

By: Deshotel

H.B. No. 1280

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of the Texas Department of Licensing and
3 Regulation to issue certain enforcement orders in the regulation of
4 barbering and cosmetology.

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

6 SECTION 1. Subchapter J, Chapter 1603, Occupations Code, is
7 amended by adding Sections 1603.455 and 1603.456 to read as
8 follows:

9 Sec. 1603.455. EMERGENCY ORDERS. (a) The executive
10 director may issue an emergency order to suspend or revoke a license
11 or permit issued, or to cease the operation of an unsafe facility
12 regulated, by the department under this title if the executive
13 director determines that an emergency exists requiring immediate
14 action to protect the public health and safety.

15 (b) The executive director may issue the emergency order
16 with or without notice and hearing as the executive director
17 considers practicable under the circumstances.

18 (c) If an emergency order is issued under this section
19 without a hearing, the executive director, not later than the 10th
20 day after the date the emergency order was issued, shall set the
21 time and place for a hearing conducted by the State Office of
22 Administrative Hearings to affirm, modify, or set aside the
23 emergency order. The executive director shall set the hearing for a
24 date not later than the 30th day after the date the time and place

1 for the hearing are set. The hearing examiner shall affirm the
2 order to the extent that reasonable cause existed to issue the
3 order.

4 (d) The commission by rule may prescribe procedures for the
5 issuance and appeal of an emergency order under this section,
6 including a rule to allow the commission to affirm, modify, or set
7 aside a decision by the State Office of Administrative Hearings
8 under Subsection (c).

9 (e) A proceeding under this section is a contested case
10 under Chapter 2001, Government Code.

11 Sec. 1603.456. CEASE AND DESIST ORDERS. The executive
12 director may issue a cease and desist order, after notice and
13 opportunity for hearing, if the executive director determines that
14 the order is necessary to prevent a violation of:

15 (1) this chapter, Chapter 1601, or Chapter 1602; or

16 (2) a rule adopted by the commission.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2007.