection (b), Section 1602.267,
10 Occupations Code, is amended to read as follows:

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

13 [~~(1)~~] is at least 16 years of age[+and

14 [~~(2) submits a certificate of health as required by~~
15 ~~Section 1602.253~~].

16 SECTION 3.15. Subsection (b), Section 1602.302,
17 Occupations Code, is amended to read as follows:

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

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

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

24 (3) be verified by the applicant.

25 SECTION 3.16. Subsections (b) and (c), Section 1602.303,
26 Occupations Code, are amended to read as follows:

27 (b) An application for a private beauty culture school

1 license must be accompanied by the required license fee and
2 inspection fee and:

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

5 (2) be verified by the applicant;

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

9 (4) contain a statement that the building:

10 (A) is fireproof;

11 (B) is of permanent construction;

12 (C) contains a minimum of 3,500 square feet of
13 floor space;

14 (D) has separate restrooms for male and female
15 students; and

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

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

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

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

27 (3) the applicant has not committed an act that

1 constitutes a ground for denial of a license.

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

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

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

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

10 (3) be verified by the applicant.

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

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

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

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

18 (3) be verified by the applicant.

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

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

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

25 Sec. 1602.353. INACTIVE STATUS. (a) Not later than the
26 10th day before the expiration date of a certificate or license
27 issued under this chapter, the certificate or license holder may

1 place the certificate or license on inactive status by:

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

4 (2) paying the required fee.

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

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

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

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

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

18 (2) paying the required fee; and

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

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

25 SECTION 3.21. Section 1602.405, Occupations Code, is
26 amended to read as follows:

27 Sec. 1602.405. PRACTICE AT FACILITY LICENSED OR PERMITTED

1 AS BARBER AND COSMETOLOGIST FACILITY [~~BY COMMISSION AND STATE BOARD~~
2 ~~OF BARBER EXAMINERS~~]. (a) The commission may not adopt rules to
3 restrict or prohibit practice by a cosmetologist in a facility
4 solely because the facility is licensed or permitted by [~~both~~] the
5 department under both this chapter and Chapter 1601 [~~commission and~~
6 ~~the State Board of Barber Examiners~~].

7 (b) If a facility has a license or permit under both this
8 chapter and Chapter 1601 [~~the commission and the State Board of~~
9 ~~Barber Examiners license the same facility~~], the commission may not
10 adopt rules requiring separate treatment of the barbers and
11 cosmetologists practicing in the facility or of their customers,
12 including separate:

- 13 (1) work areas for barbers and cosmetologists;
14 (2) waiting areas for customers of the barbers and
15 cosmetologists; or
16 (3) restrooms for the barbers and cosmetologists
17 practicing in the facility or for their customers.

18 SECTION 3.22. Subsection (a), Section 1602.451,
19 Occupations Code, is amended to read as follows:

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

- 22 (1) maintain a sanitary establishment;
23 (2) maintain on its staff and on duty during business
24 hours one full-time licensed instructor for each 25 students in
25 attendance;
26 (3) maintain a daily record of students' attendance;
27 (4) establish regular class and instruction hours and

1 grades;

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

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

7 (7) hold examinations before issuing diplomas;

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

10 (9) publish in the school's catalogue and enrollment
11 contract a description of the refund policy required under Section
12 1602.458; and

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

18 [~~11~~] provide the department [~~commission~~] with
19 information on:

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

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

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

27 Sec. 1602.452. INFORMATION PROVIDED TO PROSPECTIVE

1 STUDENT. The holder of a private beauty culture school license
2 shall furnish each prospective student with:

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

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

17 (c) Before issuing or renewing a license under this chapter,
18 the department [~~commission~~] shall require a school to account for
19 each course length and curriculum content.

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

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

27 [~~(1)~~] graduates from a course of training offered by

1 the school and is eligible to take the appropriate examination~~[, or~~
2 ~~[(2) withdraws or transfers from a course of training~~
3 ~~without completion of the training]~~.

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

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

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

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

17 SECTION 3.28. Subsections (a) and (b), Section 1602.464,
18 Occupations Code, are amended to read as follows:

19 (a) If on January 1 of any year the amount in the private
20 beauty culture school tuition protection account is less than
21 \$200,000, the department ~~[commission]~~ shall collect a fee from each
22 private beauty culture school during that year by applying a
23 percentage to the school's renewal fee at a rate that will bring the
24 balance of the account to \$200,000.

25 (b) The comptroller shall invest the account in the same
26 manner as other state funds. Sufficient money from the account
27 shall be appropriated to the department ~~[commission]~~ for the

1 purpose described by Section 1602.463. The department [~~commission~~]
2 shall administer claims made against the account.

3 SECTION 3.29. Subsections (a), (b), and (c), Section
4 1602.465, Occupations Code, are amended to read as follows:

5 (a) If the department [~~commission~~] has reasonable cause to
6 believe that a private beauty culture school has violated this
7 chapter or a rule adopted under this chapter, the department
8 [~~commission~~] may:

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

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

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

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

19 ARTICLE 4. CONFORMING AMENDMENTS

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

22 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.

23 The following are licensing authorities subject to this chapter:

24 (1) Department of Agriculture;

25 (2) [~~Texas Commission on Alcohol and Drug Abuse,~~

26 [~~3~~] Texas Alcoholic Beverage Commission;

27 (3) [~~4~~] Texas Appraiser Licensing and Certification

- 1 Board;
- 2 (4) [~~(5)~~] Texas Board of Architectural Examiners;
- 3 (5) [~~(6)~~] ~~State Board of Barber Examiners;~~
- 4 [~~(7)~~] Texas Board of Chiropractic Examiners;
- 5 (6) [~~(8)~~] Comptroller of Public Accounts;
- 6 (7) [~~(9)~~] ~~Texas Cosmetology Commission;~~
- 7 [~~(10)~~] Court Reporters Certification Board;
- 8 (8) [~~(11)~~] State Board of Dental Examiners;
- 9 (9) [~~(12)~~] Texas State Board of Examiners of
- 10 Dietitians;
- 11 (10) [~~(13)~~] Texas Funeral Service Commission;
- 12 (11) [~~(14)~~ ~~Texas~~] Department of State Health Services
- 13 [~~Health~~];
- 14 (12) [~~(15)~~ ~~Texas~~] Department of Aging and Disability
- 15 [~~Human~~] Services;
- 16 (13) [~~(16)~~] Texas Board of Professional Land
- 17 Surveying;
- 18 (14) [~~(17)~~] Texas Department of Licensing and
- 19 Regulation;
- 20 (15) [~~(18)~~] Texas State Board of Examiners of Marriage
- 21 and Family Therapists;
- 22 (16) [~~(19)~~] Texas State Board of Medical Examiners;
- 23 (17) [~~(20)~~] Midwifery Board;
- 24 (18) [~~(21)~~] Texas Commission on Environmental
- 25 Quality;
- 26 (19) [~~(22)~~] Board of Nurse Examiners;
- 27 (20) [~~(23)~~] Texas Board of Occupational Therapy

- 1 Examiners;
- 2 (21) [~~(24)~~] Texas Optometry Board;
- 3 (22) [~~(25)~~] Parks and Wildlife Department;
- 4 (23) [~~(26)~~] Texas State Board of Examiners of
- 5 Perfusionists;
- 6 (24) [~~(27)~~] Texas State Board of Pharmacy;
- 7 (25) [~~(28)~~] Texas Board of Physical Therapy
- 8 Examiners;
- 9 (26) [~~(29)~~] Texas State Board of Plumbing Examiners;
- 10 (27) [~~(30)~~] Texas State Board of Podiatric Medical
- 11 Examiners;
- 12 (28) [~~(31)~~] Polygraph Examiners Board;
- 13 (29) [~~(32)~~] Texas [~~Commission on~~] Private Security
- 14 Board;
- 15 (30) [~~(33)~~] Texas State Board of Examiners of
- 16 Professional Counselors;
- 17 (31) [~~(34)~~] Texas Board of Professional Engineers;
- 18 (32) [~~(35)~~] Department of Family and Protective [~~and~~
- 19 ~~Regulatory~~] Services;
- 20 (33) [~~(36)~~] Texas State Board of Examiners of
- 21 Psychologists;
- 22 (34) [~~(37)~~] Texas State Board of Public Accountancy;
- 23 (35) [~~(38)~~] Department of Public Safety of the State
- 24 of Texas;
- 25 (36) [~~(39)~~] Public Utility Commission of Texas;
- 26 (37) [~~(40)~~] Railroad Commission of Texas;
- 27 (38) [~~(41)~~] Texas Real Estate Commission;

- 1 (39) [~~(42)~~] State Bar of Texas;
- 2 (40) [~~(43)~~] Texas State Board of Social Worker
3 Examiners;
- 4 (41) [~~(44)~~] State Board of Examiners for
5 Speech-Language Pathology and Audiology;
- 6 (42) [~~(45)~~] Texas Structural Pest Control Board;
- 7 (43) [~~(46)~~] Board of Tax Professional Examiners;
- 8 (44) [~~(47)~~] Secretary of State;
- 9 (45) [~~(48)~~] Supreme Court of Texas;
- 10 (46) [~~(49)~~] Texas Transportation Commission;
- 11 (47) [~~(50)~~] State Board of Veterinary Medical
12 Examiners;
- 13 (48) [~~(51)~~] Texas Ethics Commission;
- 14 (49) [~~(52)~~] Advisory Board of Athletic Trainers;
- 15 (50) [~~(53)~~] State Committee of Examiners in the
16 Fitting and Dispensing of Hearing Instruments;
- 17 (51) [~~(54)~~] Texas Board of Licensure for Professional
18 Medical Physicists;
- 19 (52) [~~(55)~~] Texas Department of Insurance;
- 20 (53) [~~(56)~~] Texas Board of Orthotics and Prosthetics;
- 21 (54) [~~(57)~~] savings and loan commissioner;
- 22 (55) [~~(58)~~] Texas Juvenile Probation Commission; and
- 23 (56) [~~(59)~~] Texas Lottery Commission under Chapter
24 466, Government Code.

25 SECTION 4.02. Subsection (d), Section 411.122, Government
26 Code, is amended to read as follows:

27 (d) The following state agencies are subject to this

1 section:

2 (1) Texas Appraiser Licensing and Certification
3 Board;

4 (2) Texas Board of Architectural Examiners;

5 (3) [~~State Board of Barber Examiners;~~

6 [~~4~~] Texas Board of Chiropractic Examiners;

7 (4) [~~5~~] ~~Texas Cosmetology Commission;~~

8 [~~6~~] State Board of Dental Examiners;

9 (5) [~~7~~] Texas Board of Professional Engineers;

10 (6) [~~8~~] Texas Funeral Service Commission;

11 (7) [~~9~~] Texas Board of Professional Geoscientists;

12 (8) [~~10~~] ~~Texas~~ Department of State Health Services,

13 except as provided by Section 411.110, and agencies attached to the
14 department, including:

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

16 (B) Texas State Board of Examiners of Marriage
17 and Family Therapists;

18 (C) Midwifery Board;

19 (D) Texas State Board of Examiners of
20 Perfusionists;

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

23 (F) Texas State Board of Social Worker Examiners;

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

26 (H) Advisory Board of Athletic Trainers;

27 (I) State Committee of Examiners in the Fitting

- 1 and Dispensing of Hearing Instruments;
- 2 (J) Texas Board of Licensure for Professional
3 Medical Physicists; and
- 4 (K) Texas Board of Orthotics and Prosthetics;
- 5 (9) [~~(11)~~] Texas Board of Professional Land
6 Surveying;
- 7 (10) [~~(12)~~] Texas Department of Licensing and
8 Regulation, except as provided by Section 411.093;
- 9 (11) [~~(13)~~] Texas Commission on Environmental
10 Quality;
- 11 (12) [~~(14)~~] Texas Board of Occupational Therapy
12 Examiners;
- 13 (13) [~~(15)~~] Texas Optometry Board;
- 14 (14) [~~(16)~~] Texas State Board of Pharmacy;
- 15 (15) [~~(17)~~] Texas Board of Physical Therapy
16 Examiners;
- 17 (16) [~~(18)~~] Texas State Board of Plumbing Examiners;
- 18 (17) [~~(19)~~] Texas State Board of Podiatric Medical
19 Examiners;
- 20 (18) [~~(20)~~] Polygraph Examiners Board;
- 21 (19) [~~(21)~~] Texas State Board of Examiners of
22 Psychologists;
- 23 (20) [~~(22)~~] Texas Real Estate Commission;
- 24 (21) [~~(23)~~] Board of Tax Professional Examiners;
- 25 (22) [~~(24)~~] Texas Department of Transportation;
- 26 (23) [~~(25)~~] State Board of Veterinary Medical
27 Examiners;

- 1 (24) [~~(26)~~ ~~Board of Vocational Nurse Examiners,~~
2 ~~(27)~~] Texas Department of Housing and Community
3 Affairs;
4 (25) [~~(28)~~] secretary of state;
5 (26) [~~(29)~~] state fire marshal;
6 (27) [~~(30)~~] Texas Education Agency; and
7 (28) [~~(31)~~] Department of Agriculture.

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

10 (a) The following licensing entities shall participate in
11 the system established under Section 2054.353[~~, as added by Chapter~~
12 ~~353, Acts of the 77th Legislature, Regular Session, 2001~~]:

- 13 (1) [~~State Board of Barber Examiners,~~
14 ~~(2)~~] Texas Board of Chiropractic Examiners;
15 (2) [~~(3)~~ ~~Texas Cosmetology Commission,~~
16 ~~(4)~~] Court Reporters Certification Board;
17 (3) [~~(5)~~] State Board of Dental Examiners;
18 (4) [~~(6)~~] Texas Funeral Service Commission;
19 (5) [~~(7)~~] Texas Board of Professional Land Surveying;
20 (6) [~~(8)~~] Texas State Board of Medical Examiners;
21 (7) [~~(9)~~] Board of Nurse Examiners;
22 (8) [~~(10)~~] Texas Optometry Board;
23 (9) [~~(11)~~] Texas Structural Pest Control Board;
24 (10) [~~(12)~~] Texas State Board of Pharmacy;
25 (11) [~~(13)~~] Executive Council of Physical Therapy and
26 Occupational Therapy Examiners;
27 (12) [~~(14)~~] Texas State Board of Plumbing Examiners;

1 Occupations Code;

2 (2) Subchapters C, E, and K, Chapter 1602, Occupations
3 Code; and

4 (3) Sections 1601.004, 1601.051(b) and (c), 1601.052,
5 1601.053, 1601.054, 1601.056, 1601.057, 1601.252, 1601.261,
6 1601.262, 1601.263, 1601.264, 1601.266, 1601.267, 1601.356,
7 1601.401, 1601.402(d), 1601.403, 1601.404(a) and (b), 1601.408,
8 1601.601, 1601.651, 1601.654, 1602.004, 1602.051(b) and (c),
9 1602.052, 1602.053, 1602.054, 1602.055(b), 1602.056, 1602.057,
10 1602.058(b), 1602.059, 1602.151, 1602.152, 1602.154, 1602.155,
11 1602.252, 1602.253, as amended by Chapter 1282, Acts of the 78th
12 Legislature, Regular Session, 2003, 1602.259, 1602.260, 1602.261,
13 1602.263, 1602.264, 1602.265, 1602.303(d), 1602.304(b),
14 1602.351(d), 1602.352(b) through (f), 1602.407, 1602.551,
15 1602.552, 1602.553, and 1602.555, Occupations Code.

16 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

17 SECTION 6.01. (a) The State Board of Barber Examiners and
18 the Texas Cosmetology Commission are abolished but continue in
19 existence until September 1, 2006, for the sole purpose of
20 transferring obligations, property, employees, rights, powers, and
21 duties to the Texas Department of Licensing and Regulation. The
22 Texas Department of Licensing and Regulation assumes all of the
23 obligations, property, employees, rights, powers, and duties of the
24 State Board of Barber Examiners and the Texas Cosmetology
25 Commission, as they exist immediately before the effective date of
26 this Act. All unexpended funds appropriated to the State Board of
27 Barber Examiners and the Texas Cosmetology Commission are

1 transferred to the Texas Department of Licensing and Regulation.
2 The transfer of the obligations, property, employees, rights,
3 powers, and duties of the State Board of Barber Examiners and the
4 Texas Cosmetology Commission to the Texas Department of Licensing
5 and Regulation must be completed not later than September 1, 2006.

6 (b) All rules of the State Board of Barber Examiners and the
7 Texas Cosmetology Commission are continued in effect as rules of
8 the Texas Commission of Licensing and Regulation until superseded
9 by a rule of the Texas Commission of Licensing and Regulation. A
10 certificate, license, or permit issued by the State Board of Barber
11 Examiners or the Texas Cosmetology Commission is continued in
12 effect as provided by the law in effect immediately before the
13 effective date of this Act. A complaint, investigation, contested
14 case, or other proceeding pending on the effective date of this Act
15 is continued without change in status after the effective date of
16 this Act. An inspection or other activity conducted by the State
17 Board of Barber Examiners or the Texas Cosmetology Commission is
18 considered to be an inspection or activity conducted by the Texas
19 Department of Licensing and Regulation, including an inspection or
20 other activity conducted for purposes of allowing a school, shop,
21 or facility to continue to operate under Section 1603.103,
22 Occupations Code, as added by this Act.

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

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

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