

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 reasonable
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 [Sections 1603.106-1603.150 reserved for expansion]

20 SUBCHAPTER D. PUBLIC PARTICIPATION AND COMPLAINT PROCEDURES

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

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

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

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

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

14 Sec. 1603.153. ANALYSIS OF COMPLAINTS AND VIOLATIONS.

15 (a) The department shall develop and maintain a system to analyze
16 the processing, sources, and types of complaints filed with the
17 department and the types of violations that occur under this
18 chapter, Chapter 1601, and Chapter 1602.

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

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

26 (1) the number of complaints filed;

27 (2) a categorization of complaints filed according to

1 the basis of the complaint and the number of complaints in each
2 category;

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

5 (4) the number of complaints filed by persons other
6 than department staff;

7 (5) the number of complaints filed over which the
8 department lacks jurisdiction;

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

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

16 (A) the number of complaints dismissed and the
17 reasons for dismissal; and

18 (B) the number of complaints resulting in
19 disciplinary action and the type of disciplinary action taken; and

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

25 Sec. 1603.154. INFORMAL SETTLEMENT CONFERENCE. The
26 department shall establish guidelines for an informal settlement
27 conference related to a complaint filed with the department.

1 [Sections 1603.155-1603.200 reserved for expansion]

2 SUBCHAPTER E. CERTIFICATE, LICENSE, AND PERMIT REQUIREMENTS

3 Sec. 1603.201. APPLICATION FORM. An application for a
4 certificate, license, or permit must be made on a form prescribed
5 and provided by the department.

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

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

11 (2) pays the required fee.

12 Sec. 1603.203. PROVISIONAL CERTIFICATE OR LICENSE.

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

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

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

25 (b) A provisional certificate or license is valid until the
26 date the department approves or denies the provisional certificate
27 or license holder's application. The department shall issue a

1 certificate or license to the provisional certificate or license
2 holder if:

3 (1) the provisional certificate or license holder is
4 eligible to hold a certificate or license under Chapter 1601 or
5 Chapter 1602; or

6 (2) the provisional certificate or license holder
7 passes the part of the examination under Chapter 1601 or Chapter
8 1602 that relates to the applicant's knowledge and understanding of
9 the laws and rules relating to the practice of the profession in
10 this state and:

11 (A) the department verifies that the provisional
12 certificate or license holder meets the academic and experience
13 requirements for the certificate or license; and

14 (B) the provisional certificate or license
15 holder satisfies any other certificate or license requirements.

16 (c) The department must approve or deny a provisional
17 certificate or license holder's application for a certificate or
18 license not later than the 180th day after the date the provisional
19 certificate or license is issued. The department may extend the
20 180-day period if the results of an examination have not been
21 received by the department before the end of that period.

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

23 (a) A person who holds a license, certificate, or permit to
24 practice barbering or cosmetology from another state or country
25 that has standards or work experience requirements that are
26 substantially equivalent to the requirements of this chapter,
27 Chapter 1601, or Chapter 1602 may apply for a license, certificate,

1 or permit to perform the same acts of barbering or cosmetology in
2 this state that the person practiced in the other state or country.

3 (b) The person must:

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

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

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

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

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

16 [Sections 1603.205-1603.250 reserved for expansion]

17 SUBCHAPTER F. EXAMINATION REQUIREMENTS

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

22 Sec. 1603.252. GENERAL EXAMINATION REQUIREMENTS. (a) The
23 department may accept, develop, or contract for the examinations
24 required by this chapter, including the administration of the
25 examinations.

26 (b) The executive director shall determine uniform
27 standards for acceptable performance on an examination for a

1 license or certificate under Chapter 1601 and for a license or
2 certificate under Chapter 1602.

3 (c) The examination must include a written examination as
4 provided by Section 1603.253 and may include a practical
5 examination as provided by Section 1603.256.

6 Sec. 1603.253. WRITTEN EXAMINATION. The commission shall
7 select an examination for each written examination required under
8 this chapter, Chapter 1601, or Chapter 1602. The written
9 examination must be:

10 (1) validated by an independent testing professional;
11 or

12 (2) purchased from a national testing service.

13 Sec. 1603.254. EXAMINATION FOR BARBERS. (a) An applicant
14 for an examination for a certificate or license issued under
15 Chapter 1601 must submit to the department an application on a form
16 prescribed and provided by the department accompanied by:

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

20 (2) the appropriate examination fee.

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

23 Sec. 1603.255. EARLY EXAMINATION. The department, on
24 written request by a student, may provide for the early written
25 examination of an applicant for a Class A barber certificate, a
26 teacher's certificate, or an operator license who has completed at
27 least 1,000 hours of instruction in a department-approved training

1 program.

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

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

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

9 (1) the department;

10 (2) a person with whom the department contracts under
11 Section 1603.252; or

12 (3) an examination proctor.

13 Sec. 1603.257. EXAMINATION PROCTOR; REGISTRATION. (a) A
14 person may not act as an examination proctor under this subchapter
15 unless the person is registered with the department under this
16 section.

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

19 (1) meet eligibility requirements determined by
20 commission rule;

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

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

25 (c) If the department requires an examination proctor to
26 administer a practical examination under this subchapter, the
27 examination proctor shall perform the examination administration

1 function of the department in a competent and professional manner
2 and in compliance with:

3 (1) standards and specifications adopted by the
4 commission under this chapter; and

5 (2) rules adopted by the commission under this
6 chapter.

7 [Sections 1603.258-1603.300 reserved for expansion]

8 SUBCHAPTER G. CERTIFICATE, LICENSE, AND PERMIT RENEWAL

9 Sec. 1603.301. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE
10 PENALTY. The department may deny a person's request to renew a
11 certificate, license, or permit issued under this chapter, Chapter
12 1601, or Chapter 1602 if the person has not paid an administrative
13 penalty imposed under Subchapter F, Chapter 51. This section does
14 not apply if:

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

17 (2) the person has requested a hearing under Section
18 51.304, but the person's time to pay has not expired under Section
19 51.307; or

20 (3) the penalty is stayed.

21 [Sections 1603.302-1603.350 reserved for expansion]

22 SUBCHAPTER H. PRACTICE PROVISIONS APPLICABLE TO

23 CHAPTERS 1601 AND 1602

24 Sec. 1603.351. MINIMUM CURRICULUM FOR SCHOOLS. The
25 commission shall prescribe the minimum curriculum, including the
26 subjects and the number of hours in each subject, taught by a school
27 licensed under this chapter, Chapter 1601, or Chapter 1602,

1 including a private beauty culture school or a vocational
2 cosmetology program in a public school.

3 Sec. 1603.352. SANITATION REQUIREMENTS FOR CERTAIN
4 SERVICES. (a) A person who holds a license, certificate, or
5 permit issued under this chapter, Chapter 1601, or Chapter 1602 and
6 who performs a barbering service described by Section
7 1601.002(1)(E) or (F) or a cosmetology service described by Section
8 1602.002(10) or (11):

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

12 (2) may use a disposable supply or instrument only if
13 that supply or instrument is purchased at the location where the
14 service is performed or provided by the person on whom the service
15 is performed.

16 (b) The owner or manager of a barber shop, barber school,
17 beauty shop, specialty shop, or beauty culture school is
18 responsible for providing an autoclave for use in the shop or school
19 as required by Subsection (a). An autoclave used as required by
20 Subsection (a) must be:

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

23 (2) used in accordance with the manufacturer's
24 instructions.

25 [Sections 1603.353-1603.400 reserved for expansion]

26 SUBCHAPTER I. DENIAL AND DISCIPLINARY PROCEDURES

27 Sec. 1603.401. DENIAL, SUSPENSION, OR REVOCATION. The

1 department shall deny an application for issuance or renewal of, or
2 shall suspend or revoke, a certificate, license, or permit if the
3 applicant or person holding the certificate, license, or permit:

4 (1) engages in gross malpractice;

5 (2) knowingly continues to practice while having an
6 infectious or contagious disease;

7 (3) knowingly makes a false or deceptive statement in
8 advertising;

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

11 (5) engages in fraud or deceit in obtaining a
12 certificate, license, or permit; or

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

16 [Sections 1603.402-1603.450 reserved for expansion]

17 SUBCHAPTER J. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

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

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

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

27 (2) that substantial or irreparable damage would

1 result from the continued violation.

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

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

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

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

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

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

20 ARTICLE 2. REGULATION OF BARBERING

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

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

27 (4) "Certificate" means a certificate of registration

1 issued by the department [~~board~~].

2 (4-a) "Commission" means the Texas Commission of
3 Licensing and Regulation.

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

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

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

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

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

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

17 (2) is:

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

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

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

26 (D) an inmate in the institutional division of
27 the Texas Department of Criminal Justice who performs barbering

1 during the person's incarceration.

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

4 SUBCHAPTER B. ADVISORY [~~STATE~~] BOARD ON BARBERING [~~OF BARBER~~
5 ~~EXAMINERS~~]

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

8 [~~(a)~~] The Advisory [~~State~~] Board on Barbering [~~of Barber~~
9 ~~Examiners~~] consists of five [~~seven~~] members appointed by the
10 presiding officer of the commission, with the commission's
11 approval, [~~governor with the advice and consent of the senate~~] as
12 follows:

13 (1) two members, each of whom:

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

17 (B) does not hold a barbershop permit;

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

19 [~~(A)~~] is a barbershop owner who holds a
20 barbershop permit; and

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

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

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

26 SECTION 2.05. Section 1601.055, Occupations Code, is
27 amended to read as follows:

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

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

9 SECTION 2.06. Section 1601.058, Occupations Code, is
10 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

9 (1) complies with the application requirements of this
10 chapter;

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

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

14 (4) possesses the other qualifications required by
15 this chapter.

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

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

19 (1) be a Class A barber;

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

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

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

27 (1) passes the appropriate examination; and

1 (2) pays the required [a] certificate fee [~~not to~~
2 ~~exceed~~;

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

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

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

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

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

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

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

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

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

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

27 (2) passes the appropriate examination;

1 (3) pays the required [a] license fee [~~not to exceed~~
2 \$100]; and

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

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

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

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

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

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

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

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

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

20 (2) passes the appropriate examination;

21 (3) pays the required [a] license fee [~~not to exceed~~
22 \$30]; and

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

25 SECTION 2.12. Section 1601.260, Occupations Code, is
26 amended to read as follows:

27 Sec. 1601.260. ELIGIBILITY FOR STUDENT PERMIT. (a) An

1 applicant for a permit to be a student in a barber school must:

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

4 (2) have completed the seventh grade;

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

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

9 (b) A separate application is required for each enrollment,
10 reenrollment, or transfer enrollment. The application fee applies
11 only to the first enrollment. The department [~~board~~] may not charge
12 the application fee for any later enrollment, reenrollment, or
13 transfer enrollment.

14 SECTION 2.13. Section 1601.265, Occupations Code, is
15 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

15 (2) ~~[(3)]~~ the shop meets the minimum health standards
16 for barbershops set by the commission ~~[board]~~ and all other
17 commission rules ~~[of the board]~~.

18 SECTION 2.16. Subsections (b) and (c), Section 1601.304,
19 Occupations Code, are amended to read as follows:

20 (b) An applicant for a manicurist specialty shop permit must
21 submit:

22 (1) an application that includes:

23 (A) the shop's address;

24 (B) the legal description of the premises for
25 which the permit is sought; and

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

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

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

8 SECTION 2.17. Section 1601.305, Occupations Code, is
9 amended to read as follows:

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

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

14 (2) the shop meets the minimum health standards for
15 manicurist specialty shops set by the commission [~~board~~], as
16 determined by a department [~~board~~] inspection under Section
17 1603.103, and any other requirements imposed by commission [~~board~~]
18 rule.

19 SECTION 2.18. Section 1601.309, Occupations Code, is
20 amended to read as follows:

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

26 SECTION 2.19. Section 1601.352, Occupations Code, is
27 amended to read as follows:

1 Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT.

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

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

8 SECTION 2.20. Section 1601.353, Occupations Code, is
9 amended to read as follows:

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

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

- 17 (A) a senior department;
- 18 (B) a junior department;
- 19 (C) a class theory room;
- 20 (D) a supply room;
- 21 (E) an office space;
- 22 (F) a dressing and cloak room; and
- 23 (G) two sanitary, modern, separate restrooms,

24 each equipped with one commode and one of which is also equipped
25 with a urinal;

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

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

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

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

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

7 (7) adequate lighting for each room;

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

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

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

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

17 (12) adequate fire-fighting equipment.

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

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

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

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

27 (4) a copy of the catalogue and promotional literature

1 of the school;

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

4 (6) a sworn statement showing the ownership of the
5 school; and

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

8 SECTION 2.21. Section 1601.354, Occupations Code, is
9 amended to read as follows:

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

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

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

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

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

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

27 SECTION 2.22. Section 1601.355, Occupations Code, is

1 amended to read as follows:

2 Sec. 1601.355. SUPERVISION AND TEACHING REQUIREMENTS.

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

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

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

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

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

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

24 SECTION 2.23. Subsections (a) and (b), Section 1601.3571,
25 Occupations Code, are amended to read as follows:

26 (a) If on January 1 of any year the amount in the barber
27 school tuition protection account is less than \$25,000, the

1 department [~~board~~] shall collect a fee from each barber school
2 during that year by applying a percentage to the school's renewal
3 fee at a rate that will bring the balance of the account to \$25,000.

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

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

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

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

19 Sec. 1601.404. [~~RENEWAL OR~~] REINSTATEMENT OF EXPIRED
20 CERTIFICATE OR LICENSE BY RETIREE.

21 SECTION 2.26. Subsection (c), Section 1601.404,
22 Occupations Code, is amended to read as follows:

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

27 (1) making a proper showing to the department [~~board~~],

1 supported by a personal affidavit;

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

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

6 (4) paying the fee for an original certificate or
7 license.

8 SECTION 2.27. Section 1601.405, Occupations Code, is
9 amended to read as follows:

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

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

20 [~~(1) \$10 if the application and payment are made~~
21 ~~during the period beginning November 1 of an odd-numbered year and~~
22 ~~ending October 31 of the following year; or~~

23 [~~(2) \$5 if the application and payment are made during~~
24 ~~the period beginning November 1 of an even-numbered year and ending~~
25 ~~October 31 of the following year.]~~

26 SECTION 2.28. Section 1601.406, Occupations Code, is
27 amended to read as follows:

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

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

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

10 SECTION 2.29. Section 1601.407, Occupations Code, is
11 amended to read as follows:

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

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

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

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

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

25 Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by
26 the department [~~board~~] may practice barbering only at a location
27 for which the department [~~board~~] has issued a barbershop permit,

1 specialty shop permit, or barber school permit.

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

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

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

- 17 (1) work areas for barbers and cosmetologists;
18 (2) waiting areas for customers of the barbers and
19 cosmetologists; or
20 (3) restrooms for the barbers and cosmetologists
21 practicing in the facility or for their customers.

22 SECTION 2.33. Section 1601.501, Occupations Code, is
23 amended to read as follows:

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

27 SECTION 2.34. Section 1601.552, Occupations Code, is

1 amended to read as follows:

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

5 SECTION 2.35. Section 1601.554, Occupations Code, is
6 amended to read as follows:

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

11 (b) A barber school may not change the location of the
12 school unless the school obtains approval from the department
13 [~~board~~] before the change by showing that the proposed location
14 meets the requirements of Subchapter H for issuance of a permit to
15 the school.

16 SECTION 2.36. Section 1601.556, Occupations Code, is
17 amended to read as follows:

18 Sec. 1601.556. INFORMATION PROVIDED TO PROSPECTIVE
19 STUDENT. The holder of a barber school permit shall furnish each
20 prospective student with:

- 21 (1) a course outline;
- 22 (2) a schedule of the tuition and other fees assessed;
- 23 (3) the school's refund policy required under Section
24 1601.563;
- 25 (4) the school's grading policy and rules relating to
26 incomplete grades;
- 27 (5) the school's rules of operation and conduct,

1 including rules relating to absences;

2 (6) the department's [~~board's~~] name, mailing address,
3 and telephone number for the purpose of directing complaints to the
4 department [~~board~~]; and

5 (7) the current rates of job placement and employment
6 of students who complete a course of training.

7 SECTION 2.37. Section 1601.557, Occupations Code, is
8 amended to read as follows:

9 Sec. 1601.557. COURSE LENGTH AND CURRICULUM CONTENT.

10 (a) A barber school shall submit to the department [~~board~~] for
11 approval the course length and curriculum content for a course
12 offered by the school. The course length and curriculum content
13 shall be designed to reasonably ensure that a student develops the
14 job skills and knowledge necessary for employment. The school may
15 not implement a course length or curriculum content unless it is
16 approved by the department [~~board~~].

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

20 SECTION 2.38. Subsection (b), Section 1601.559,
21 Occupations Code, is amended to read as follows:

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

24 SECTION 2.39. Subsection (a), Section 1601.560,
25 Occupations Code, is amended to read as follows:

26 (a) In addition to the teacher required by Section
27 1601.355(b), a barber school that provides training leading to

1 issuance of a Class A barber certificate shall have at least one
2 qualified instructor, holding a Class A certificate, for every 25
3 ~~[20]~~ students on the school's premises ~~[for instruction in~~
4 ~~practical work]~~. A teacher may serve as an instructor in practical
5 work in addition to holding a position as a theory teacher.

6 SECTION 2.40. Section 1601.561, Occupations Code, is
7 amended to read as follows:

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

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

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

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

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

24 SECTION 2.41. Subsection (d), Section 1601.566,
25 Occupations Code, is amended to read as follows:

26 (d) The department ~~[board]~~ may exempt a school from the
27 payment of interest if the school makes a good faith effort to

1 refund the tuition but is unable to locate the student. The school
2 shall provide to the department [~~board~~] on request documentation of
3 the school's effort to locate the student.

4 SECTION 2.42. Section 1601.603, Occupations Code, is
5 amended to read as follows:

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

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

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

21 SECTION 2.43. Subsection (a), Section 1601.604,
22 Occupations Code, is amended to read as follows:

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

26 SECTION 2.44. Section 1601.605, Occupations Code, is
27 amended to read as follows:

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

5 (1) provides justification for the alteration; or

6 (2) adjusts the course length to meet industry
7 standards.

8 SECTION 2.45. Subsections (a), (b), and (c), Section
9 1601.606, Occupations Code, are amended to read as follows:

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

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

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

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

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

23 SECTION 2.46. Subsection (a), Section 1601.653,
24 Occupations Code, is amended to read as follows:

25 (a) A person commits an offense if the person is a barber
26 inspector or other department [~~board~~] employee and the person sells
27 barber supplies or engages in a business, other than barbering,

1 that deals directly with a barber, barbershop, specialty shop, or
2 barber school.

3 ARTICLE 3. REGULATION OF COSMETOLOGY

4 SECTION 3.01. Section 1602.001, Occupations Code, is
5 amended to read as follows:

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

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

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

10 (3) "Department" means the Texas Department of
11 Licensing and Regulation.

12 (4) "Executive director" means the executive director
13 of the department.

14 (5) [~~2~~] "Public school" includes a public high
15 school, a public junior college, or any other nonprofit tax-exempt
16 institution that conducts a cosmetology program.

17 SECTION 3.02. Section 1602.002, Occupations Code, is
18 amended to read as follows:

19 Sec. 1602.002. DEFINITION OF COSMETOLOGY. (a) In this
20 chapter, "cosmetology" means the practice of performing or offering
21 to perform for compensation any of the following services:

22 (1) treating a person's hair by:

23 (A) providing any method of treatment as a
24 primary service, including arranging, beautifying, bleaching,
25 cleansing, coloring, cutting, dressing, dyeing, processing,
26 shampooing, shaping, singeing, straightening, styling, tinting, or
27 waving;

1 (B) providing a necessary service that is
2 preparatory or ancillary to a service under Paragraph (A),
3 including bobbing, clipping, cutting, or trimming; or

4 (C) cutting the person's hair as a separate and
5 independent service for which a charge is directly or indirectly
6 made separately from charges for any other service;

7 (2) weaving or braiding a person's hair;

8 (3) shampooing and conditioning a person's hair;

9 (4) servicing a person's wig or artificial hairpiece
10 on a person's head or on a block after the initial retail sale and
11 servicing in any manner listed in Subdivision (1);

12 (5) treating a person's mustache or beard by
13 arranging, beautifying, coloring, processing, styling, or
14 trimming;

15 (6) cleansing, stimulating, or massaging a person's
16 scalp, face, neck, or arms:

17 (A) by hand or by using a device, apparatus, or
18 appliance; and

19 (B) with or without the use of any cosmetic
20 preparation, antiseptic, tonic, lotion, or cream;

21 (7) beautifying a person's face, neck, or arms using a
22 cosmetic preparation, antiseptic, tonic, lotion, powder, oil,
23 clay, cream, or appliance;

24 (8) administering facial treatments;

25 (9) removing superfluous hair from a person's body
26 using depilatories or mechanical tweezers;

27 (10) treating a person's nails by:

1 (A) cutting, trimming, polishing, tinting,
2 coloring, cleansing, or manicuring; or

3 (B) attaching false nails; or

4 (11) massaging, cleansing, treating, or beautifying a
5 person's hands or feet.

6 (b) The commission by rule may amend the definition of
7 cosmetology to eliminate a service included in that definition
8 under Subsection (a).

9 SECTION 3.03. The heading to Subchapter B, Chapter 1602,
10 Occupations Code, is amended to read as follows:

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

12 SECTION 3.04. The heading to Section 1602.051, Occupations
13 Code, is amended to read as follows:

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

15 SECTION 3.05. Subsections (a) and (b), Section 1602.051,
16 Occupations Code, are amended to read as follows:

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

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

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

25 (3) one member who holds a private beauty culture
26 school license; and

27 (4) [~~3~~] two members who each hold an operator

1 license[~~, and~~

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

3 (b) The associate commissioner for occupational education
4 and technology of the Texas Education Agency or the associate
5 commissioner's authorized representative shall serve as an ex
6 officio member of the commission without [~~with~~] voting privileges.

7 SECTION 3.06. Subsections (a) and (c), Section 1602.055,
8 Occupations Code, are amended to read as follows:

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

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

16 SECTION 3.07. The heading to Section 1602.058, Occupations
17 Code, is amended to read as follows:

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

19 SECTION 3.08. Subsection (a), Section 1602.058,
20 Occupations Code, is amended to read as follows:

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

25 SECTION 3.09. Subchapter B, Chapter 1602, Occupations Code,
26 is amended by adding Section 1602.060 to read as follows:

27 Sec. 1602.060. BOARD DUTIES. (a) The board shall advise

1 the commission and the department on:

2 (1) education and curricula for applicants;

3 (2) the content of examinations;

4 (3) proposed rules and standards on technical issues
5 related to cosmetology; and

6 (4) other issues affecting cosmetology.

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

9 SECTION 3.10. The heading to Subchapter D, Chapter 1602,
10 Occupations Code, is amended to read as follows:

11 SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY

12 SECTION 3.11. Subsections (a) and (b), Section 1602.153,
13 Occupations Code, are amended to read as follows:

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

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

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

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

26 SECTION 3.12. Subsection (c), Section 1602.251,
27 Occupations Code, is amended to read as follows:

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

5 SECTION 3.13. Subsection (b), Section 1602.258,
6 Occupations Code, is amended to read as follows:

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

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

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

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

18 SECTION 3.14. Subsections (a) and (b), Section 1602.266,
19 Occupations Code, are amended to read as follows:

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

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

27 SECTION 3.15. Subsection (b), Section 1602.267,

1 Occupations Code, is amended to read as follows:

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

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

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

7 SECTION 3.16. Subsection (b), Section 1602.302,
8 Occupations Code, is amended to read as follows:

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

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

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

15 (3) be verified by the applicant.

16 SECTION 3.17. Subsections (b) and (c), Section 1602.303,
17 Occupations Code, are amended to read as follows:

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

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

23 (2) be verified by the applicant;

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

27 (4) contain a statement that the building:

- 1 (A) is fireproof;
- 2 (B) is of permanent construction;
- 3 (C) contains a minimum of 3,500 square feet of
4 floor space;
- 5 (D) has separate restrooms for male and female
6 students; and
- 7 (E) contains, or will contain before classes
8 begin, the equipment established by commission rule as sufficient
9 to properly instruct a minimum of 50 students.

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

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

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

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

20 SECTION 3.18. Subsection (b), Section 1602.305,
21 Occupations Code, is amended to read as follows:

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

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

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

1 (3) be verified by the applicant.

2 SECTION 3.19. Subsection (b), Section 1602.306,
3 Occupations Code, is amended to read as follows:

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

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

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

9 (3) be verified by the applicant.

10 SECTION 3.20. The heading to Section 1602.352, Occupations
11 Code, is amended to read as follows:

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

14 SECTION 3.21. Subchapter H, Chapter 1602, Occupations Code,
15 is amended by adding Section 1602.353 to read as follows:

16 Sec. 1602.353. INACTIVE STATUS. (a) Not later than the
17 10th day before the expiration date of a certificate or license
18 issued under this chapter, the certificate or license holder may
19 place the certificate or license on inactive status by:

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

22 (2) paying the required fee.

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

26 (c) A person whose certificate or license is on inactive
27 status may reapply for inactive status before the expiration date

1 of the certificate or license. The person must pay the required
2 fee.

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

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

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

9 (2) paying the required fee; and

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

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

16 SECTION 3.22. Section 1602.405, Occupations Code, is
17 amended to read as follows:

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

25 (b) If a facility has a license or permit under both this
26 chapter and Chapter 1601 [~~the commission and the State Board of~~
27 ~~Barber Examiners license the same facility~~], the commission may not

1 adopt rules requiring separate treatment of the barbers and
2 cosmetologists practicing in the facility or of their customers,
3 including separate:

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

9 SECTION 3.23. Subsection (a), Section 1602.451,
10 Occupations Code, is amended to read as follows:

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

- 13 (1) maintain a sanitary establishment;
- 14 (2) maintain on its staff and on duty during business
15 hours one full-time licensed instructor for each 25 students in
16 attendance;
- 17 (3) maintain a daily record of students' attendance;
- 18 (4) establish regular class and instruction hours and
19 grades;
- 20 (5) require a school term of not less than nine months
21 and not less than 1,500 hours instruction for a complete course in
22 cosmetology;
- 23 (6) require a school term of not less than 600 hours
24 instruction for a complete course in manicuring;
- 25 (7) hold examinations before issuing diplomas;
- 26 (8) maintain a copy of the school's curriculum in a
27 conspicuous place and verify that the curriculum is being followed;

1 (9) publish in the school's catalogue and enrollment
2 contract a description of the refund policy required under Section
3 1602.458; and

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

9 [(11)] provide the department [~~commission~~] with
10 information on:

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

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

16 SECTION 3.24. Section 1602.452, Occupations Code, is
17 amended to read as follows:

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

- 21 (1) a course outline;
- 22 (2) a schedule of the tuition and other fees assessed;
- 23 (3) the refund policy required under Section 1602.458;
- 24 (4) the school grading policy and rules relating to
25 incomplete grades;
- 26 (5) the school rules of operation and conduct,
27 including rules relating to absences;

1 (6) the name, mailing address, and telephone number of
2 the department [~~commission~~] for the purpose of directing complaints
3 to the department [~~commission~~]; and

4 (7) the current rates of job placement and employment
5 of students who complete a course of training.

6 SECTION 3.25. Subsection (c), Section 1602.453,
7 Occupations Code, is amended to read as follows:

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

11 SECTION 3.26. Section 1602.454, Occupations Code, is
12 amended to read as follows:

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

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

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

22 SECTION 3.27. Subsection (d), Section 1602.460,
23 Occupations Code, is amended to read as follows:

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

1 documentation of the effort to locate the student.

2 SECTION 3.28. Subsection (a), Section 1602.463,
3 Occupations Code, is amended to read as follows:

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

8 SECTION 3.29. Subsections (a) and (b), Section 1602.464,
9 Occupations Code, are amended to read as follows:

10 (a) If on January 1 of any year the amount in the private
11 beauty culture school tuition protection account is less than
12 \$200,000, the department [~~commission~~] shall collect a fee from each
13 private beauty culture school during that year by applying a
14 percentage to the school's renewal fee at a rate that will bring the
15 balance of the account to \$200,000.

16 (b) The comptroller shall invest the account in the same
17 manner as other state funds. Sufficient money from the account
18 shall be appropriated to the department [~~commission~~] for the
19 purpose described by Section 1602.463. The department [~~commission~~]
20 shall administer claims made against the account.

21 SECTION 3.30. Subsections (a), (b), and (c), Section
22 1602.465, Occupations Code, are amended to read as follows:

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

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

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

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

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

10 ARTICLE 4. CONFORMING AMENDMENTS

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

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

15 (1) Department of Agriculture;

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

17 [~~3~~] Texas Alcoholic Beverage Commission;

18 (3) [~~4~~] Texas Appraiser Licensing and Certification
19 Board;

20 (4) [~~5~~] Texas Board of Architectural Examiners;

21 (5) [~~6~~] ~~State Board of Barber Examiners,~~

22 [~~7~~] Texas Board of Chiropractic Examiners;

23 (6) [~~8~~] Comptroller of Public Accounts;

24 (7) [~~9~~] ~~Texas Cosmetology Commission,~~

25 [~~10~~] Court Reporters Certification Board;

26 (8) [~~11~~] State Board of Dental Examiners;

27 (9) [~~12~~] Texas State Board of Examiners of

- 1 Dietitians;
- 2 (10) [~~(13)~~] Texas Funeral Service Commission;
- 3 (11) [~~(14)~~—Texas] Department of State Health Services
- 4 [~~Health~~];
- 5 (12) [~~(15)~~—Texas] Department of Aging and Disability
- 6 [~~Human~~] Services;
- 7 (13) [~~(16)~~] Texas Board of Professional Land
- 8 Surveying;
- 9 (14) [~~(17)~~] Texas Department of Licensing and
- 10 Regulation;
- 11 (15) [~~(18)~~] Texas State Board of Examiners of Marriage
- 12 and Family Therapists;
- 13 (16) [~~(19)~~] Texas State Board of Medical Examiners;
- 14 (17) [~~(20)~~] Midwifery Board;
- 15 (18) [~~(21)~~] Texas Commission on Environmental
- 16 Quality;
- 17 (19) [~~(22)~~] Board of Nurse Examiners;
- 18 (20) [~~(23)~~] Texas Board of Occupational Therapy
- 19 Examiners;
- 20 (21) [~~(24)~~] Texas Optometry Board;
- 21 (22) [~~(25)~~] Parks and Wildlife Department;
- 22 (23) [~~(26)~~] Texas State Board of Examiners of
- 23 Perfusionists;
- 24 (24) [~~(27)~~] Texas State Board of Pharmacy;
- 25 (25) [~~(28)~~] Texas Board of Physical Therapy
- 26 Examiners;
- 27 (26) [~~(29)~~] Texas State Board of Plumbing Examiners;

- 1 (27) [~~(30)~~] Texas State Board of Podiatric Medical
2 Examiners;
- 3 (28) [~~(31)~~] Polygraph Examiners Board;
- 4 (29) [~~(32)~~] Texas [~~Commission on~~] Private Security
5 Board;
- 6 (30) [~~(33)~~] Texas State Board of Examiners of
7 Professional Counselors;
- 8 (31) [~~(34)~~] Texas Board of Professional Engineers;
- 9 (32) [~~(35)~~] Department of Family and Protective [~~and~~
10 ~~Regulatory~~] Services;
- 11 (33) [~~(36)~~] Texas State Board of Examiners of
12 Psychologists;
- 13 (34) [~~(37)~~] Texas State Board of Public Accountancy;
- 14 (35) [~~(38)~~] Department of Public Safety of the State
15 of Texas;
- 16 (36) [~~(39)~~] Public Utility Commission of Texas;
- 17 (37) [~~(40)~~] Railroad Commission of Texas;
- 18 (38) [~~(41)~~] Texas Real Estate Commission;
- 19 (39) [~~(42)~~] State Bar of Texas;
- 20 (40) [~~(43)~~] Texas State Board of Social Worker
21 Examiners;
- 22 (41) [~~(44)~~] State Board of Examiners for
23 Speech-Language Pathology and Audiology;
- 24 (42) [~~(45)~~] Texas Structural Pest Control Board;
- 25 (43) [~~(46)~~] Board of Tax Professional Examiners;
- 26 (44) [~~(47)~~] Secretary of State;
- 27 (45) [~~(48)~~] Supreme Court of Texas;

- 1 (46) [~~(49)~~] Texas Transportation Commission;
- 2 (47) [~~(50)~~] State Board of Veterinary Medical
- 3 Examiners;
- 4 (48) [~~(51)~~] Texas Ethics Commission;
- 5 (49) [~~(52)~~] Advisory Board of Athletic Trainers;
- 6 (50) [~~(53)~~] State Committee of Examiners in the
- 7 Fitting and Dispensing of Hearing Instruments;
- 8 (51) [~~(54)~~] Texas Board of Licensure for Professional
- 9 Medical Physicists;
- 10 (52) [~~(55)~~] Texas Department of Insurance;
- 11 (53) [~~(56)~~] Texas Board of Orthotics and Prosthetics;
- 12 (54) [~~(57)~~] savings and loan commissioner;
- 13 (55) [~~(58)~~] Texas Juvenile Probation Commission; and
- 14 (56) [~~(59)~~] Texas Lottery Commission under Chapter
- 15 466, Government Code.

16 SECTION 4.02. Subsection (d), Section 411.122, Government

17 Code, is amended to read as follows:

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

19 section:

- 20 (1) Texas Appraiser Licensing and Certification
- 21 Board;
- 22 (2) Texas Board of Architectural Examiners;
- 23 (3) [~~State Board of Barber Examiners,~~
- 24 [~~(4)~~] Texas Board of Chiropractic Examiners;
- 25 (4) [~~(5)~~] ~~Texas Cosmetology Commission,~~
- 26 [~~(6)~~] State Board of Dental Examiners;
- 27 (5) [~~(7)~~] Texas Board of Professional Engineers;

- 1 (6) [~~(8)~~] Texas Funeral Service Commission;
- 2 (7) [~~(9)~~] Texas Board of Professional Geoscientists;
- 3 (8) [~~(10)~~—Texas] Department of State Health Services,
- 4 except as provided by Section 411.110, and agencies attached to the
- 5 department, including:
- 6 (A) Texas State Board of Examiners of Dietitians;
- 7 (B) Texas State Board of Examiners of Marriage
- 8 and Family Therapists;
- 9 (C) Midwifery Board;
- 10 (D) Texas State Board of Examiners of
- 11 Perfusionists;
- 12 (E) Texas State Board of Examiners of
- 13 Professional Counselors;
- 14 (F) Texas State Board of Social Worker Examiners;
- 15 (G) State Board of Examiners for Speech-Language
- 16 Pathology and Audiology;
- 17 (H) Advisory Board of Athletic Trainers;
- 18 (I) State Committee of Examiners in the Fitting
- 19 and Dispensing of Hearing Instruments;
- 20 (J) Texas Board of Licensure for Professional
- 21 Medical Physicists; and
- 22 (K) Texas Board of Orthotics and Prosthetics;
- 23 (9) [~~(11)~~] Texas Board of Professional Land
- 24 Surveying;
- 25 (10) [~~(12)~~] Texas Department of Licensing and
- 26 Regulation, except as provided by Section 411.093;
- 27 (11) [~~(13)~~] Texas Commission on Environmental

- 1 Quality;
- 2 (12) [~~(14)~~] Texas Board of Occupational Therapy
- 3 Examiners;
- 4 (13) [~~(15)~~] Texas Optometry Board;
- 5 (14) [~~(16)~~] Texas State Board of Pharmacy;
- 6 (15) [~~(17)~~] Texas Board of Physical Therapy
- 7 Examiners;
- 8 (16) [~~(18)~~] Texas State Board of Plumbing Examiners;
- 9 (17) [~~(19)~~] Texas State Board of Podiatric Medical
- 10 Examiners;
- 11 (18) [~~(20)~~] Polygraph Examiners Board;
- 12 (19) [~~(21)~~] Texas State Board of Examiners of
- 13 Psychologists;
- 14 (20) [~~(22)~~] Texas Real Estate Commission;
- 15 (21) [~~(23)~~] Board of Tax Professional Examiners;
- 16 (22) [~~(24)~~] Texas Department of Transportation;
- 17 (23) [~~(25)~~] State Board of Veterinary Medical
- 18 Examiners;
- 19 (24) [~~(26)~~] ~~Board of Vocational Nurse Examiners;~~
- 20 [~~(27)~~] Texas Department of Housing and Community
- 21 Affairs;
- 22 (25) [~~(28)~~] secretary of state;
- 23 (26) [~~(29)~~] state fire marshal;
- 24 (27) [~~(30)~~] Texas Education Agency; and
- 25 (28) [~~(31)~~] Department of Agriculture.

26 SECTION 4.03. Subsection (a), Section 2054.352, Government

27 Code, is amended to read as follows:

1 (a) The following licensing entities shall participate in
2 the system established under Section 2054.353[~~, as added by Chapter~~
3 ~~353, Acts of the 77th Legislature, Regular Session, 2001~~]:

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

- 1 (19) [~~(21)~~] Texas Appraiser Licensing and
2 Certification Board;
- 3 (20) [~~(22)~~] Texas Department of Licensing and
4 Regulation;
- 5 (21) [~~(24)~~] Texas State Board of Public Accountancy;
- 6 (22) [~~(25)~~] State Board for Educator Certification;
- 7 (23) [~~(26)~~] Texas Board of Professional Engineers;
- 8 (24) [~~(27)~~—Texas] Department of State Health
9 Services;
- 10 (25) [~~(28)~~] Texas Board of Architectural Examiners;
- 11 (26) [~~(29)~~] Texas Racing Commission;
- 12 (27) [~~(30)~~] Commission on Law Enforcement Officer
13 Standards and Education; and
- 14 (28) [~~(31)~~] Texas [~~Commission on~~] Private Security
15 Board.

ARTICLE 5. REPEALER

SECTION 5.01. The following laws are repealed:

- 18 (1) Subchapters C, D, E, and O, Chapter 1601,
19 Occupations Code;
- 20 (2) Subchapters C, E, and K, Chapter 1602, Occupations
21 Code; and
- 22 (3) Sections 1601.004, 1601.051(b) and (c), 1601.052,
23 1601.053, 1601.054, 1601.056, 1601.057, 1601.252, 1601.261,
24 1601.262, 1601.263, 1601.264, 1601.266, 1601.267, 1601.302,
25 1601.310, 1601.311, 1601.356, 1601.401, 1601.402(d), 1601.403,
26 1601.404(a) and (b), 1601.408, 1601.502, 1601.503, 1601.506,
27 1601.601, 1601.651, 1601.654, 1602.004, 1602.051(c), 1602.052,

1 1602.053, 1602.054, 1602.055(b), 1602.056, 1602.057, 1602.058(b),
2 1602.059, 1602.151, 1602.152, 1602.154, 1602.155, 1602.252,
3 1602.253, as amended by Chapter 1282, Acts of the 78th Legislature,
4 Regular Session, 2003, 1602.259, 1602.260, 1602.261, 1602.263,
5 1602.264, 1602.265, 1602.303(d), 1602.304(b), 1602.351(d),
6 1602.352(b) through (f), 1602.407, 1602.551, 1602.552, 1602.553,
7 and 1602.555, Occupations Code.

8 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

9 SECTION 6.01. (a) The State Board of Barber Examiners and
10 the Texas Cosmetology Commission are abolished but continue in
11 existence until January 1, 2006, for the sole purpose of
12 transferring obligations, property, full-time equivalent
13 positions, rights, powers, and duties to the Texas Department of
14 Licensing and Regulation. The Texas Department of Licensing and
15 Regulation assumes all of the obligations, property, full-time
16 equivalent positions, rights, powers, and duties of the State Board
17 of Barber Examiners and the Texas Cosmetology Commission, as they
18 exist immediately before the effective date of this Act. All
19 unexpended funds appropriated to the State Board of Barber
20 Examiners and the Texas Cosmetology Commission are transferred to
21 the Texas Department of Licensing and Regulation. The transfer of
22 the obligations, property, full-time equivalent positions, rights,
23 powers, and duties of the State Board of Barber Examiners and the
24 Texas Cosmetology Commission to the Texas Department of Licensing
25 and Regulation must be completed not later than January 1, 2006.

26 (b) All rules of the State Board of Barber Examiners and the
27 Texas Cosmetology Commission are continued in effect as rules of

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

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

19 SECTION 6.02. (a) The State Board of Barber Examiners and
20 the Texas Cosmetology Commission, in cooperation with and at the
21 direction of the Texas Department of Licensing and Regulation shall
22 complete all necessary computer programming and other tasks to
23 ensure that the agency numbers assigned by the comptroller of
24 public accounts to the board and the commission are not necessary
25 for any fiscal year after 2005, except to complete earlier fiscal
26 year revenue and expenditure transactions and reporting. The
27 number assigned by the comptroller of public accounts to the Texas

1 Department of Licensing and Regulation shall be used to record
2 transactions related to the regulation of barbering and cosmetology
3 beginning in fiscal year 2006.

4 (b) Not later than July 1, 2005, the State Board of Barber
5 Examiners and the Texas Cosmetology Commission shall request that
6 the comptroller of public accounts grant the Texas Department of
7 Licensing and Regulation inquiry-only security access to the
8 uniform statewide accounting system, the state property accounting
9 system, the uniform statewide payroll system, and the human
10 resources information system for their respective agencies. The
11 Texas Department of Licensing and Regulation and the comptroller of
12 public accounts may coordinate implementation of this section.

13 (c) Not later than July 15, 2005, the Texas Department of
14 Licensing and Regulation shall provide to the State Board of Barber
15 Examiners and the Texas Cosmetology Commission detailed
16 information regarding those agencies' responsibilities under
17 Subsection (a) of this section.

18 SECTION 6.03. Sections 1602.353 and 1603.352, Occupations
19 Code, as added by this Act, take effect January 1, 2006.

20 SECTION 6.04. (a) Except as provided by Subsection (b) of
21 this section, this Act takes effect September 1, 2005.

22 (b) Section 6.02 of this Act takes effect immediately if
23 this Act receives a vote of two-thirds of all the members elected to
24 each house, as provided by Section 39, Article III, Texas
25 Constitution. If this Act does not receive the vote necessary for
26 immediate effect, Section 6.02 of this Act does not take effect.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 411 passed the Senate on April 26, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 28, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 411 passed the House, with amendments, on May 23, 2005, by the following vote: Yeas 141, Nays 0, four present not voting.

Chief Clerk of the House

Approved:

Date

Governor