

1-1 By: Whitmire S.B. No. 411
1-2 (In the Senate - Filed February 14, 2005; February 15, 2005,
1-3 read first time and referred to Committee on Government
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1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 18, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 411 By: Whitmire

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

1-10 relating to the regulation of barbers and cosmetologists by the
1-11 Texas Department of Licensing and Regulation and the abolition of
1-12 the State Board of Barber Examiners and the Texas Cosmetology
1-13 Commission.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 ARTICLE 1. TEXAS DEPARTMENT OF LICENSING AND REGULATION

1-16 SECTION 1.01. Title 9, Occupations Code, is amended by
1-17 adding Chapter 1603 to read as follows:

1-18 CHAPTER 1603. REGULATION OF BARBERING AND COSMETOLOGY

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 1603.001. GENERAL DEFINITIONS. (a) In this chapter:

1-21 (1) "Commission" means the Texas Commission of
1-22 Licensing and Regulation.

1-23 (2) "Department" means the Texas Department of
1-24 Licensing and Regulation.

1-25 (3) "Executive director" means the executive director
1-26 of the department.

1-27 (b) Unless the context clearly indicates otherwise, the
1-28 definitions in Chapters 1601 and 1602 apply to this chapter.

1-29 Sec. 1603.002. REGULATION OF BARBERING AND COSMETOLOGY BY
1-30 DEPARTMENT OF LICENSING AND REGULATION. The department shall
1-31 administer this chapter and Chapters 1601 and 1602. A reference in
1-32 this chapter to the commission's or department's powers or duties
1-33 applies only in relation to those chapters, except that this
1-34 section does not limit the department's or commission's general
1-35 powers under Chapter 51.

1-36 [Sections 1603.003-1603.050 reserved for expansion]

1-37 SUBCHAPTER B. ADVISORY BOARDS FOR BARBERING AND COSMETOLOGY

1-38 Sec. 1603.051. DUTIES. The advisory boards established
1-39 under Chapters 1601 and 1602 shall advise the commission on
1-40 administering this chapter and Chapters 1601 and 1602 regarding
1-41 barbering or cosmetology, as applicable.

1-42 [Sections 1603.052-1603.100 reserved for expansion]

1-43 SUBCHAPTER C. POWERS AND DUTIES

1-44 Sec. 1603.101. RULES. The commission shall adopt rules
1-45 consistent with this chapter for:

1-46 (1) the administration of this chapter and the
1-47 operations of the department in regulating barbering and
1-48 cosmetology; and

1-49 (2) the administration of Chapters 1601 and 1602.

1-50 Sec. 1603.102. SANITATION RULES. The commission shall
1-51 establish sanitation rules to prevent the spread of an infectious
1-52 or contagious disease.

1-53 Sec. 1603.103. INSPECTION OF SCHOOLS, SHOPS, AND FACILITIES
1-54 BEFORE OPERATION. (a) Until the department determines, by
1-55 inspection, that the person has established the school, shop, or
1-56 facility in compliance with this chapter, Chapter 1601, or Chapter
1-57 1602, a person may not operate a school, shop, or other facility
1-58 licensed or permitted under this chapter, Chapter 1601, or Chapter
1-59 1602.

1-60 (b) A school, shop, or other facility that is not approved
1-61 by the department on initial inspection may be reinspected.

1-62 (c) The school, shop, or other facility shall pay a fee for
1-63 each inspection. The commission shall by rule set the amount of the

2-1 fee.

2-2 Sec. 1603.104. PERIODIC AND RISK-BASED INSPECTIONS.

2-3 (a) The department may enter and inspect at any time during

2-4 business hours:

2-5 (1) the place of business of any person regulated

2-6 under this chapter, Chapter 1601, or Chapter 1602; or

2-7 (2) any place in which the department has probable

2-8 cause to believe that a certificate, license, or permit holder is

2-9 practicing in violation of this chapter, Chapter 1601, or Chapter

2-10 1602 or in violation of a rule or order of the commission or

2-11 executive director.

2-12 (b) At least once every two years, the department shall

2-13 inspect each school, shop, or other facility that holds a license,

2-14 certificate, or permit under this chapter, Chapter 1601, or Chapter

2-15 1602.

2-16 (c) The department shall conduct additional inspections

2-17 based on a schedule of risk-based inspections using the following

2-18 criteria:

2-19 (1) the type and nature of the school, shop, or other

2-20 facility;

2-21 (2) whether there has been a prior sanitation

2-22 violation at the school, shop, or facility;

2-23 (3) the inspection history of the school, shop, or

2-24 other facility;

2-25 (4) any history of complaints involving the school,

2-26 shop, or other facility; and

2-27 (5) any other factor determined by the commission by

2-28 rule.

2-29 (d) An inspector who discovers a violation of this chapter,

2-30 Chapter 1601, or Chapter 1602 or of a rule or order of the

2-31 commission or executive director shall:

2-32 (1) provide written notice of the violation to the

2-33 license, certificate, or permit holder on a form prescribed by the

2-34 department; and

2-35 (2) file a complaint with the executive director.

2-36 (e) The school, shop, or other facility shall pay a fee for

2-37 each inspection performed under Subsection (c). The commission

2-38 shall by rule set the amount of the fee.

2-39 Sec. 1603.105. RETENTION OF STUDENT RECORDS. The

2-40 department may not retain student records, including student

2-41 transcripts, beyond the time required by state law.

2-42 Sec. 1603.106. COMMITTEES. The commission may appoint

2-43 committees that it considers necessary to carry out its duties.

2-44 [Sections 1603.107-1603.150 reserved for expansion]

2-45 SUBCHAPTER D. PUBLIC PARTICIPATION AND COMPLAINT PROCEDURES

2-46 Sec. 1603.151. NOTIFICATION OF PUBLIC INTEREST INFORMATION

2-47 AND PARTICIPATION. The commission by rule shall establish methods

2-48 by which consumers and service recipients are notified of the name,

2-49 mailing address, and telephone number of the department for the

2-50 purpose of directing complaints to the department regarding

2-51 barbering and cosmetology. The department may provide for that

2-52 notice:

2-53 (1) on each registration form, application, or written

2-54 contract for services of a person regulated under this chapter,

2-55 Chapter 1601, or Chapter 1602;

2-56 (2) on a sign prominently displayed in the place of

2-57 business of each person regulated under this chapter, Chapter 1601,

2-58 or Chapter 1602; or

2-59 (3) in a bill for service provided by a person

2-60 regulated under this chapter, Chapter 1601, or Chapter 1602.

2-61 Sec. 1603.152. COMPLAINT JURISDICTION; NOTIFICATION. If

2-62 the department determines that it lacks jurisdiction to resolve the

2-63 complaint, the department shall notify the complainant in writing

2-64 that the department is closing the complaint because it lacks

2-65 jurisdiction.

2-66 Sec. 1603.153. ANALYSIS OF COMPLAINTS AND VIOLATIONS.

2-67 (a) The department shall develop and maintain a system to analyze

2-68 the processing, sources, and types of complaints filed with the

2-69 department and the types of violations that occur under this

3-1 chapter, Chapter 1601, and Chapter 1602.

3-2 (b) Based on the information under Subsection (a), the
 3-3 department shall analyze trends in violations and complaints that
 3-4 may require further attention or technical assistance to help
 3-5 reduce the frequency of those complaints and violations.

3-6 (c) The department shall annually compile a statistical
 3-7 analysis of the complaints filed and violations occurring during
 3-8 the preceding year, including:

3-9 (1) the number of complaints filed;

3-10 (2) a categorization of complaints filed according to
 3-11 the basis of the complaint and the number of complaints in each
 3-12 category;

3-13 (3) the number of complaints filed by department
 3-14 staff;

3-15 (4) the number of complaints filed by persons other
 3-16 than department staff;

3-17 (5) the number of complaints filed over which the
 3-18 department lacks jurisdiction;

3-19 (6) the average length of time required to close a
 3-20 complaint or violation from the time the department receives the
 3-21 complaint or otherwise initiates an investigation of a possible
 3-22 violation until the complaint or violation is resolved by a final
 3-23 order or penalty;

3-24 (7) the number of complaints resolved and the manner
 3-25 in which they were resolved, including:

3-26 (A) the number of complaints dismissed and the
 3-27 reasons for dismissal; and

3-28 (B) the number of complaints resulting in
 3-29 disciplinary action and the type of disciplinary action taken; and

3-30 (8) the number of complaints filed that are
 3-31 unresolved, the number of those complaints filed by department
 3-32 staff, the number of those complaints filed by persons other than
 3-33 department staff, and the average length of time that the
 3-34 unresolved complaints have been on file.

3-35 Sec. 1603.154. INFORMAL SETTLEMENT CONFERENCE. The
 3-36 department shall establish guidelines for an informal settlement
 3-37 conference related to a complaint filed with the department.

3-38 [Sections 1603.155-1603.200 reserved for expansion]

3-39 SUBCHAPTER E. CERTIFICATE, LICENSE, AND PERMIT REQUIREMENTS

3-40 Sec. 1603.201. APPLICATION FORM; TIMING. (a) An
 3-41 application for a certificate, license, or permit must be made on a
 3-42 form prescribed and provided by the department.

3-43 (b) An application for an operator license, instructor
 3-44 license, manicurist license, or facialist specialty license must be
 3-45 filed with the department not later than the 10th day before the
 3-46 date set for the applicable examination.

3-47 Sec. 1603.202. DUPLICATE CERTIFICATE, LICENSE, OR PERMIT.
 3-48 The department shall issue a duplicate certificate, license, or
 3-49 permit to an applicant who:

3-50 (1) submits an application for a duplicate
 3-51 certificate, license, or permit to the department; and

3-52 (2) pays the required fee.

3-53 Sec. 1603.203. PROVISIONAL CERTIFICATE OR LICENSE.
 3-54 (a) The department may issue a provisional certificate or license
 3-55 to an applicant currently licensed in another jurisdiction who
 3-56 seeks a certificate or license in this state and who:

3-57 (1) has been licensed in good standing in the
 3-58 profession for which the person seeks the certificate or license
 3-59 for at least two years in another jurisdiction, including a foreign
 3-60 country, that has requirements substantially equivalent to the
 3-61 requirements of this chapter, Chapter 1601, or Chapter 1602, as
 3-62 appropriate; and

3-63 (2) has passed a national or other examination
 3-64 recognized by the commission relating to the practice of that
 3-65 profession.

3-66 (b) A provisional certificate or license is valid until the
 3-67 date the department approves or denies the provisional certificate
 3-68 or license holder's application. The department shall issue a
 3-69 certificate or license to the provisional certificate or license

4-1 holder if:
4-2 (1) the provisional certificate or license holder is
4-3 eligible to hold a certificate or license under Chapter 1601 or
4-4 Chapter 1602; or

4-5 (2) the provisional certificate or license holder
4-6 passes the part of the examination under Chapter 1601 or Chapter
4-7 1602 that relates to the applicant's knowledge and understanding of
4-8 the laws and rules relating to the practice of the profession in
4-9 this state and:

4-10 (A) the department verifies that the provisional
4-11 certificate or license holder meets the academic and experience
4-12 requirements for the certificate or license; and

4-13 (B) the provisional certificate or license
4-14 holder satisfies any other certificate or license requirements.

4-15 (c) The department must approve or deny a provisional
4-16 certificate or license holder's application for a certificate or
4-17 license not later than the 180th day after the date the provisional
4-18 certificate or license is issued. The department may extend the
4-19 180-day period if the results of an examination have not been
4-20 received by the department before the end of that period.

4-21 Sec. 1603.204. RECIPROCAL CERTIFICATE, LICENSE, OR PERMIT.

4-22 (a) A person who holds a license, certificate, or permit to
4-23 practice barbering or cosmetology from another state or country
4-24 that has standards or work experience requirements that are
4-25 substantially equivalent to the requirements of this chapter,
4-26 Chapter 1601, or Chapter 1602 may apply for a license, certificate,
4-27 or permit to perform the same acts of barbering or cosmetology in
4-28 this state that the person practiced in the other state or country.

4-29 (b) The person must:

4-30 (1) submit an application for the license,
4-31 certificate, or permit to the department; and

4-32 (2) pay fees in an amount prescribed by the
4-33 commission, including any applicable license, certificate, or
4-34 permit fee.

4-35 (c) A person issued a license, certificate, or permit under
4-36 this section:

4-37 (1) may perform the acts of barbering or cosmetology
4-38 stated on the license, certificate, or permit; and

4-39 (2) is subject to the renewal procedures and fees
4-40 provided in this chapter, Chapter 1601, or Chapter 1602 for the
4-41 performance of those acts of barbering or cosmetology.

4-42 [Sections 1603.205-1603.250 reserved for expansion]

4-43 SUBCHAPTER F. EXAMINATION REQUIREMENTS

4-44 Sec. 1603.251. DEFINITION. In this subchapter,
4-45 "examination proctor" means an individual registered under this
4-46 subchapter to administer a practical examination for the
4-47 department.

4-48 Sec. 1603.252. GENERAL EXAMINATION REQUIREMENTS. (a) The
4-49 department may accept, develop, or contract for the examinations
4-50 required by this chapter, including the administration of the
4-51 examinations.

4-52 (b) The executive director shall determine uniform
4-53 standards for acceptable performance on an examination for a
4-54 license or certificate under Chapter 1601 and for a license or
4-55 certificate under Chapter 1602.

4-56 (c) The examination must include a written examination and
4-57 may include a practical examination as provided by Section
4-58 1603.256.

4-59 Sec. 1603.253. EXAMINATION FOR BARBERS. (a) An applicant
4-60 for an examination for a certificate or license issued under
4-61 Chapter 1601 must submit to the department a sworn application on a
4-62 form prescribed and provided by the department accompanied by:

4-63 (1) two photographs of the applicant, one of which
4-64 accompanies the application and one of which is to be returned to
4-65 the applicant to be presented at the examination; and

4-66 (2) the appropriate examination fee.

4-67 (b) The department shall examine applicants for a Class A
4-68 barber certificate and a teacher's certificate.

4-69 Sec. 1603.254. EXAMINATION FOR COSMETOLOGISTS. (a) The

5-1 department shall administer examinations for certificates and
 5-2 licenses issued under Chapter 1602 beginning the first day of each
 5-3 month. If the first day of the month is a legal holiday, the
 5-4 examination shall begin on the following day.

5-5 (b) The department shall announce the site of an examination
 5-6 for a certificate or license issued under Chapter 1602 not later
 5-7 than six months before the scheduled examination date.

5-8 Sec. 1603.255. EARLY EXAMINATION. The department, on
 5-9 written request by a student, may provide for the early written
 5-10 examination of an applicant for a Class A barber certificate, a
 5-11 teacher's certificate, or an operator license who has completed at
 5-12 least 1,000 hours of instruction in a department-approved training
 5-13 program.

5-14 Sec. 1603.256. PRACTICAL EXAMINATION. (a) The commission
 5-15 may require a practical examination as it considers necessary for a
 5-16 license or certificate issued under Chapter 1601 or 1602.

5-17 (b) The department shall prescribe the method and content of
 5-18 any practical examination.

5-19 (c) The following persons may administer a practical
 5-20 examination required under this subchapter:

5-21 (1) the department;

5-22 (2) a person with whom the department contracts under
 5-23 Section 1603.252; or

5-24 (3) an examination proctor.

5-25 Sec. 1603.257. EXAMINATION PROCTOR; REGISTRATION. (a) A
 5-26 person may not act as an examination proctor under this subchapter
 5-27 unless the person is registered with the department under this
 5-28 section.

5-29 (b) To be eligible for registration as an examination
 5-30 proctor, a person must:

5-31 (1) meet eligibility requirements determined by
 5-32 commission rule;

5-33 (2) file with the department an application on a form
 5-34 prescribed by the department; and

5-35 (3) pay the required fees as determined by the
 5-36 commission by rule.

5-37 (c) If the department requires an examination proctor to
 5-38 administer a practical examination under this subchapter, the
 5-39 examination proctor shall perform the examination administration
 5-40 function of the department in a competent and professional manner
 5-41 and in compliance with:

5-42 (1) standards and specifications adopted by the
 5-43 commission under this chapter; and

5-44 (2) rules adopted by the commission under this
 5-45 chapter.

5-46 [Sections 1603.258-1603.300 reserved for expansion]

5-47 SUBCHAPTER G. CERTIFICATE, LICENSE, AND PERMIT RENEWAL

5-48 Sec. 1603.301. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE
 5-49 PENALTY. The department may deny a person's request to renew a
 5-50 certificate, license, or permit issued under this chapter, Chapter
 5-51 1601, or Chapter 1602 if the person has not paid an administrative
 5-52 penalty imposed under Subchapter F, Chapter 51. This section does
 5-53 not apply if:

5-54 (1) the person's time to pay or request a hearing has
 5-55 not expired under Section 51.304;

5-56 (2) the person has requested a hearing under Section
 5-57 51.304, but the person's time to pay has not expired under Section
 5-58 51.307; or

5-59 (3) the penalty is stayed.

5-60 [Sections 1603.302-1603.350 reserved for expansion]

5-61 SUBCHAPTER H. PRACTICE PROVISIONS APPLICABLE TO CHAPTERS 1601 AND
 5-62 1602

5-63 Sec. 1603.351. MINIMUM CURRICULUM FOR SCHOOLS. The
 5-64 commission shall prescribe the minimum curriculum, including the
 5-65 subjects and the number of hours in each subject, taught by a school
 5-66 licensed under this chapter, Chapter 1601, or Chapter 1602,
 5-67 including a private beauty culture school or a vocational
 5-68 cosmetology program in a public school.

5-69 Sec. 1603.352. SANITATION REQUIREMENTS FOR CERTAIN

6-1 SERVICES. (a) A person who holds a license, certificate, or
 6-2 permit issued under this chapter, Chapter 1601, or Chapter 1602 and
 6-3 who performs a barbering service described by Section
 6-4 1601.002(1)(E) or (F) or a cosmetology service described by Section
 6-5 1602.002(10) or (11):

6-6 (1) shall, before performing the service, disinfect
 6-7 and sterilize with an autoclave each nondisposable instrument used
 6-8 to perform the service; and

6-9 (2) may use a disposable supply or instrument only if
 6-10 that supply or instrument is purchased at the location where the
 6-11 service is performed or provided by the person on whom the service
 6-12 is performed.

6-13 (b) The owner or manager of a barbershop, barber school,
 6-14 beauty shop, specialty shop, or beauty culture school is
 6-15 responsible for providing an autoclave for use in the shop or school
 6-16 as required by Subsection (a). An autoclave used as required by
 6-17 Subsection (a) must be:

6-18 (1) registered and listed with the federal Food and
 6-19 Drug Administration; and

6-20 (2) used in accordance with the manufacturer's
 6-21 instructions.

6-22 [Sections 1603.353-1603.400 reserved for expansion]

6-23 SUBCHAPTER I. DENIAL AND DISCIPLINARY PROCEDURES

6-24 Sec. 1603.401. DENIAL, SUSPENSION, OR REVOCATION. The
 6-25 department shall deny an application for issuance or renewal of, or
 6-26 shall suspend or revoke, a certificate, license, or permit if the
 6-27 applicant or person holding the certificate, license, or permit:

6-28 (1) engages in gross malpractice;
 6-29 (2) knowingly continues to practice while having an
 6-30 infectious or contagious disease;

6-31 (3) knowingly makes a false or deceptive statement in
 6-32 advertising;

6-33 (4) advertises, practices, or attempts to practice
 6-34 under another person's name or trade name;

6-35 (5) engages in fraud or deceit in obtaining a
 6-36 certificate, license, or permit; or

6-37 (6) engages in an act that violates this chapter,
 6-38 Chapter 51, Chapter 1601, or Chapter 1602 or a rule or order adopted
 6-39 or issued under those chapters.

6-40 [Sections 1603.402-1603.450 reserved for expansion]

6-41 SUBCHAPTER J. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

6-42 Sec. 1603.451. INJUNCTIVE RELIEF. (a) If a certificate,
 6-43 license, or permit holder commits a violation of this chapter,
 6-44 Chapter 1601, Chapter 1602, or a commission rule and the violation
 6-45 poses a serious threat to the public health, the attorney general
 6-46 shall initiate a suit for injunction and proceedings for suspension
 6-47 or revocation of the certificate, license, or permit.

6-48 (b) In seeking an injunction under this section, the
 6-49 attorney general is not required to allege or prove:

6-50 (1) that an adequate remedy at law does not exist; or
 6-51 (2) that substantial or irreparable damage would
 6-52 result from the continued violation.

6-53 Sec. 1603.452. CIVIL PENALTY. (a) A barber, barber
 6-54 school, or private beauty culture school that violates this
 6-55 chapter, Chapter 1601, Chapter 1602, or a commission rule is liable
 6-56 for a civil penalty in addition to any injunctive relief or other
 6-57 remedy provided by law.

6-58 (b) The amount of the civil penalty for a barber may not
 6-59 exceed \$25 a day for each violation.

6-60 (c) The amount of the civil penalty for a barber school or
 6-61 private beauty culture school may not exceed \$1,000 a day for each
 6-62 violation.

6-63 (d) The attorney general may sue to collect the civil
 6-64 penalty.

6-65 Sec. 1603.453. APPEAL BOND NOT REQUIRED. The department is
 6-66 not required to give an appeal bond in a cause arising under this
 6-67 chapter, Chapter 1601, or Chapter 1602.

6-68 Sec. 1603.454. ENFORCEMENT BY ATTORNEY GENERAL. The
 6-69 attorney general shall represent the department in an action to

7-1 enforce this chapter, Chapter 1601, or Chapter 1602.

7-2 ARTICLE 2. REGULATION OF BARBERING

7-3 SECTION 2.01. Subsection (a), Section 1601.001,
7-4 Occupations Code, is amended by amending Subdivisions (3), (4),
7-5 (5), and (8) and adding Subdivisions (4-a) and (4-b) to read as
7-6 follows:

7-7 (3) "Board" means the Advisory [State] Board on
7-8 Barbering [of Barber Examiners].

7-9 (4) "Certificate" means a certificate of registration
7-10 issued by the department [board].

7-11 (4-a) "Commission" means the Texas Commission of
7-12 Licensing and Regulation.

7-13 (4-b) "Department" means the Texas Department of
7-14 Licensing and Regulation.

7-15 (5) "License" means a license issued by the department
7-16 [board].

7-17 (8) "Permit" means a permit issued by the department
7-18 [board].

7-19 SECTION 2.02. Section 1601.003, Occupations Code, is
7-20 amended to read as follows:

7-21 Sec. 1601.003. APPLICATION OF CHAPTER. This chapter does
7-22 not apply to a person who:

7-23 (1) does not represent or advertise to the public
7-24 directly or indirectly that the person is authorized by the
7-25 department [board] to practice barbering; and

7-26 (2) is:

7-27 (A) a physician or registered nurse licensed in
7-28 this state and operating within the scope of the person's license;

7-29 (B) a commissioned or authorized medical or
7-30 surgical officer of the United States armed forces;

7-31 (C) a person regulated under Chapter 1602, if the
7-32 person practices within the scope of a permit, license, or
7-33 certificate issued by the department under that chapter [Texas
7-34 Cosmetology Commission]; or

7-35 (D) an inmate in the institutional division of
7-36 the Texas Department of Criminal Justice who performs barbering
7-37 during the person's incarceration.

7-38 SECTION 2.03. The heading to Subchapter B, Chapter 1601,
7-39 Occupations Code, is amended to read as follows:

7-40 SUBCHAPTER B. ADVISORY [STATE] BOARD ON BARBERING [OF BARBER
7-41 EXAMINERS]

7-42 SECTION 2.04. Subsection (a), Section 1601.051,
7-43 Occupations Code, is amended to read as follows:

7-44 [~~(a)~~] The Advisory [State] Board on Barbering [of Barber
7-45 Examiners] consists of five [seven] members appointed by the
7-46 presiding officer of the commission, with the commission's
7-47 approval, [governor with the advice and consent of the senate] as
7-48 follows:

7-49 (1) two members, each of whom:

7-50 (A) is engaged in the practice of barbering as a
7-51 Class A barber [~~and has been for at least five years before being~~
7-52 ~~appointed]; and~~

7-53 (B) does not hold a barbershop permit;

7-54 (2) two members, each of whom [one member who:

7-55 [~~(A)~~] is a barbershop owner who holds a
7-56 barbershop permit; and

7-57 [~~(B)~~] ~~is engaged in the practice of barbering and~~
7-58 ~~has been for at least five years before being appointed,]~~

7-59 (3) one member who holds a permit to conduct or operate
7-60 a barber school [~~, and~~

7-61 [~~(4)~~] ~~three members who represent the public].~~

7-62 SECTION 2.05. Section 1601.055, Occupations Code, is
7-63 amended to read as follows:

7-64 Sec. 1601.055. TERMS; VACANCY. (a) Members of the board
7-65 serve staggered six-year terms, with the terms of one or two [or
7-66 three] members expiring on the same date each odd-numbered year
7-67 [every two years].

7-68 (b) If a vacancy occurs during a member's term, the
7-69 presiding officer of the commission, with the commission's

8-1 approval, ~~[governor]~~ shall appoint a replacement to fill the
8-2 unexpired term.

8-3 SECTION 2.06. Section 1601.058, Occupations Code, is
8-4 amended to read as follows:

8-5 Sec. 1601.058. PRESIDING OFFICER. The presiding officer of
8-6 the commission, with the commission's approval, [governor] shall
8-7 designate a board member as presiding officer to serve in that
8-8 capacity for a two-year term [at the will of the governor].

8-9 SECTION 2.07. Subchapter B, Chapter 1601, is amended by
8-10 adding Section 1601.059 to read as follows:

8-11 Sec. 1601.059. BOARD DUTIES. The board shall:

8-12 (1) advise the commission on rules, enforcement, and
8-13 licensing requirements;

8-14 (2) recommend to the commission standards of practice,
8-15 conduct, and ethics for persons regulated under this chapter and
8-16 Chapter 1603;

8-17 (3) advise the commission in establishing education
8-18 requirements for initial applicants; and

8-19 (4) advise the commission regarding examinations and,
8-20 at the request of the commission, assist in administering an
8-21 examination.

8-22 SECTION 2.08. Section 1601.253, Occupations Code, is
8-23 amended to read as follows:

8-24 Sec. 1601.253. ELIGIBILITY FOR CLASS A BARBER CERTIFICATE.

8-25 (a) An applicant for a Class A barber certificate must:

8-26 (1) be at least 16 years of age; and

8-27 (2) pass a written and practical examination
8-28 demonstrating to the department's [board's] satisfaction the
8-29 applicant's fitness and competence to practice barbering.

8-30 (b) The department [board] shall issue a Class A barber
8-31 certificate to an applicant who:

8-32 (1) complies with the application requirements of this
8-33 chapter;

8-34 (2) passes the examination with an average grade of at
8-35 least 75 percent;

8-36 (3) pays the required [a] fee [not to exceed \$100]; and

8-37 (4) possesses the other qualifications required by
8-38 this chapter.

8-39 SECTION 2.09. Subsections (a) and (c), Section 1601.254,
8-40 Occupations Code, are amended to read as follows:

8-41 (a) An applicant for a teacher's certificate must:

8-42 (1) be a Class A barber;

8-43 (2) have at least five years' experience as a
8-44 practicing barber in a barbershop, two years of which occurred in
8-45 the two years preceding the application date; and

8-46 (3) submit the required [an] examination fee [not to
8-47 exceed \$100] with the application.

8-48 (c) The department [board] shall issue a teacher's
8-49 certificate to an applicant who:

8-50 (1) passes the appropriate examination; and

8-51 (2) pays the required [a] certificate fee [not to
8-52 exceed.

8-53 ~~[(A) \$100, if the applicant fulfills the~~
8-54 ~~certificate requirements during the period beginning November 1 of~~
8-55 ~~an odd-numbered year and extending through October 31 of the~~
8-56 ~~following year; or~~

8-57 ~~[(B) \$50, if the applicant fulfills the~~
8-58 ~~certificate requirements during the period beginning November 1 of~~
8-59 ~~an even-numbered year and extending through October 31 of the~~
8-60 ~~following year].~~

8-61 SECTION 2.10. Subsections (b) and (d), Section 1601.256,
8-62 Occupations Code, are amended to read as follows:

8-63 (b) An applicant for a barber technician license must:

8-64 (1) be at least 16 years of age;

8-65 (2) have completed the seventh grade or the equivalent
8-66 of the seventh grade;

8-67 (3) have completed a course of instruction in a
8-68 commission-approved [board-approved] training program consisting
8-69 of not less than 300 hours in a period of not less than eight weeks;

9-1 and
9-2 (4) submit the required [~~a \$10 administration~~] fee
9-3 with the application.

9-4 (d) The department [~~board~~] shall issue a barber technician
9-5 license to an applicant who:

9-6 (1) possesses the qualifications described by
9-7 Subsection (b);

9-8 (2) passes the appropriate examination;

9-9 (3) pays the required [~~a~~] license fee [~~not to exceed~~
9-10 ~~\$100~~]; and

9-11 (4) has not committed an act that is a ground for
9-12 denial of a license.

9-13 SECTION 2.11. Subsections (b) and (c), Section 1601.257,
9-14 Occupations Code, are amended to read as follows:

9-15 (b) An applicant for a manicurist license must:

9-16 (1) be at least 16 years of age;

9-17 (2) have completed the seventh grade or the equivalent
9-18 of the seventh grade;

9-19 (3) have completed a commission-approved
9-20 [~~board-approved~~] training program consisting of 600 hours of
9-21 instruction in manicuring; and

9-22 (4) submit the required [~~a \$10 administration~~] fee
9-23 with the application.

9-24 (c) The department [~~board~~] shall issue a manicurist license
9-25 to an applicant who:

9-26 (1) possesses the qualifications described by
9-27 Subsection (b);

9-28 (2) passes the appropriate examination;

9-29 (3) pays the required [~~a~~] license fee [~~not to exceed~~
9-30 ~~\$30~~]; and

9-31 (4) has not committed an act that is a ground for
9-32 denial of a license.

9-33 SECTION 2.12. Section 1601.260, Occupations Code, is
9-34 amended to read as follows:

9-35 Sec. 1601.260. ELIGIBILITY FOR STUDENT PERMIT. (a) An
9-36 applicant for a permit to be a student in a barber school must:

9-37 (1) submit an enrollment application to the department
9-38 [~~board~~] in the form prescribed by the department [~~board~~];

9-39 (2) have completed the seventh grade;

9-40 (3) satisfy other requirements specified by the
9-41 department [~~board~~]; and

9-42 (4) submit with the application the required [~~a~~]
9-43 nonrefundable application fee [~~in an amount not to exceed \$25~~].

9-44 (b) A separate application is required for each enrollment,
9-45 reenrollment, or transfer enrollment. The application fee applies
9-46 only to the first enrollment. The department [~~board~~] may not charge
9-47 the application fee for any later enrollment, reenrollment, or
9-48 transfer enrollment.

9-49 SECTION 2.13. Section 1601.265, Occupations Code, is
9-50 amended to read as follows:

9-51 Sec. 1601.265. WAIVER OF LICENSE REQUIREMENTS; PERSONAL
9-52 INTERVIEW. (a) The department [~~board~~] may waive any license
9-53 requirement for an applicant holding a license from another state
9-54 or country that has license requirements substantially equivalent
9-55 to those of this state.

9-56 (b) The department [~~board~~] may not require a personal
9-57 interview as part of the application process.

9-58 SECTION 2.14. Subsection (b), Section 1601.301,
9-59 Occupations Code, is amended to read as follows:

9-60 (b) A person who owns, operates, or manages a barbershop or
9-61 specialty shop must:

9-62 (1) submit an application to the department [~~board~~]
9-63 for an appropriate permit for each shop; and

9-64 (2) register with the department [~~board~~] the person's
9-65 full name and the location of each shop.

9-66 SECTION 2.15. Section 1601.302, Occupations Code, is
9-67 amended to read as follows:

9-68 Sec. 1601.302. TEMPORARY BARBERSHOP PERMIT. (a) A person
9-69 who opens a new barbershop shall submit, not later than the third

10-1 day after the date the shop opens, an application to the department
10-2 [~~board~~] for a temporary barbershop permit accompanied by the
10-3 required [~~an~~] inspection fee [~~not to exceed \$70~~].

10-4 (b) The application must provide:
10-5 (1) the permanent address of the barbershop;
10-6 (2) the legal description of the premises to be
10-7 licensed; and
10-8 (3) other information required by the department
10-9 [~~board~~].

10-10 SECTION 2.16. Section 1601.303, Occupations Code, is
10-11 amended to read as follows:

10-12 Sec. 1601.303. ISSUANCE OF BARBERSHOP PERMIT. The
10-13 department [~~board~~] shall issue a barbershop permit to an applicant
10-14 if:

10-15 (1) the applicant holds a Class A barber certificate;
10-16 (2) the applicant has practiced barbering for at least
10-17 12 months; and
10-18 (3) the shop meets the minimum health standards for
10-19 barbershops set by the commission [~~board~~] and all other rules of the
10-20 commission [~~board~~].

10-21 SECTION 2.17. Subsections (b) and (c), Section 1601.304,
10-22 Occupations Code, are amended to read as follows:

10-23 (b) An applicant for a manicurist specialty shop permit must
10-24 submit:

10-25 (1) an application that includes:
10-26 (A) the shop's address;
10-27 (B) the legal description of the premises for
10-28 which the permit is sought; and
10-29 (C) any other information required by the
10-30 department [~~board~~]; and

10-31 (2) the required [~~an~~] inspection fee [~~in an amount not~~
10-32 ~~to exceed \$50~~].

10-33 (c) As soon as practicable after receipt of the application
10-34 and fee, the department [~~board~~] shall issue a temporary manicurist
10-35 specialty shop permit to the applicant. The applicant may operate
10-36 the applicant's shop under the temporary permit until a permanent
10-37 permit is issued.

10-38 SECTION 2.18. Section 1601.305, Occupations Code, is
10-39 amended to read as follows:

10-40 Sec. 1601.305. ISSUANCE OF MANICURIST SPECIALTY SHOP
10-41 PERMIT. The department [~~board~~] shall issue a permanent manicurist
10-42 specialty shop permit to an applicant if:

10-43 (1) the applicant holds a manicurist license; and
10-44 (2) the shop meets the minimum health standards for
10-45 manicurist specialty shops set by the commission [~~board~~], as
10-46 determined by a department [~~board~~] inspection under Section
10-47 1603.103, and any other requirements imposed by commission [~~board~~]
10-48 rule.

10-49 SECTION 2.19. Section 1601.309, Occupations Code, is
10-50 amended to read as follows:

10-51 Sec. 1601.309. PRACTICE BY COSMETOLOGIST AT SPECIALTY SHOP
10-52 PROHIBITED. A person who holds a license, permit, or certificate
10-53 issued by the department under Chapter 1602 [~~Texas Cosmetology~~
10-54 ~~Commission~~] may not practice under that authority at a specialty
10-55 shop regulated under this chapter.

10-56 SECTION 2.20. Section 1601.310, Occupations Code, is
10-57 amended to read as follows:

10-58 Sec. 1601.310. RELOCATION OF SPECIALTY SHOP. (a) The
10-59 holder of a specialty shop permit may move the person's specialty
10-60 shop to a different location if the person receives department
10-61 [~~board~~] approval for the new location.

10-62 (b) The permit holder must notify the department [~~board~~] of
10-63 the move not later than the 10th day before the date the move is
10-64 scheduled to occur.

10-65 SECTION 2.21. Section 1601.352, Occupations Code, is
10-66 amended to read as follows:

10-67 Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT.
10-68 (a) An applicant for a barber school permit must demonstrate to
10-69 the department [~~board~~] that the school meets the requirements of

11-1 this subchapter for issuance of a permit.

11-2 (b) Before issuing a barber school permit, the department
11-3 [~~board~~] must determine that the applicant is financially sound and
11-4 capable of fulfilling the applicant's commitments for training.

11-5 SECTION 2.22. Section 1601.353, Occupations Code, is
11-6 amended to read as follows:

11-7 Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. (a) The
11-8 department [~~board~~] may not approve an application for a permit for a
11-9 barber school that provides training leading to issuance of a Class
11-10 A barber certificate unless the school has:

11-11 (1) an adequate school site housed in a substantial
11-12 building of permanent construction containing at least 2,800 square
11-13 feet of floor space, divided into:

11-14 (A) a senior department;

11-15 (B) a junior department;

11-16 (C) a class theory room;

11-17 (D) a supply room;

11-18 (E) an office space;

11-19 (F) a dressing and cloak room; and

11-20 (G) two sanitary, modern, separate restrooms,
11-21 each equipped with one commode and one of which is also equipped
11-22 with a urinal;

11-23 (2) a hard-surface floor-covering of tile or other
11-24 suitable material;

11-25 (3) at least 20 modern barber chairs, including a
11-26 cabinet and mirror for each chair;

11-27 (4) a lavatory behind every two barber chairs;

11-28 (5) a liquid sterilizer for each barber chair;

11-29 (6) an adequate number of latherers, vibrators, and
11-30 hair dryers for student use;

11-31 (7) adequate lighting for each room;

11-32 (8) at least 20 classroom chairs, a blackboard,
11-33 anatomical charts of the head, neck, and face, and one barber chair
11-34 in the class theory room;

11-35 (9) a library with library facilities available to
11-36 students containing at least one medical dictionary and a standard
11-37 work on human anatomy;

11-38 (10) adequate drinking fountain facilities, with at
11-39 least one for each floor;

11-40 (11) adequate toilet facilities for the students; and

11-41 (12) adequate fire-fighting equipment.

11-42 (b) An applicant for a barber school permit must submit to
11-43 the department [~~board~~]:

11-44 (1) a detailed drawing and chart of the proposed
11-45 physical layout of the school, showing the departments, floor
11-46 space, equipment, lights, and outlets;

11-47 (2) photographs of the proposed site for the school,
11-48 including the interior and exterior of the building, rooms, and
11-49 departments;

11-50 (3) a detailed copy of the training program;

11-51 (4) a copy of the catalogue and promotional literature
11-52 of the school;

11-53 (5) a copy of the building lease or proposed building
11-54 lease if the building is not owned by the school;

11-55 (6) a sworn statement showing the ownership of the
11-56 school; and

11-57 (7) the required [~~a~~] permit fee [~~not to exceed~~
11-58 ~~\$1,000~~].

11-59 SECTION 2.23. Section 1601.354, Occupations Code, is
11-60 amended to read as follows:

11-61 Sec. 1601.354. PREREQUISITES FOR GRADUATION. (a) The
11-62 department [~~board~~] may not approve an application for a barber
11-63 school permit unless the school requires as a prerequisite for
11-64 graduation the following hours of instruction:

11-65 (1) for a barber technician, 300 hours of instruction
11-66 completed in a course of not less than eight weeks;

11-67 (2) for a Class A barber, 1,500 hours of instruction
11-68 completed in a course of not less than nine months, at least 800
11-69 hours of which is in the actual practice of cutting hair as a

12-1 primary service;

12-2 (3) for a manicurist, 600 hours of instruction
12-3 completed in a course of not less than 16 weeks; and

12-4 (4) for a teacher, 1,000 hours of instruction
12-5 completed in a course of not less than six months.

12-6 (b) If a barber school offers a refresher course, the course
12-7 must require at least 300 hours of instruction. The commission
12-8 [~~board~~] by rule shall set the curriculum for a refresher course.

12-9 SECTION 2.24. Section 1601.355, Occupations Code, is
12-10 amended to read as follows:

12-11 Sec. 1601.355. SUPERVISION AND TEACHING REQUIREMENTS.

12-12 (a) The department [~~board~~] may not approve an application for a
12-13 permit for a barber school that provides training leading to
12-14 issuance of a Class A barber certificate unless the school is under
12-15 the direct supervision and control of a Class A barber certificate
12-16 holder who presents evidence of at least five years' experience as a
12-17 practicing barber.

12-18 (b) Each barber school for which a permit is sought must
12-19 have at least one teacher who has a teacher's certificate and is
12-20 capable and qualified to teach to the students the required
12-21 curriculum of the school. In addition to satisfying other
12-22 department [~~board~~] requirements, the teacher must demonstrate to
12-23 the department [~~board~~]:

12-24 (1) through a written and practical examination an
12-25 ability to teach the curriculum; and

12-26 (2) that the teacher is qualified to teach and:

12-27 (A) has had at least six months' experience as a
12-28 teacher in an approved school in this state or in another state
12-29 approved by the department [~~board~~]; or

12-30 (B) has completed 1,000 hours of instruction in a
12-31 postgraduate course as a student teacher in a department-approved
12-32 [~~board-approved~~] barber school in this state.

12-33 SECTION 2.25. Subsections (a) and (b), Section 1601.3571,
12-34 Occupations Code, are amended to read as follows:

12-35 (a) If on January 1 of any year the amount in the barber
12-36 school tuition protection account is less than \$25,000, the
12-37 department [~~board~~] shall collect a fee from each barber school
12-38 during that year by applying a percentage to the school's renewal
12-39 fee at a rate that will bring the balance of the account to \$25,000.

12-40 (b) The comptroller shall invest the account in the same
12-41 manner as other state funds. Sufficient money from the account
12-42 shall be appropriated to the department [~~board~~] for the purpose of
12-43 refunding unused tuition if a barber school ceases operation before
12-44 its course of instruction is complete. The department [~~board~~]
12-45 shall administer claims made against the account.

12-46 SECTION 2.26. Subsection (c), Section 1601.402,
12-47 Occupations Code, is amended to read as follows:

12-48 (c) The department [~~board~~] shall issue a renewal
12-49 certificate or license on receipt of a renewal application in the
12-50 form prescribed by the department [~~board~~], accompanied by a renewal
12-51 fee in an amount equal to the original certificate or license fee
12-52 [~~but not to exceed \$100~~].

12-53 SECTION 2.27. The heading to Section 1601.404, Occupations
12-54 Code, is amended to read as follows:

12-55 Sec. 1601.404. [~~RENEWAL OR~~] REINSTATEMENT OF EXPIRED
12-56 CERTIFICATE OR LICENSE BY RETIREE.

12-57 SECTION 2.28. Section 1601.404(c), Occupations Code, is
12-58 amended to read as follows:

12-59 (c) A Class A barber or license holder who retires from
12-60 practice and whose certificate or license has been expired for more
12-61 than five years may qualify for a new certificate or license by
12-62 applying to the department [~~board~~] and by:

12-63 (1) making a proper showing to the department [~~board~~],
12-64 supported by a personal affidavit;

12-65 (2) paying the required [~~an~~] examination fee [~~not to~~
12-66 ~~exceed \$100~~];

12-67 (3) passing a satisfactory examination conducted by
12-68 the department [~~board~~]; and

12-69 (4) paying the fee for an original certificate or

13-1 license.

13-2 SECTION 2.29. Section 1601.405, Occupations Code, is
13-3 amended to read as follows:

13-4 Sec. 1601.405. RENEWAL WHILE IN ARMED FORCES. (a) The
13-5 department [board] may not require a Class A barber, barber
13-6 technician, teacher, or manicurist who is serving on active duty in
13-7 the United States armed forces to renew the person's certificate or
13-8 license.

13-9 (b) The department [board] shall issue a renewal
13-10 certificate or license on application and payment of the required
13-11 [a] renewal fee not later than the 90th day after the date the
13-12 person is released or discharged from active duty in the armed
13-13 forces. [The renewal fee is:

13-14 (1) \$10 if the application and payment are made
13-15 during the period beginning November 1 of an odd-numbered year and
13-16 ending October 31 of the following year; or

13-17 (2) \$5 if the application and payment are made during
13-18 the period beginning November 1 of an even-numbered year and ending
13-19 October 31 of the following year.]

13-20 SECTION 2.30. Section 1601.406, Occupations Code, is
13-21 amended to read as follows:

13-22 Sec. 1601.406. RENEWAL OF BARBERSHOP OR SPECIALTY SHOP
13-23 PERMIT. (a) A barbershop permit or specialty shop permit expires
13-24 on the second anniversary of the date of issuance [on July 1 of each
13-25 odd-numbered year].

13-26 (b) A barbershop permit holder may renew the permit by
13-27 paying the required [a] renewal fee [not to exceed \$70].

13-28 (c) A specialty shop permit holder may renew the permit by
13-29 submitting to the department [board] a renewal application
13-30 accompanied by the required [a] renewal fee [not to exceed \$50].

13-31 SECTION 2.31. Section 1601.407, Occupations Code, is
13-32 amended to read as follows:

13-33 Sec. 1601.407. RENEWAL OF BARBER SCHOOL PERMIT. (a) A
13-34 barber school permit expires on the first anniversary [September 1]
13-35 of the date of issuance [each year].

13-36 (b) A barber school may renew its permit by paying the
13-37 required [a] renewal fee [not to exceed \$300].

13-38 SECTION 2.32. Section 1601.452, Occupations Code, is
13-39 amended to read as follows:

13-40 Sec. 1601.452. DISPLAY OF SANITATION RULES. Each
13-41 barbershop or specialty shop shall post in the shop a copy of the
13-42 commission's sanitation [board's] rules [adopted under Section
13-43 1601.152].

13-44 SECTION 2.33. Section 1601.453, Occupations Code, is
13-45 amended to read as follows:

13-46 Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by
13-47 the department [board] may practice barbering only at a location
13-48 for which the department [board] has issued a barbershop permit,
13-49 specialty shop permit, or barber school permit.

13-50 SECTION 2.34. Section 1601.454, Occupations Code, is
13-51 amended to read as follows:

13-52 Sec. 1601.454. PRACTICE AT FACILITY LICENSED OR PERMITTED
13-53 AS BARBER AND COSMETOLOGIST FACILITY [BY BOARD AND TEXAS
13-54 COSMETOLOGY COMMISSION]. (a) The commission [board] may not adopt
13-55 rules to restrict or prohibit practice by a Class A barber or
13-56 manicurist in a facility solely because the facility is licensed or
13-57 permitted by [both] the department under both this chapter and
13-58 Chapter 1602 [board and the Texas Cosmetology Commission].

13-59 (b) If a facility has a license or permit under both this
13-60 chapter and Chapter 1602 [the board and the Texas Cosmetology
13-61 Commission license or permit the same facility], the commission
13-62 [board] may not adopt rules requiring separate treatment of the
13-63 barbers and cosmetologists practicing in the facility or of their
13-64 customers, including separate:

13-65 (1) work areas for barbers and cosmetologists;

13-66 (2) waiting areas for customers of the barbers and
13-67 cosmetologists; or

13-68 (3) restrooms for the barbers and cosmetologists
13-69 practicing in the facility or for their customers.

14-1 SECTION 2.35. Section 1601.502, Occupations Code, is
 14-2 amended to read as follows:

14-3 Sec. 1601.502. SUPERVISION OF BARBERSHOP. A person may not
 14-4 operate a barbershop unless:

14-5 (1) the shop is at all times under the exclusive
 14-6 supervision and management of a Class A barber; and

14-7 (2) no person is practicing on the premises by
 14-8 authority of a license, permit, or certificate issued by the
 14-9 department under Chapter 1602 [~~Texas Cosmetology Commission~~],
 14-10 except as allowed by other law.

14-11 SECTION 2.36. Section 1601.503, Occupations Code, is
 14-12 amended to read as follows:

14-13 Sec. 1601.503. NOTIFICATION OF CHANGE OF LOCATION. A
 14-14 person operating under a barbershop permit may move the operation
 14-15 to another location approved by the department [~~board~~] if the
 14-16 person notifies the department [~~board~~] not later than the 10th day
 14-17 before the date of the move.

14-18 SECTION 2.37. Section 1601.552, Occupations Code, is
 14-19 amended to read as follows:

14-20 Sec. 1601.552. DISPLAY OF SANITATION RULES. Each barber
 14-21 school shall post in the school a copy of the commission's
 14-22 sanitation [~~board's~~] rules [~~adopted under Section 1601.152~~].

14-23 SECTION 2.38. Section 1601.554, Occupations Code, is
 14-24 amended to read as follows:

14-25 Sec. 1601.554. CHANGE OF BARBER SCHOOL OWNERSHIP OR
 14-26 LOCATION. (a) If a barber school changes ownership, the
 14-27 department [~~board~~] must be notified of the change not later than the
 14-28 10th day before the date the change takes effect.

14-29 (b) A barber school may not change the location of the
 14-30 school unless the school obtains approval from the department
 14-31 [~~board~~] before the change by showing that the proposed location
 14-32 meets the requirements of Subchapter H for issuance of a permit to
 14-33 the school.

14-34 SECTION 2.39. Section 1601.556, Occupations Code, is
 14-35 amended to read as follows:

14-36 Sec. 1601.556. INFORMATION PROVIDED TO PROSPECTIVE
 14-37 STUDENT. The holder of a barber school permit shall furnish each
 14-38 prospective student with:

14-39 (1) a course outline;
 14-40 (2) a schedule of the tuition and other fees assessed;
 14-41 (3) the school's refund policy required under Section
 14-42 1601.563;

14-43 (4) the school's grading policy and rules relating to
 14-44 incomplete grades;

14-45 (5) the school's rules of operation and conduct,
 14-46 including rules relating to absences;

14-47 (6) the department's [~~board's~~] name, mailing address,
 14-48 and telephone number for the purpose of directing complaints to the
 14-49 department [~~board~~]; and

14-50 (7) the current rates of job placement and employment
 14-51 of students who complete a course of training.

14-52 SECTION 2.40. Section 1601.557, Occupations Code, is
 14-53 amended to read as follows:

14-54 Sec. 1601.557. COURSE LENGTH AND CURRICULUM CONTENT.
 14-55 (a) A barber school shall submit to the department [~~board~~] for
 14-56 approval the course length and curriculum content for a course
 14-57 offered by the school. The course length and curriculum content
 14-58 shall be designed to reasonably ensure that a student develops the
 14-59 job skills and knowledge necessary for employment. The school may
 14-60 not implement a course length or curriculum content unless it is
 14-61 approved by the department [~~board~~].

14-62 (b) Before issuing or renewing a permit under this chapter,
 14-63 the department [~~board~~] shall require a school to account for all
 14-64 course lengths and curriculum contents.

14-65 SECTION 2.41. Subsection (b), Section 1601.559,
 14-66 Occupations Code, is amended to read as follows:

14-67 (b) The department [~~board~~] may inspect a school's
 14-68 attendance record book at any time.

14-69 SECTION 2.42. Section 1601.561, Occupations Code, is

15-1 amended to read as follows:

15-2 Sec. 1601.561. REPORTS TO DEPARTMENT [BOARD]. (a) A
15-3 barber school shall maintain [~~submit~~] a monthly progress report [~~to~~
15-4 ~~the board~~] regarding each student attending the school. The report
15-5 must certify the daily attendance record of each student and the
15-6 number of credit hours earned by each student during the previous
15-7 month.

15-8 (b) On a student's completion of a prescribed course of
15-9 instruction, the school shall notify [~~certify to~~] the department
15-10 [~~board~~] that the student has completed the required number of hours
15-11 and is eligible to take the appropriate examination.

15-12 (c) A barber school permit holder shall furnish to the
15-13 department [~~board~~]:

15-14 (1) the current course completion rates of students
15-15 who attend a course of instruction offered by the school; and

15-16 (2) job placement rates and employment rates of
15-17 students who complete a course of instruction.

15-18 SECTION 2.43. Subsection (d), Section 1601.566,
15-19 Occupations Code, is amended to read as follows:

15-20 (d) The department [~~board~~] may exempt a school from the
15-21 payment of interest if the school makes a good faith effort to
15-22 refund the tuition but is unable to locate the student. The school
15-23 shall provide to the department [~~board~~] on request documentation of
15-24 the school's effort to locate the student.

15-25 SECTION 2.44. Section 1601.603, Occupations Code, is
15-26 amended to read as follows:

15-27 Sec. 1601.603. DENIAL OF PERMIT; SUIT. (a) If the
15-28 department [~~board~~] denies an application for a barber school
15-29 permit, the school may request in writing the reasons for the
15-30 refusal.

15-31 (b) If the barber school meets the requirements for issuance
15-32 of the permit and shows that the requirements of this chapter have
15-33 been met, and the department [~~board~~] refuses to issue the permit,
15-34 the school may file suit in a district court in Travis County to
15-35 require the department [~~board~~] to issue the permit.

15-36 (c) A suit under Subsection (b) must be filed not later than
15-37 the 20th day after the date of the department's [~~board's~~] final
15-38 order denying issuance of the permit, if registered notice of the
15-39 order is mailed or it is otherwise shown that the school had notice
15-40 of the order not later than the 10th day after the date the
15-41 department [~~board~~] entered the order.

15-42 SECTION 2.45. Subsection (a), Section 1601.604,
15-43 Occupations Code, is amended to read as follows:

15-44 (a) The commission [~~board~~] shall suspend or revoke the
15-45 permit of a barber school that directly or indirectly violates this
15-46 chapter.

15-47 SECTION 2.46. Section 1601.605, Occupations Code, is
15-48 amended to read as follows:

15-49 Sec. 1601.605. PROBATION FOR ALTERING COURSE LENGTH. The
15-50 commission [~~board~~] shall place on probation a barber school that
15-51 alters a course length below or above industry standards until the
15-52 school:

15-53 (1) provides justification for the alteration; or
15-54 (2) adjusts the course length to meet industry
15-55 standards.

15-56 SECTION 2.47. Subsections (a), (b), and (c), Section
15-57 1601.606, Occupations Code, are amended to read as follows:

15-58 (a) If the department [~~board~~] has reasonable cause to
15-59 believe that a barber school has violated this chapter or a rule
15-60 adopted under this chapter, the department [~~board~~] may:

15-61 (1) order a peer review of the school; or
15-62 (2) suspend the admission of students to the school.

15-63 (b) The peer review shall be conducted by a peer review team
15-64 consisting of knowledgeable persons selected by the department
15-65 [~~board~~]. The department [~~board~~] shall attempt to provide a balance
15-66 on a peer review team between members assigned to the team who are
15-67 from this state and members who are from other states.

15-68 (c) The peer review team shall provide the department
15-69 [~~board~~] with an objective assessment of the school's curriculum

16-1 content and its application.

16-2 SECTION 2.48. Subsection (a), Section 1601.653,
 16-3 Occupations Code, is amended to read as follows:

16-4 (a) A person commits an offense if the person is a barber
 16-5 inspector or other department [~~board~~] employee and the person sells
 16-6 barber supplies or engages in a business, other than barbering,
 16-7 that deals directly with a barber, barbershop, specialty shop, or
 16-8 barber school.

16-9 ARTICLE 3. REGULATION OF COSMETOLOGY

16-10 SECTION 3.01. Section 1602.001, Occupations Code, is
 16-11 amended to read as follows:

16-12 Sec. 1602.001. GENERAL DEFINITIONS. In this chapter:

- 16-13 (1) "Board" means the Advisory Board on Cosmetology.
- 16-14 (2) "Commission" means the Texas [Cosmetology]
 16-15 Commission of Licensing and Regulation.
- 16-16 (3) "Department" means the Texas Department of
 16-17 Licensing and Regulation.
- 16-18 (4) "Executive director" means the executive director
 16-19 of the department.

16-20 (5) [~~2~~] "Public school" includes a public high
 16-21 school, a public junior college, or any other nonprofit tax-exempt
 16-22 institution that conducts a cosmetology program.

16-23 SECTION 3.02. The heading to Subchapter B, Chapter 1602,
 16-24 Occupations Code, is amended to read as follows:

16-25 SUBCHAPTER B. ADVISORY BOARD ON [TEXAS] COSMETOLOGY [COMMISSION]

16-26 SECTION 3.03. The heading to Section 1602.051, Occupations
 16-27 Code, is amended to read as follows:

16-28 Sec. 1602.051. BOARD [COMMISSION]; MEMBERSHIP.

16-29 SECTION 3.04. Subsection (a), Section 1602.051,
 16-30 Occupations Code, is amended to read as follows:

16-31 [~~a~~] The Advisory Board on [Texas] Cosmetology
 16-32 [Commission] consists of five [~~six~~] members appointed by the
 16-33 presiding officer of the commission, with the commission's
 16-34 approval, [~~governor with the advice and consent of the senate~~] as
 16-35 follows:

- 16-36 (1) one member who holds a license for a beauty shop
 16-37 that is part of a chain of beauty shops [license];
- 16-38 (2) one member who holds a license for a beauty shop
 16-39 that is not part of a chain of beauty shops;
- 16-40 (3) one member who holds a private beauty culture
 16-41 school license; and
- 16-42 (4) [~~3~~] two members who each hold an operator
 16-43 license[~~, and~~]
- 16-44 [~~4~~] two members who represent the public].

16-45 SECTION 3.05. Subsections (a) and (c), Section 1602.055,
 16-46 Occupations Code, are amended to read as follows:

16-47 (a) Members of the board [~~commission~~] serve staggered
 16-48 six-year terms, with the terms of one or two members expiring on the
 16-49 same date [~~December 31 of~~] each odd-numbered year.

16-50 (c) If a vacancy occurs during a member's term, the
 16-51 presiding officer of the commission, with the commission's
 16-52 approval, [~~governor~~] shall appoint a replacement to fill the
 16-53 unexpired term.

16-54 SECTION 3.06. The heading to Section 1602.058, Occupations
 16-55 Code, is amended to read as follows:

16-56 Sec. 1602.058. PRESIDING OFFICER[~~, COMMITTEES~~].

16-57 SECTION 3.07. Subsection (a), Section 1602.058,
 16-58 Occupations Code, is amended to read as follows:

16-59 [~~a~~] The presiding officer of the commission, with the
 16-60 commission's approval, [~~governor~~] shall designate one member of the
 16-61 commission as presiding officer to serve in that capacity for a
 16-62 two-year term [~~at the pleasure of the governor~~].

16-63 SECTION 3.08. Subchapter B, Chapter 1602, is amended by
 16-64 adding Section 1602.060 to read as follows:

16-65 Sec. 1602.060. BOARD DUTIES. The board shall:

- 16-66 (1) advise the commission on rules, enforcement,
 16-67 licensing requirements, and continuing education;
- 16-68 (2) recommend to the commission standards of practice,
 16-69 conduct, and ethics for persons regulated under this chapter and

17-1 Chapter 1603; and

17-2 (3) advise the commission in establishing education
17-3 requirements for initial applicants.

17-4 SECTION 3.09. The heading to Subchapter D, Chapter 1602,
17-5 Occupations Code, is amended to read as follows:

17-6 SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY

17-7 SECTION 3.10. Subsections (a) and (b), Section 1602.153,
17-8 Occupations Code, are amended to read as follows:

17-9 (a) The department [~~commission~~] may request and, if
17-10 necessary, compel by subpoena:

17-11 (1) the attendance of a witness for examination under
17-12 oath; and

17-13 (2) the production for inspection and copying of
17-14 records and other evidence relevant to the investigation of an
17-15 alleged violation of this chapter.

17-16 (b) If a person fails to comply with a subpoena issued under
17-17 this section, the department [~~commission~~], acting through the
17-18 attorney general, may file suit to enforce the subpoena in a
17-19 district court in Travis County or in the county in which a hearing
17-20 conducted by the department [~~commission~~] may be held.

17-21 SECTION 3.11. Subsection (c), Section 1602.251,
17-22 Occupations Code, is amended to read as follows:

17-23 (c) A person licensed by the department [~~commission~~] may
17-24 practice cosmetology only at a facility operated by a person
17-25 holding a beauty shop license, private beauty culture school
17-26 license, or other license issued by the department [~~commission~~].

17-27 SECTION 3.12. Subsection (b), Section 1602.258,
17-28 Occupations Code, is amended to read as follows:

17-29 (b) To be eligible for a specialty certificate, an applicant
17-30 must:

17-31 (1) be at least 17 years of age;
17-32 (2) have obtained a high school diploma or the
17-33 equivalent of a high school diploma or have passed a valid
17-34 examination administered by a certified testing agency that
17-35 measures the person's ability to benefit from training; and

17-36 (3) have the necessary requisites as determined by the
17-37 department [~~commission~~] in the particular specialty for which
17-38 certification is sought, including training through a
17-39 commission-approved training program.

17-40 SECTION 3.13. Subsections (a) and (b), Section 1602.266,
17-41 Occupations Code, are amended to read as follows:

17-42 (a) The department [~~commission~~] shall require a student
17-43 enrolled in a school of cosmetology in this state to hold a permit
17-44 stating the student's name and the name of the school. The permit
17-45 shall be displayed in a reasonable manner at the school.

17-46 (b) The department [~~commission~~] shall issue a student
17-47 permit to an applicant who submits an application to the department
17-48 [~~commission~~] for a student permit accompanied by the required fee.

17-49 SECTION 3.14. Subsection (b), Section 1602.267,
17-50 Occupations Code, is amended to read as follows:

17-51 (b) The department [~~commission~~] shall issue a shampoo
17-52 apprentice permit to an applicant who [+

17-53 [~~(1)~~] is at least 16 years of age [~~, and~~
17-54 [~~(2)~~ submits a certificate of health as required by
17-55 Section 1602.253].

17-56 SECTION 3.15. Subsection (b), Section 1602.302,
17-57 Occupations Code, is amended to read as follows:

17-58 (b) An application for a beauty shop license must be
17-59 accompanied by the required inspection fee and:

17-60 (1) be on a form prescribed by the department
17-61 [~~commission~~];

17-62 (2) contain proof of the particular requisites for a
17-63 beauty shop established by the commission; and

17-64 (3) be verified by the applicant.

17-65 SECTION 3.16. Subsections (b) and (c), Section 1602.303,
17-66 Occupations Code, are amended to read as follows:

17-67 (b) An application for a private beauty culture school
17-68 license must be accompanied by the required license fee and
17-69 inspection fee and:

18-1 (1) be on a form prescribed by the department
 18-2 [~~commission~~];
 18-3 (2) be verified by the applicant;
 18-4 (3) contain a detailed floor plan of the school
 18-5 building divided into two separate areas, one area for instruction
 18-6 in theory and one area for clinic work; and
 18-7 (4) contain a statement that the building:
 18-8 (A) is fireproof;
 18-9 (B) is of permanent construction;
 18-10 (C) contains a minimum of 3,500 square feet of
 18-11 floor space;
 18-12 (D) has separate restrooms for male and female
 18-13 students; and
 18-14 (E) contains, or will contain before classes
 18-15 begin, the equipment established by commission rule as sufficient
 18-16 to properly instruct a minimum of 50 students.
 18-17 (c) The applicant is entitled to a private beauty culture
 18-18 school license if:
 18-19 (1) the department [~~commission~~] determines that the
 18-20 applicant is financially sound and capable of fulfilling the
 18-21 school's commitments for training;
 18-22 (2) the applicant's facilities pass an inspection
 18-23 conducted by the department under Section 1603.103 [~~commission~~];
 18-24 and
 18-25 (3) the applicant has not committed an act that
 18-26 constitutes a ground for denial of a license.
 18-27 SECTION 3.17. Subsection (b), Section 1602.305,
 18-28 Occupations Code, is amended to read as follows:
 18-29 (b) An application for a specialty shop license must be
 18-30 accompanied by the required inspection fee and:
 18-31 (1) be on a form prescribed by the department
 18-32 [~~commission~~];
 18-33 (2) contain proof of the particular requisites for a
 18-34 specialty shop as established by the commission; and
 18-35 (3) be verified by the applicant.
 18-36 SECTION 3.18. Subsection (b), Section 1602.306,
 18-37 Occupations Code, is amended to read as follows:
 18-38 (b) An application for a booth rental license must:
 18-39 (1) be on a form prescribed by the department
 18-40 [~~commission~~];
 18-41 (2) contain information as required by commission
 18-42 rule; and
 18-43 (3) be verified by the applicant.
 18-44 SECTION 3.19. The heading to Section 1602.352, Occupations
 18-45 Code, is amended to read as follows:
 18-46 Sec. 1602.352. REQUIREMENT FOR FIRST [PROCEDURE FOR] RENEWAL
 18-47 OF LICENSE [OR REINSTATEMENT].
 18-48 SECTION 3.20. Subchapter H, Chapter 1602, Occupations Code,
 18-49 is amended by adding Section 1602.353 to read as follows:
 18-50 Sec. 1602.353. INACTIVE STATUS. (a) Not later than the
 18-51 10th day before the expiration date of a certificate or license
 18-52 issued under this chapter, the certificate or license holder may
 18-53 place the certificate or license on inactive status by:
 18-54 (1) submitting an application for inactive status to
 18-55 the department on a form prescribed by the department; and
 18-56 (2) paying the required fee.
 18-57 (b) Except as provided by Subsection (e), a person whose
 18-58 certificate or license is on inactive status is not required to
 18-59 complete continuing education required under this chapter.
 18-60 (c) A person whose certificate or license is on inactive
 18-61 status may reapply for inactive status before the expiration date
 18-62 of the certificate or license. The person must pay the required
 18-63 fee.
 18-64 (d) A license holder may not employ a person on inactive
 18-65 status.
 18-66 (e) A person on inactive status may return the certificate
 18-67 or license to active status by:
 18-68 (1) applying to the department for active status on a
 18-69 form prescribed by the department;

19-1 (2) paying the required fee; and
19-2 (3) providing evidence satisfactory to the department
19-3 that the person has completed the number of hours of continuing
19-4 education that would otherwise have been required for a renewal of
19-5 an active license for the preceding two-year license period.

19-6 (f) The commission may set fees and adopt rules to implement
19-7 this section.

19-8 SECTION 3.21. Section 1602.405, Occupations Code, is
19-9 amended to read as follows:

19-10 Sec. 1602.405. PRACTICE AT FACILITY LICENSED OR PERMITTED
19-11 AS BARBER AND COSMETOLOGIST FACILITY [~~BY COMMISSION AND STATE BOARD~~
19-12 ~~OF BARBER EXAMINERS~~]. (a) The commission may not adopt rules to
19-13 restrict or prohibit practice by a cosmetologist in a facility
19-14 solely because the facility is licensed or permitted by [~~both~~] the
19-15 department under both this chapter and Chapter 1601 [~~commission and~~
19-16 ~~the State Board of Barber Examiners~~].

19-17 (b) If a facility has a license or permit under both this
19-18 chapter and Chapter 1601 [~~the commission and the State Board of~~
19-19 ~~Barber Examiners license the same facility~~], the commission may not
19-20 adopt rules requiring separate treatment of the barbers and
19-21 cosmetologists practicing in the facility or of their customers,
19-22 including separate:

- 19-23 (1) work areas for barbers and cosmetologists;
- 19-24 (2) waiting areas for customers of the barbers and
19-25 cosmetologists; or
- 19-26 (3) restrooms for the barbers and cosmetologists
19-27 practicing in the facility or for their customers.

19-28 SECTION 3.22. Subsection (a), Section 1602.451,
19-29 Occupations Code, is amended to read as follows:

19-30 (a) The holder of a private beauty culture school license
19-31 shall:

- 19-32 (1) maintain a sanitary establishment;
- 19-33 (2) maintain on its staff and on duty during business
19-34 hours one full-time licensed instructor for each 25 students in
19-35 attendance;
- 19-36 (3) maintain a daily record of students' attendance;
- 19-37 (4) establish regular class and instruction hours and
19-38 grades;
- 19-39 (5) require a school term of not less than nine months
19-40 and not less than 1,500 hours instruction for a complete course in
19-41 cosmetology;
- 19-42 (6) require a school term of not less than 600 hours
19-43 instruction for a complete course in manicuring;
- 19-44 (7) hold examinations before issuing diplomas;
- 19-45 (8) maintain a copy of the school's curriculum in a
19-46 conspicuous place and verify that the curriculum is being followed;
- 19-47 (9) publish in the school's catalogue and enrollment
19-48 contract a description of the refund policy required under Section
19-49 1602.458; and

19-50 (10) [~~submit to the executive director the name of~~
19-51 ~~each student within 10 days after the date the student enrolls in~~
19-52 ~~the school and notify the executive director of the withdrawal or~~
19-53 ~~graduation of a student not later than the 10th day after the date~~
19-54 ~~the student withdraws or graduates; and~~

19-55 [~~11~~] provide the department [~~commission~~] with
19-56 information on:

- 19-57 (A) the current course completion rates of
19-58 students who attend a course of instruction offered by the school;
19-59 and
- 19-60 (B) job placement rates and employment rates of
19-61 students who complete the course of instruction.

19-62 SECTION 3.23. Section 1602.452, Occupations Code, is
19-63 amended to read as follows:

19-64 Sec. 1602.452. INFORMATION PROVIDED TO PROSPECTIVE
19-65 STUDENT. The holder of a private beauty culture school license
19-66 shall furnish each prospective student with:

- 19-67 (1) a course outline;
- 19-68 (2) a schedule of the tuition and other fees assessed;
- 19-69 (3) the refund policy required under Section 1602.458;

20-1 (4) the school grading policy and rules relating to
20-2 incomplete grades;

20-3 (5) the school rules of operation and conduct,
20-4 including rules relating to absences;

20-5 (6) the name, mailing address, and telephone number of
20-6 the department [~~commission~~] for the purpose of directing complaints
20-7 to the department [~~commission~~]; and

20-8 (7) the current rates of job placement and employment
20-9 of students who complete a course of training.

20-10 SECTION 3.24. Subsection (c), Section 1602.453,
20-11 Occupations Code, is amended to read as follows:

20-12 (c) Before issuing or renewing a license under this chapter,
20-13 the department [~~commission~~] shall require a school to account for
20-14 each course length and curriculum content.

20-15 SECTION 3.25. Section 1602.454, Occupations Code, is
20-16 amended to read as follows:

20-17 Sec. 1602.454. STUDENT RECORD. A private beauty culture
20-18 school shall notify [~~send to~~] the department [~~commission~~]
20-19 ~~a certified copy of a student's record, indicating all course hours~~
20-20 ~~completed by the student and whether the agreed tuition has been~~
20-21 ~~paid,] when a [the] student[+]~~

20-22 [(1)] graduates from a course of training offered by
20-23 the school and is eligible to take the appropriate examination[+~~or~~

20-24 [(2)] ~~withdraws or transfers from a course of training~~
20-25 ~~without completion of the training].~~

20-26 SECTION 3.26. Subsection (d), Section 1602.460,
20-27 Occupations Code, is amended to read as follows:

20-28 (d) The department [~~commission~~] may exempt a school from the
20-29 payment of interest if the school makes a good faith effort to
20-30 refund the tuition but is unable to locate the student. The school
20-31 shall provide to the department [~~commission~~] on request
20-32 documentation of the effort to locate the student.

20-33 SECTION 3.27. Subsection (a), Section 1602.463,
20-34 Occupations Code, is amended to read as follows:

20-35 (a) If a private beauty culture school closes, the
20-36 department [~~commission~~] shall attempt to arrange for students
20-37 enrolled in the closed school to attend another private beauty
20-38 culture school.

20-39 SECTION 3.28. Subsections (a) and (b), Section 1602.464,
20-40 Occupations Code, are amended to read as follows:

20-41 (a) If on January 1 of any year the amount in the private
20-42 beauty culture school tuition protection account is less than
20-43 \$200,000, the department [~~commission~~] shall collect a fee from each
20-44 private beauty culture school during that year by applying a
20-45 percentage to the school's renewal fee at a rate that will bring the
20-46 balance of the account to \$200,000.

20-47 (b) The comptroller shall invest the account in the same
20-48 manner as other state funds. Sufficient money from the account
20-49 shall be appropriated to the department [~~commission~~] for the
20-50 purpose described by Section 1602.463. The department [~~commission~~]
20-51 shall administer claims made against the account.

20-52 SECTION 3.29. Subsections (a), (b), and (c), Section
20-53 1602.465, Occupations Code, are amended to read as follows:

20-54 (a) If the department [~~commission~~] has reasonable cause to
20-55 believe that a private beauty culture school has violated this
20-56 chapter or a rule adopted under this chapter, the department
20-57 [~~commission~~] may:

- 20-58 (1) order a peer review of the school; or
- 20-59 (2) suspend the admission of students to the school.

20-60 (b) The peer review shall be conducted by a peer review team
20-61 consisting of knowledgeable persons selected by the department
20-62 [~~commission~~]. The department [~~commission~~] shall attempt to provide
20-63 a balance on each team between members assigned to the team who are
20-64 from this state and those who are from other states.

20-65 (c) The team shall provide the department [~~commission~~] with
20-66 an objective assessment of the content of the school's curriculum
20-67 and its application.

20-68 ARTICLE 4. CONFORMING AMENDMENTS

20-69 SECTION 4.01. Section 232.002, Family Code, is amended to

21-1 read as follows:

21-2 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.
21-3 The following are licensing authorities subject to this chapter:

- 21-4 (1) Department of Agriculture;
21-5 (2) ~~[Texas Commission on Alcohol and Drug Abuse];~~
21-6 ~~[(3)]~~ Texas Alcoholic Beverage Commission;
21-7 (3) ~~[(4)]~~ Texas Appraiser Licensing and Certification
21-8 Board;
21-9 (4) ~~[(5)]~~ Texas Board of Architectural Examiners;
21-10 (5) ~~[(6)]~~ State Board of Barber Examiners;
21-11 ~~[(7)]~~ Texas Board of Chiropractic Examiners;
21-12 (6) ~~[(8)]~~ Comptroller of Public Accounts;
21-13 (7) ~~[(9)]~~ Texas Cosmetology Commission;
21-14 ~~[(10)]~~ Court Reporters Certification Board;
21-15 (8) ~~[(11)]~~ State Board of Dental Examiners;
21-16 (9) ~~[(12)]~~ Texas State Board of Examiners of
21-17 Dietitians;
21-18 (10) ~~[(13)]~~ Texas Funeral Service Commission;
21-19 (11) ~~[(14)]~~ Texas Department of State Health Services
21-20 [Health];
21-21 (12) ~~[(15)]~~ Texas Department of Aging and Disability
21-22 [Human] Services;
21-23 (13) ~~[(16)]~~ Texas Board of Professional Land
21-24 Surveying;
21-25 (14) ~~[(17)]~~ Texas Department of Licensing and
21-26 Regulation;
21-27 (15) ~~[(18)]~~ Texas State Board of Examiners of Marriage
21-28 and Family Therapists;
21-29 (16) ~~[(19)]~~ Texas State Board of Medical Examiners;
21-30 (17) ~~[(20)]~~ Midwifery Board;
21-31 (18) ~~[(21)]~~ Texas Commission on Environmental
21-32 Quality;
21-33 (19) ~~[(22)]~~ Board of Nurse Examiners;
21-34 (20) ~~[(23)]~~ Texas Board of Occupational Therapy
21-35 Examiners;
21-36 (21) ~~[(24)]~~ Texas Optometry Board;
21-37 (22) ~~[(25)]~~ Parks and Wildlife Department;
21-38 (23) ~~[(26)]~~ Texas State Board of Examiners of
21-39 Perfusionists;
21-40 (24) ~~[(27)]~~ Texas State Board of Pharmacy;
21-41 (25) ~~[(28)]~~ Texas Board of Physical Therapy
21-42 Examiners;
21-43 (26) ~~[(29)]~~ Texas State Board of Plumbing Examiners;
21-44 (27) ~~[(30)]~~ Texas State Board of Podiatric Medical
21-45 Examiners;
21-46 (28) ~~[(31)]~~ Polygraph Examiners Board;
21-47 (29) ~~[(32)]~~ Texas ~~[Commission on]~~ Private Security
21-48 Board;
21-49 (30) ~~[(33)]~~ Texas State Board of Examiners of
21-50 Professional Counselors;
21-51 (31) ~~[(34)]~~ Texas Board of Professional Engineers;
21-52 (32) ~~[(35)]~~ Department of Family and Protective [and
21-53 Regulatory] Services;
21-54 (33) ~~[(36)]~~ Texas State Board of Examiners of
21-55 Psychologists;
21-56 (34) ~~[(37)]~~ Texas State Board of Public Accountancy;
21-57 (35) ~~[(38)]~~ Department of Public Safety of the State
21-58 of Texas;
21-59 (36) ~~[(39)]~~ Public Utility Commission of Texas;
21-60 (37) ~~[(40)]~~ Railroad Commission of Texas;
21-61 (38) ~~[(41)]~~ Texas Real Estate Commission;
21-62 (39) ~~[(42)]~~ State Bar of Texas;
21-63 (40) ~~[(43)]~~ Texas State Board of Social Worker
21-64 Examiners;
21-65 (41) ~~[(44)]~~ State Board of Examiners for
21-66 Speech-Language Pathology and Audiology;
21-67 (42) ~~[(45)]~~ Texas Structural Pest Control Board;
21-68 (43) ~~[(46)]~~ Board of Tax Professional Examiners;
21-69 (44) ~~[(47)]~~ Secretary of State;

22-1 (45) [~~(48)~~] Supreme Court of Texas;
 22-2 (46) [~~(49)~~] Texas Transportation Commission;
 22-3 (47) [~~(50)~~] State Board of Veterinary Medical
 22-4 Examiners;
 22-5 (48) [~~(51)~~] Texas Ethics Commission;
 22-6 (49) [~~(52)~~] Advisory Board of Athletic Trainers;
 22-7 (50) [~~(53)~~] State Committee of Examiners in the
 22-8 Fitting and Dispensing of Hearing Instruments;
 22-9 (51) [~~(54)~~] Texas Board of Licensure for Professional
 22-10 Medical Physicists;
 22-11 (52) [~~(55)~~] Texas Department of Insurance;
 22-12 (53) [~~(56)~~] Texas Board of Orthotics and Prosthetics;
 22-13 (54) [~~(57)~~] savings and loan commissioner;
 22-14 (55) [~~(58)~~] Texas Juvenile Probation Commission; and
 22-15 (56) [~~(59)~~] Texas Lottery Commission under Chapter
 22-16 466, Government Code.
 22-17 SECTION 4.02. Subsection (d), Section 411.122, Government
 22-18 Code, is amended to read as follows:
 22-19 (d) The following state agencies are subject to this
 22-20 section:
 22-21 (1) Texas Appraiser Licensing and Certification
 22-22 Board;
 22-23 (2) Texas Board of Architectural Examiners;
 22-24 (3) [~~State Board of Barber Examiners;~~
 22-25 [~~(4)~~] Texas Board of Chiropractic Examiners;
 22-26 (4) [~~(5)~~] Texas Cosmetology Commission;
 22-27 [~~(6)~~] State Board of Dental Examiners;
 22-28 (5) [~~(7)~~] Texas Board of Professional Engineers;
 22-29 (6) [~~(8)~~] Texas Funeral Service Commission;
 22-30 (7) [~~(9)~~] Texas Board of Professional Geoscientists;
 22-31 (8) [~~(10)~~] Texas Department of State Health Services,
 22-32 except as provided by Section 411.110, and agencies attached to the
 22-33 department, including:
 22-34 (A) Texas State Board of Examiners of Dietitians;
 22-35 (B) Texas State Board of Examiners of Marriage
 22-36 and Family Therapists;
 22-37 (C) Midwifery Board;
 22-38 (D) Texas State Board of Examiners of
 22-39 Perfusionists;
 22-40 (E) Texas State Board of Examiners of
 22-41 Professional Counselors;
 22-42 (F) Texas State Board of Social Worker Examiners;
 22-43 (G) State Board of Examiners for Speech-Language
 22-44 Pathology and Audiology;
 22-45 (H) Advisory Board of Athletic Trainers;
 22-46 (I) State Committee of Examiners in the Fitting
 22-47 and Dispensing of Hearing Instruments;
 22-48 (J) Texas Board of Licensure for Professional
 22-49 Medical Physicists; and
 22-50 (K) Texas Board of Orthotics and Prosthetics;
 22-51 (9) [~~(11)~~] Texas Board of Professional Land
 22-52 Surveying;
 22-53 (10) [~~(12)~~] Texas Department of Licensing and
 22-54 Regulation, except as provided by Section 411.093;
 22-55 (11) [~~(13)~~] Texas Commission on Environmental
 22-56 Quality;
 22-57 (12) [~~(14)~~] Texas Board of Occupational Therapy
 22-58 Examiners;
 22-59 (13) [~~(15)~~] Texas Optometry Board;
 22-60 (14) [~~(16)~~] Texas State Board of Pharmacy;
 22-61 (15) [~~(17)~~] Texas Board of Physical Therapy
 22-62 Examiners;
 22-63 (16) [~~(18)~~] Texas State Board of Plumbing Examiners;
 22-64 (17) [~~(19)~~] Texas State Board of Podiatric Medical
 22-65 Examiners;
 22-66 (18) [~~(20)~~] Polygraph Examiners Board;
 22-67 (19) [~~(21)~~] Texas State Board of Examiners of
 22-68 Psychologists;
 22-69 (20) [~~(22)~~] Texas Real Estate Commission;

- 23-1 (21) [~~(23)~~] Board of Tax Professional Examiners;
- 23-2 (22) [~~(24)~~] Texas Department of Transportation;
- 23-3 (23) [~~(25)~~] State Board of Veterinary Medical
- 23-4 Examiners;
- 23-5 (24) [~~(26)~~] ~~Board of Vocational Nurse Examiners;~~
- 23-6 [~~(27)~~] Texas Department of Housing and Community
- 23-7 Affairs;
- 23-8 (25) [~~(28)~~] secretary of state;
- 23-9 (26) [~~(29)~~] state fire marshal;
- 23-10 (27) [~~(30)~~] Texas Education Agency; and
- 23-11 (28) [~~(31)~~] Department of Agriculture.

23-12 SECTION 4.03. Subsection (a), Section 2054.352, Government

23-13 Code, is amended to read as follows:

23-14 (a) The following licensing entities shall participate in

23-15 the system established under Section 2054.353[~~, as added by Chapter~~

23-16 ~~353, Acts of the 77th Legislature, Regular Session, 2001~~]:

- 23-17 (1) [~~State Board of Barber Examiners;~~
- 23-18 [~~(2)~~] Texas Board of Chiropractic Examiners;
- 23-19 (2) [~~(3)~~] ~~Texas Cosmetology Commission;~~
- 23-20 [~~(4)~~] Court Reporters Certification Board;
- 23-21 (3) [~~(5)~~] State Board of Dental Examiners;
- 23-22 (4) [~~(6)~~] Texas Funeral Service Commission;
- 23-23 (5) [~~(7)~~] Texas Board of Professional Land Surveying;
- 23-24 (6) [~~(8)~~] Texas State Board of Medical Examiners;
- 23-25 (7) [~~(9)~~] Board of Nurse Examiners;
- 23-26 (8) [~~(10)~~] Texas Optometry Board;
- 23-27 (9) [~~(11)~~] Texas Structural Pest Control Board;
- 23-28 (10) [~~(12)~~] Texas State Board of Pharmacy;
- 23-29 (11) [~~(13)~~] Executive Council of Physical Therapy and
- 23-30 Occupational Therapy Examiners;
- 23-31 (12) [~~(14)~~] Texas State Board of Plumbing Examiners;
- 23-32 (13) [~~(15)~~] Texas State Board of Podiatric Medical
- 23-33 Examiners;
- 23-34 (14) [~~(16)~~] Board of Tax Professional Examiners;
- 23-35 (15) [~~(17)~~] Polygraph Examiners Board;
- 23-36 (16) [~~(18)~~] Texas State Board of Examiners of
- 23-37 Psychologists;
- 23-38 (17) [~~(19)~~] State Board of Veterinary Medical
- 23-39 Examiners;
- 23-40 (18) [~~(20)~~] Texas Real Estate Commission;
- 23-41 (19) [~~(21)~~] Texas Appraiser Licensing and
- 23-42 Certification Board;
- 23-43 (20) [~~(22)~~] Texas Department of Licensing and
- 23-44 Regulation;
- 23-45 (21) [~~(24)~~] Texas State Board of Public Accountancy;
- 23-46 (22) [~~(25)~~] State Board for Educator Certification;
- 23-47 (23) [~~(26)~~] Texas Board of Professional Engineers;
- 23-48 (24) [~~(27)~~] ~~Texas~~ Department of State Health
- 23-49 Services;
- 23-50 (25) [~~(28)~~] Texas Board of Architectural Examiners;
- 23-51 (26) [~~(29)~~] Texas Racing Commission;
- 23-52 (27) [~~(30)~~] Commission on Law Enforcement Officer
- 23-53 Standards and Education; and
- 23-54 (28) [~~(31)~~] Texas [~~Commission on~~] Private Security
- 23-55 Board.

23-56 ARTICLE 5. REPEALER

23-57 SECTION 5.01. The following laws are repealed:

- 23-58 (1) Subchapters C, D, E, and O, Chapter 1601,
- 23-59 Occupations Code;
- 23-60 (2) Subchapters C, E, and K, Chapter 1602, Occupations
- 23-61 Code; and
- 23-62 (3) Sections 1601.004, 1601.051(b) and (c), 1601.052,
- 23-63 1601.053, 1601.054, 1601.056, 1601.057, 1601.252, 1601.261,
- 23-64 1601.262, 1601.263, 1601.264, 1601.266, 1601.267, 1601.356,
- 23-65 1601.401, 1601.402(d), 1601.403, 1601.404(a) and (b), 1601.408,
- 23-66 1601.601, 1601.651, 1601.654, 1602.004, 1602.051(b) and (c),
- 23-67 1602.052, 1602.053, 1602.054, 1602.055(b), 1602.056, 1602.057,
- 23-68 1602.058(b), 1602.059, 1602.151, 1602.152, 1602.154, 1602.155,
- 23-69 1602.252, 1602.253, as amended by Chapter 1282, Acts of the 78th

24-1 Legislature, Regular Session, 2003, 1602.259, 1602.260, 1602.261,
24-2 1602.263, 1602.264, 1602.265, 1602.303(d), 1602.304(b),
24-3 1602.351(d), 1602.352(b) through (f), 1602.407, 1602.551,
24-4 1602.552, 1602.553, and 1602.555, Occupations Code.

24-5 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

24-6 SECTION 6.01. (a) The State Board of Barber Examiners and
24-7 the Texas Cosmetology Commission are abolished but continue in
24-8 existence until September 1, 2006, for the sole purpose of
24-9 transferring obligations, property, employees, rights, powers, and
24-10 duties to the Texas Department of Licensing and Regulation. The
24-11 Texas Department of Licensing and Regulation assumes all of the
24-12 obligations, property, employees, rights, powers, and duties of the
24-13 State Board of Barber Examiners and the Texas Cosmetology
24-14 Commission, as they exist immediately before the effective date of
24-15 this Act. All unexpended funds appropriated to the State Board of
24-16 Barber Examiners and the Texas Cosmetology Commission are
24-17 transferred to the Texas Department of Licensing and Regulation.
24-18 The transfer of the obligations, property, employees, rights,
24-19 powers, and duties of the State Board of Barber Examiners and the
24-20 Texas Cosmetology Commission to the Texas Department of Licensing
24-21 and Regulation must be completed not later than September 1, 2006.

24-22 (b) All rules of the State Board of Barber Examiners and the
24-23 Texas Cosmetology Commission are continued in effect as rules of
24-24 the Texas Commission of Licensing and Regulation until superseded
24-25 by a rule of the Texas Commission of Licensing and Regulation. A
24-26 certificate, license, or permit issued by the State Board of Barber
24-27 Examiners or the Texas Cosmetology Commission is continued in
24-28 effect as provided by the law in effect immediately before the
24-29 effective date of this Act. A complaint, investigation, contested
24-30 case, or other proceeding pending on the effective date of this Act
24-31 is continued without change in status after the effective date of
24-32 this Act. An inspection or other activity conducted by the State
24-33 Board of Barber Examiners or the Texas Cosmetology Commission is
24-34 considered to be an inspection or activity conducted by the Texas
24-35 Department of Licensing and Regulation, including an inspection or
24-36 other activity conducted for purposes of allowing a school, shop,
24-37 or facility to continue to operate under Section 1603.103,
24-38 Occupations Code, as added by this Act.

24-39 (c) A reference in another law or an administrative rule to
24-40 the State Board of Barber Examiners or the Texas Cosmetology
24-41 Commission means the Texas Department of Licensing and Regulation.

24-42 SECTION 6.02. Sections 1602.353 and 1603.352, Occupations
24-43 Code, as added by this Act, take effect January 1, 2006.

24-44 SECTION 6.03. This Act takes effect September 1, 2005.

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