

By: Whitmire

S.B. No. 411

Substitute the following for S.B. No. 411:

By: Otto

C.S.S.B. No. 411

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of barbers and cosmetologists by the  
3 Texas Department of Licensing and Regulation and the abolition of  
4 the State Board of Barber Examiners and the Texas Cosmetology  
5 Commission.

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

7 ARTICLE 1. TEXAS DEPARTMENT OF LICENSING AND REGULATION

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

10 CHAPTER 1603. REGULATION OF BARBERING AND COSMETOLOGY

11 SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

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

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

21 Sec. 1603.002. REGULATION OF BARBERING AND COSMETOLOGY BY  
22 DEPARTMENT OF LICENSING AND REGULATION. The department shall  
23 administer this chapter and Chapters 1601 and 1602. A reference in  
24 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. (a)  
7 The department may enter and inspect at any time during business  
8 hours:

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

11           (2) any place in which the department has 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. (a)  
15 The department shall develop and maintain a system to analyze the  
16 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. (a)  
13 The department may issue a provisional certificate or license to an  
14 applicant currently licensed in another jurisdiction who seeks a  
15 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 permit  
5 issued under this chapter, Chapter 1601, or Chapter 1602 and who  
6 performs a barbering service described by Section 1601.002(1)(E) or  
7 (F) or a cosmetology service described by Section 1602.002(10) or  
8 (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. Section 1601.001(a), Occupations Code, is  
22 amended by amending Subdivisions (3), (4), (5), and (8) and adding  
23 Subdivisions (4-a) and (4-b) to read as follows:

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

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

1           (4-a) "Commission" means the Texas Commission of  
2 Licensing and Regulation.

3           (4-b) "Department" means the Texas Department of  
4 Licensing and Regulation.

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

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

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

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

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

16           (2) is:

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

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

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

25                   (D) an inmate in the institutional division of  
26 the Texas Department of Criminal Justice who performs barbering  
27 during the person's incarceration.



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

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

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

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

12 (1) two members, each of whom:

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

16 (B) does not hold a barbershop permit;

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

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

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

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

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

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

27 Sec. 1601.055. TERMS; VACANCY. (a) Members of the board

1 serve staggered six-year terms, with the terms of one or two [~~or~~  
2 ~~three~~] members expiring on the same date each odd-numbered year  
3 ~~[every two years]~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (1) be a Class A barber;

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

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

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

26 (1) passes the appropriate examination; and

27 (2) pays the required [a] certificate fee [~~not to~~

1 ~~exceed:~~

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

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

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

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

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

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

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

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

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

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

26 (2) passes the appropriate examination;

27 (3) pays the required [~~a~~] license fee [~~not to exceed~~

1 \$100]; and

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

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

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

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

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

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

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

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

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

19 (2) passes the appropriate examination;

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

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

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

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

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

3 (2) have completed the seventh grade;

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

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

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

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

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

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

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

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

27 [~~(1)~~] submit an application to the department [~~board~~]

1 for an appropriate permit for each shop, accompanied by a fee set by  
2 commission rule [~~and~~

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

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

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

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

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

14 (2) [~~(3)~~] the shop meets the minimum health standards  
15 for barbershops set by the commission [~~board~~] and all other  
16 commission rules [~~of the board~~].

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

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

21 (1) an application that includes:

22 (A) the shop's address;

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

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

27 (2) the required [~~an~~] inspection fee [~~in an amount not~~

1 ~~to exceed \$50].~~

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

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

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

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

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

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

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

27 Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT. (a)



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

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

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

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

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

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

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

27 (3) at least 20 modern barber chairs, including a

1 cabinet and mirror for each chair;

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

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

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

6 (7) adequate lighting for each room;

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

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

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

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

16 (12) adequate fire-fighting equipment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           SECTION 2.22. Section 1601.355, Occupations Code, is  
27 amended to read as follows:

1           Sec. 1601.355. SUPERVISION AND TEACHING REQUIREMENTS. (a)  
2   The department [~~board~~] may not approve an application for a permit  
3   for a barber school that provides training leading to issuance of a  
4   Class A barber certificate unless the school is under the direct  
5   supervision and control of a Class A barber certificate holder who  
6   presents evidence of at least five years' experience as a  
7   practicing barber.

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

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

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

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

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

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

25           (a) If on January 1 of any year the amount in the barber  
26  school tuition protection account is less than \$25,000, the  
27  department [~~board~~] shall collect a fee from each barber school

1 during that year by applying a percentage to the school's renewal  
2 fee at a rate that will bring the balance of the account to \$25,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19           ~~[(1) \$10 if the application and payment are made~~  
20 ~~during the period beginning November 1 of an odd-numbered year and~~  
21 ~~ending October 31 of the following year; or~~

22           ~~[(2) \$5 if the application and payment are made during~~  
23 ~~the period beginning November 1 of an even-numbered year and ending~~  
24 ~~October 31 of the following year.]~~

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

27           Sec. 1601.406. RENEWAL OF BARBERSHOP OR SPECIALTY SHOP

1 PERMIT. (a) A barbershop permit or specialty shop permit expires  
2 on the second anniversary of the date of issuance [~~on July 1 of each~~  
3 ~~odd-numbered year~~].

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

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

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

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

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

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

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

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

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

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

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

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

16 (1) work areas for barbers and cosmetologists;

17 (2) waiting areas for customers of the barbers and  
18 cosmetologists; or

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

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

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

26 SECTION 2.34. Section 1601.552, Occupations Code, is  
27 amended to read as follows:



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

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

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

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

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

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

20                   (1) a course outline;  
21                   (2) a schedule of the tuition and other fees assessed;  
22                   (3) the school's refund policy required under Section  
23 1601.563;

24                   (4) the school's grading policy and rules relating to  
25 incomplete grades;

26                   (5) the school's rules of operation and conduct,  
27 including rules relating to absences;

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

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

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

8           Sec. 1601.557. COURSE           LENGTH           AND           CURRICULUM  
9 CONTENT. (a) A barber school shall submit to the department  
10 [~~board~~] for approval the course length and curriculum content for a  
11 course offered by the school. The course length and curriculum  
12 content shall be designed to reasonably ensure that a student  
13 develops the job skills and knowledge necessary for employment.  
14 The school may not implement a course length or curriculum content  
15 unless it is approved by the department [~~board~~].

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

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

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

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

25           (a) In addition to the teacher required by Section  
26 1601.355(b), a barber school that provides training leading to  
27 issuance of a Class A barber certificate shall have at least one

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

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

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

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

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

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

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

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

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

1 shall provide to the department [~~board~~] on request documentation of  
2 the school's effort to locate the student.

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

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

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

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

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

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

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

27 Sec. 1601.605. PROBATION FOR ALTERING COURSE LENGTH. The

1 commission [~~board~~] shall place on probation a barber school that  
2 alters a course length below or above industry standards until the  
3 school:

- 4 (1) provides justification for the alteration; or  
5 (2) adjusts the course length to meet industry  
6 standards.

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

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

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

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

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

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

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

1 barber school.

2 ARTICLE 3. REGULATION OF COSMETOLOGY

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

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

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

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

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

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

13 (5) ~~(2)~~ "Public school" includes a public high  
14 school, a public junior college, or any other nonprofit tax-exempt  
15 institution that conducts a cosmetology program.

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

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

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

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

22 SECTION 3.04. Sections 1602.051(a) and (b), Occupations  
23 Code, are amended to read as follows:

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

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

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

5 (3) one member who holds a private beauty culture  
6 school license; and

7 (4) [~~(3)~~] two members who each hold an operator  
8 license[~~, and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18           SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY

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

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

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

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



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

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

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

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

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

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

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

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

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

27 (a) The department [~~commission~~] shall require a student

1 enrolled in a school of cosmetology in this state to hold a permit  
2 stating the student's name and the name of the school. The permit  
3 shall be displayed in a reasonable manner at the school.

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

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

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

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

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

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

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

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

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

22 (3) be verified by the applicant.

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

25 (b) An application for a private beauty culture school  
26 license must be accompanied by the required license fee and  
27 inspection fee and:

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

3 (2) be verified by the applicant;

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

7 (4) contain a statement that the building:

8 (A) is fireproof;

9 (B) is of permanent construction;

10 (C) contains a minimum of 3,500 square feet of  
11 floor space;

12 (D) has separate restrooms for male and female  
13 students; and

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

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

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

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

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

27 SECTION 3.17. Section 1602.305(b), Occupations Code, is

1 amended to read as follows:

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

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

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

8 (3) be verified by the applicant.

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

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

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

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

16 (3) be verified by the applicant.

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

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

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

23 Sec. 1602.353. INACTIVE STATUS. (a) Not later than the  
24 10th day before the expiration date of a certificate or license  
25 issued under this chapter, the certificate or license holder may  
26 place the certificate or license on inactive status by:

27 (1) submitting an application for inactive status to

1 the department on a form prescribed by the department; and

2 (2) paying the required fee.

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

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

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

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

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

16 (2) paying the required fee; and

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

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

23 SECTION 3.21. Section 1602.405, Occupations Code, is  
24 amended to read as follows:

25 Sec. 1602.405. PRACTICE AT FACILITY LICENSED OR PERMITTED  
26 AS BARBER AND COSMETOLOGIST FACILITY [~~BY COMMISSION AND STATE BOARD~~  
27 ~~OF BARBER EXAMINERS~~]. (a) The commission may not adopt rules to

1 restrict or prohibit practice by a cosmetologist in a facility  
2 solely because the facility is licensed or permitted by [~~both~~] the  
3 department under both this chapter and Chapter 1601 [~~commission and~~  
4 ~~the State Board of Barber Examiners~~].

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

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

16 SECTION 3.22. Section 1602.451(a), Occupations Code, is  
17 amended to read as follows:

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

- 20 (1) maintain a sanitary establishment;
- 21 (2) maintain on its staff and on duty during business  
22 hours one full-time licensed instructor for each 25 students in  
23 attendance;
- 24 (3) maintain a daily record of students' attendance;
- 25 (4) establish regular class and instruction hours and  
26 grades;
- 27 (5) require a school term of not less than nine months

1 and not less than 1,500 hours instruction for a complete course in  
2 cosmetology;

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

5 (7) hold examinations before issuing diplomas;

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

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

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

16 [~~(11)~~] provide the department [~~commission~~] with  
17 information on:

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

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

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

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

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

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

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

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

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

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

27 [~~(2) withdraws or transfers from a course of training~~



1 ~~without completion of the training~~].

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

4 (d) The department [~~commission~~] 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 [~~commission~~] on request  
8 documentation of the effort to locate the student.

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

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

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

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

23 (b) The comptroller shall invest the account in the same  
24 manner as other state funds. Sufficient money from the account  
25 shall be appropriated to the department [~~commission~~] for the  
26 purpose described by Section 1602.463. The department [~~commission~~]  
27 shall administer claims made against the account.

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

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

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

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

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

17 ARTICLE 4. CONFORMING AMENDMENTS

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

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

- 22 (1) Department of Agriculture;  
23 (2) [~~Texas Commission on Alcohol and Drug Abuse,~~  
24 [~~3~~] Texas Alcoholic Beverage Commission;  
25 (3) [~~4~~] Texas Appraiser Licensing and Certification  
26 Board;  
27 (4) [~~5~~] Texas Board of Architectural Examiners;

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

- 1           (22) [~~(25)~~] Parks and Wildlife Department;
- 2           (23) [~~(26)~~] Texas State Board of Examiners of
- 3 Perfusionists;
- 4           (24) [~~(27)~~] Texas State Board of Pharmacy;
- 5           (25) [~~(28)~~] Texas Board of Physical Therapy
- 6 Examiners;
- 7           (26) [~~(29)~~] Texas State Board of Plumbing Examiners;
- 8           (27) [~~(30)~~] Texas State Board of Podiatric Medical
- 9 Examiners;
- 10          (28) [~~(31)~~] Polygraph Examiners Board;
- 11          (29) [~~(32)~~] Texas [~~Commission on~~] Private Security
- 12 Board;
- 13          (30) [~~(33)~~] Texas State Board of Examiners of
- 14 Professional Counselors;
- 15          (31) [~~(34)~~] Texas Board of Professional Engineers;
- 16          (32) [~~(35)~~] Department of Family and Protective [~~and~~
- 17 ~~Regulatory~~] Services;
- 18          (33) [~~(36)~~] Texas State Board of Examiners of
- 19 Psychologists;
- 20          (34) [~~(37)~~] Texas State Board of Public Accountancy;
- 21          (35) [~~(38)~~] Department of Public Safety of the State
- 22 of Texas;
- 23          (36) [~~(39)~~] Public Utility Commission of Texas;
- 24          (37) [~~(40)~~] Railroad Commission of Texas;
- 25          (38) [~~(41)~~] Texas Real Estate Commission;
- 26          (39) [~~(42)~~] State Bar of Texas;
- 27          (40) [~~(43)~~] Texas State Board of Social Worker

1 Examiners;

2 (41) [~~(44)~~] State Board of Examiners for  
3 Speech-Language Pathology and Audiology;

4 (42) [~~(45)~~] Texas Structural Pest Control Board;

5 (43) [~~(46)~~] Board of Tax Professional Examiners;

6 (44) [~~(47)~~] Secretary of State;

7 (45) [~~(48)~~] Supreme Court of Texas;

8 (46) [~~(49)~~] Texas Transportation Commission;

9 (47) [~~(50)~~] State Board of Veterinary Medical  
10 Examiners;

11 (48) [~~(51)~~] Texas Ethics Commission;

12 (49) [~~(52)~~] Advisory Board of Athletic Trainers;

13 (50) [~~(53)~~] State Committee of Examiners in the  
14 Fitting and Dispensing of Hearing Instruments;

15 (51) [~~(54)~~] Texas Board of Licensure for Professional  
16 Medical Physicists;

17 (52) [~~(55)~~] Texas Department of Insurance;

18 (53) [~~(56)~~] Texas Board of Orthotics and Prosthetics;

19 (54) [~~(57)~~] savings and loan commissioner;

20 (55) [~~(58)~~] Texas Juvenile Probation Commission; and

21 (56) [~~(59)~~] Texas Lottery Commission under Chapter  
22 466, Government Code.

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

25 (d) The following state agencies are subject to this  
26 section:

27 (1) Texas Appraiser Licensing and Certification

1 Board;

2 (2) Texas Board of Architectural Examiners;

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

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

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

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

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

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

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

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

11 except as provided by Section 411.110, and agencies attached to the  
12 department, including:

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

14 (B) Texas State Board of Examiners of Marriage  
15 and Family Therapists;

16 (C) Midwifery Board;

17 (D) Texas State Board of Examiners of  
18 Perfusionists;

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

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

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

24 (H) Advisory Board of Athletic Trainers;

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

27 (J) Texas Board of Licensure for Professional

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

1 Affairs;

2 (25) [~~(28)~~] secretary of state;

3 (26) [~~(29)~~] state fire marshal;

4 (27) [~~(30)~~] Texas Education Agency; and

5 (28) [~~(31)~~] Department of Agriculture.

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

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

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

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

13 (2) [~~(3)~~] ~~Texas Cosmetology Commission;~~

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

15 (3) [~~(5)~~] State Board of Dental Examiners;

16 (4) [~~(6)~~] Texas Funeral Service Commission;

17 (5) [~~(7)~~] Texas Board of Professional Land Surveying;

18 (6) [~~(8)~~] Texas State Board of Medical Examiners;

19 (7) [~~(9)~~] Board of Nurse Examiners;

20 (8) [~~(10)~~] Texas Optometry Board;

21 (9) [~~(11)~~] Texas Structural Pest Control Board;

22 (10) [~~(12)~~] Texas State Board of Pharmacy;

23 (11) [~~(13)~~] Executive Council of Physical Therapy and  
24 Occupational Therapy Examiners;

25 (12) [~~(14)~~] Texas State Board of Plumbing Examiners;

26 (13) [~~(15)~~] Texas State Board of Podiatric Medical  
27 Examiners;



- 1           (14) [~~(16)~~] Board of Tax Professional Examiners;  
2           (15) [~~(17)~~] Polygraph Examiners Board;  
3           (16) [~~(18)~~] Texas State Board of Examiners of  
4 Psychologists;  
5           (17) [~~(19)~~] State Board of Veterinary Medical  
6 Examiners;  
7           (18) [~~(20)~~] Texas Real Estate Commission;  
8           (19) [~~(21)~~] Texas Appraiser Licensing and  
9 Certification Board;  
10          (20) [~~(22)~~] Texas Department of Licensing and  
11 Regulation;  
12          (21) [~~(24)~~] Texas State Board of Public Accountancy;  
13          (22) [~~(25)~~] State Board for Educator Certification;  
14          (23) [~~(26)~~] Texas Board of Professional Engineers;  
15          (24) [~~(27)~~—Texas] Department of State Health  
16 Services;  
17          (25) [~~(28)~~] Texas Board of Architectural Examiners;  
18          (26) [~~(29)~~] Texas Racing Commission;  
19          (27) [~~(30)~~] Commission on Law Enforcement Officer  
20 Standards and Education; and  
21          (28) [~~(31)~~] Texas [~~Commission on~~] Private Security  
22 Board.

ARTICLE 5. REPEALER

SECTION 5.01. The following laws are repealed:

- 25           (1) Subchapters C, D, E, and O, Chapter 1601,  
26 Occupations Code;  
27           (2) Subchapters C, E, and K, Chapter 1602, Occupations

1 Code; and

2 (3) Sections 1601.004, 1601.051(b) and (c), 1601.052,  
3 1601.053, 1601.054, 1601.056, 1601.057, 1601.252, 1601.261,  
4 1601.262, 1601.263, 1601.264, 1601.266, 1601.267, 1601.302,  
5 1601.310, 1601.311, 1601.356, 1601.401, 1601.402(d), 1601.403,  
6 1601.404(a) and (b), 1601.408, 1601.502, 1601.503, 1601.506,  
7 1601.601, 1601.651, 1601.654, 1602.004, 1602.051(c), 1602.052,  
8 1602.053, 1602.054, 1602.055(b), 1602.056, 1602.057, 1602.058(b),  
9 1602.059, 1602.151, 1602.152, 1602.154, 1602.155, 1602.252,  
10 1602.253, as amended by Chapter 1282, Acts of the 78th Legislature,  
11 Regular Session, 2003, 1602.259, 1602.260, 1602.261, 1602.263,  
12 1602.264, 1602.265, 1602.303(d), 1602.304(b), 1602.351(d),  
13 1602.352(b)-(f), 1602.407, 1602.551, 1602.552, 1602.553, and  
14 1602.555, Occupations Code.

15 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

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

1 the Texas Department of Licensing and Regulation. The transfer of  
2 the obligations, property, full-time equivalent positions, 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 January 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. (a) The State Board of Barber Examiners and  
27 the Texas Cosmetology Commission, in cooperation with and at the

1 direction of the Texas Department of Licensing and Regulation shall  
2 complete all necessary computer programming and other tasks to  
3 ensure that the agency numbers assigned by the comptroller to the  
4 board and the commission are not necessary for any fiscal year after  
5 2005, except to complete earlier fiscal year revenue and  
6 expenditure transactions and reporting. The number assigned by the  
7 comptroller to the Texas Department of Licensing and Regulation  
8 shall be used to record transactions related to the regulation of  
9 barbering and cosmetology beginning in fiscal year 2006.

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

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

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

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

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