

1-1 By: Chisum, et al. (Senate Sponsor - Whitmire) H.B. No. 2106  
1-2 (In the Senate - Received from the House May 7, 2007;  
1-3 May 8, 2007, read first time and referred to Committee on Business  
1-4 and Commerce; May 18, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 18, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2106 By: Lucio

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

1-10 relating to the regulation of barbering and cosmetology.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1601.002, Occupations Code, is amended  
1-13 to read as follows:

1-14 Sec. 1601.002. DEFINITION OF BARBERING. In this chapter,  
1-15 "barbering," "practicing barbering," or the "practice of  
1-16 barbering" means:

1-17 (1) performing or offering or attempting to perform  
1-18 for compensation or the promise of compensation any of the  
1-19 following services:

1-20 (A) treating a person's mustache or beard by  
1-21 arranging, beautifying, coloring, processing, shaving, styling, or  
1-22 trimming;

1-23 (B) treating a person's hair by:  
1-24 (i) arranging, beautifying, bleaching,  
1-25 cleansing, coloring, curling, dressing, dyeing, processing,  
1-26 shampooing, shaping, singeing, straightening, styling, tinting, or  
1-27 waving;

1-28 (ii) providing a necessary service that is  
1-29 preparatory or ancillary to a service under Subparagraph (i),  
1-30 including bobbing, clipping, cutting, or trimming; or

1-31 (iii) cutting the person's hair as a  
1-32 separate and independent service for which a charge is directly or  
1-33 indirectly made separately from a charge for any other service;

1-34 (C) cleansing, stimulating, or massaging a  
1-35 person's scalp, face, neck, arms, or shoulders:

1-36 (i) by hand or by using a device, apparatus,  
1-37 or appliance; and

1-38 (ii) with or without the use of any cosmetic  
1-39 preparation, antiseptic, tonic, lotion, or cream;

1-40 (D) beautifying a person's face, neck, arms, or  
1-41 shoulders using a cosmetic preparation, antiseptic, tonic, lotion,  
1-42 powder, oil, clay, cream, or appliance;

1-43 (E) treating a person's nails by:

1-44 (i) cutting, trimming, polishing, tinting,  
1-45 coloring, cleansing, manicuring, or pedicuring; or

1-46 (ii) attaching false nails;

1-47 (F) massaging, cleansing, treating, or  
1-48 beautifying a person's hands;

1-49 (G) administering facial treatments;

1-50 (H) weaving a person's hair by using any method  
1-51 to attach commercial hair to a person's hair or scalp;

1-52 (I) shampooing or conditioning a person's hair;

1-53 [~~or~~]  
1-54 (J) servicing in any manner listed in Paragraph

1-55 (B) a person's wig, toupee, or artificial hairpiece on a person's  
1-56 head or on a block after the initial retail sale; or

1-57 (K) braiding a person's hair, trimming hair  
1-58 extensions only as applicable to the braiding process, and  
1-59 attaching commercial hair only by braiding and without the use of  
1-60 chemicals or adhesives;

1-61 (2) advertising or representing to the public in any  
1-62 manner that a person is a barber or is authorized to practice  
1-63 barbering; or

2-1 (3) advertising or representing to the public in any  
2-2 manner that a location or place of business is a barbershop,  
2-3 specialty shop, or barber school.

2-4 SECTION 2. Section 1601.253(b), Occupations Code, is  
2-5 amended to read as follows:

2-6 (b) The department shall issue a Class A barber certificate  
2-7 to an applicant who:

2-8 (1) complies with the application requirements of this  
2-9 chapter;

2-10 (2) passes the applicable examination [~~with an average~~  
2-11 ~~grade of at least 75 percent~~];

2-12 (3) pays the required fee; and

2-13 (4) possesses the other qualifications required by  
2-14 this chapter.

2-15 SECTION 3. Subchapter F, Chapter 1601, Occupations Code, is  
2-16 amended by adding Sections 1601.258 and 1601.259 to read as  
2-17 follows:

2-18 Sec. 1601.258. ELIGIBILITY FOR HAIR WEAVING SPECIALTY  
2-19 CERTIFICATE OF REGISTRATION. (a) A person holding a hair weaving  
2-20 specialty certificate of registration may perform only barbering as  
2-21 defined by Section 1601.002(1)(H).

2-22 (b) An applicant for a hair weaving specialty certificate of  
2-23 registration must:

2-24 (1) be at least 17 years of age; and

2-25 (2) satisfy the requirements specified by the  
2-26 department, including training through a commission-approved  
2-27 training program.

2-28 (c) The department shall issue a hair weaving specialty  
2-29 certificate of registration to an applicant who:

2-30 (1) possesses the qualifications described by  
2-31 Subsection (b);

2-32 (2) pays the required registration fee; and

2-33 (3) has not committed an act that constitutes a ground  
2-34 for denial of the certificate.

2-35 Sec. 1601.259. ELIGIBILITY FOR HAIR BRAIDING SPECIALTY  
2-36 CERTIFICATE OF REGISTRATION. (a) A person holding a hair braiding  
2-37 specialty certificate of registration may perform only barbering as  
2-38 defined by Section 1601.002(1)(K).

2-39 (b) An applicant for a hair braiding specialty certificate  
2-40 must:

2-41 (1) be at least 17 years of age; and

2-42 (2) satisfy the requirements specified by the  
2-43 department, including training through a commission-approved  
2-44 training program.

2-45 (c) The department shall issue a hair braiding specialty  
2-46 certificate of registration to an applicant who:

2-47 (1) possesses the qualifications described by  
2-48 Subsection (b);

2-49 (2) pays the required registration fee; and

2-50 (3) has not committed an act that constitutes a ground  
2-51 for denial of the certificate.

2-52 SECTION 4. Section 1601.303, Occupations Code, is amended  
2-53 to read as follows:

2-54 Sec. 1601.303. ISSUANCE OF BARBERSHOP PERMIT. The  
2-55 department shall issue a barbershop permit to an applicant if:

2-56 (1) the applicant owns the barbershop; ~~and~~

2-57 (2) the applicant verifies the application; and

2-58 (3) the shop meets the minimum health standards for  
2-59 barbershops set by the commission and complies with all other  
2-60 commission rules.

2-61 SECTION 5. Sections 1601.304 and 1601.305, Occupations  
2-62 Code, are amended to read as follows:

2-63 Sec. 1601.304. [~~MANICURIST~~] SPECIALTY SHOP PERMIT. (a) A  
2-64 person who holds a [~~manicurist~~] specialty shop permit may maintain  
2-65 an establishment in which only barbering as defined by Section  
2-66 [Sections] 1601.002(1)(E), [and] (F), (H), or (K) is performed. [~~A~~  
2-67 ~~manicurist specialty shop may be operated only under the direction~~  
2-68 ~~of a person who holds a manicurist license.]~~

2-69 (b) An applicant for a [~~manicurist~~] specialty shop permit

3-1 must submit:

3-2 (1) an application on a department-approved form [~~that~~  
3-3 ~~includes:~~

3-4 [~~(A) the shop's address,~~  
3-5 [~~(B) the legal description of the premises for~~  
3-6 ~~which the permit is sought; and~~  
3-7 [~~(C) any other information required by the~~  
3-8 ~~department]; and~~

3-9 (2) the required inspection fee.

3-10 [~~(c) As soon as practicable after receipt of the application~~  
3-11 ~~and fee, the department shall issue a temporary manicurist~~  
3-12 ~~specialty shop permit to the applicant. The applicant may operate~~  
3-13 ~~the applicant's shop under the temporary permit until a permanent~~  
3-14 ~~permit is issued.]~~

3-15 Sec. 1601.305. ISSUANCE OF [MANICURIST] SPECIALTY SHOP  
3-16 PERMIT. The department shall issue a [~~permanent manicurist~~]  
3-17 ~~specialty shop permit to an applicant if:~~

3-18 (1) the applicant submits proof that the applicant  
3-19 satisfies the requirements established by the commission for a  
3-20 specialty shop [~~holds a manicurist license]; [and]~~

3-21 (2) the applicant pays the required inspection fee and  
3-22 permit fee;

3-23 (3) the applicant verifies the application and the  
3-24 application complies with commission rules; and

3-25 (4) the applicant has not committed an act that  
3-26 constitutes a ground for denial of a permit, certificate, or  
3-27 license under this chapter [~~the shop meets the minimum health~~  
3-28 ~~standards for manicurist specialty shops set by the commission, as~~  
3-29 ~~determined by a department inspection under Section 1603.103, and~~  
3-30 ~~any other requirements imposed by commission rule].~~

3-31 SECTION 6. Section 1601.353(a), Occupations Code, is  
3-32 amended to read as follows:

3-33 (a) The department may not approve an application for a  
3-34 permit for a barber school that provides training leading to  
3-35 issuance of a Class A barber certificate unless the school has:

3-36 (1) a [~~an adequate school site housed in a~~  
3-37 ~~substantial]~~ building of permanent construction containing at  
3-38 least 2,800 square feet of floor space, divided into at least:

3-39 (A) a senior department;

3-40 (B) a junior department;

3-41 (C) a class theory room;

3-42 (D) a supply room;

3-43 (E) an office space; and

3-44 (F) [~~a dressing and cloak room; and~~

3-45 [~~(G) two sanitary, modern,~~] separate restrooms  
3-46 for male and female students [~~, each equipped with one commode and~~  
3-47 ~~one of which is also equipped with a urinal];~~

3-48 (2) a hard-surface floor-covering of tile or other  
3-49 suitable material;

3-50 (3) at least 20 modern barber chairs, including a  
3-51 cabinet and mirror for each chair;

3-52 (4) a sink [~~lavatory~~] behind every two barber chairs;

3-53 (5) a liquid sterilizer for each barber chair;

3-54 (6) an adequate number of latherers, vibrators, and  
3-55 hair dryers for student use;

3-56 (7) adequate lighting for each room;

3-57 (8) at least 20 classroom chairs, a blackboard,  
3-58 anatomical charts of the head, neck, and face, and one barber chair  
3-59 in the class theory room;

3-60 (9) [~~a library with library facilities available to~~  
3-61 ~~students containing]~~ at least one medical dictionary and a standard  
3-62 work on human anatomy;

3-63 (10) adequate drinking fountain facilities, with at  
3-64 least one for each floor; and

3-65 (11) at least one fire extinguisher [~~adequate~~  
3-66 ~~toilet facilities for the students; and~~

3-67 [~~(12) adequate fire-fighting equipment].~~

3-68 SECTION 7. Section 1601.453, Occupations Code, is amended  
3-69 to read as follows:

4-1 Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by  
4-2 the department may practice barbering only at a location for which  
4-3 the department has issued a barbershop permit, specialty shop  
4-4 permit, or barber school permit under this chapter or a permit  
4-5 issued under Chapter 1603.

4-6 SECTION 8. Section 1602.256, Occupations Code, is amended  
4-7 to read as follows:

4-8 Sec. 1602.256. ELIGIBILITY FOR A MANICURIST SPECIALTY  
4-9 LICENSE. (a) A person holding a manicurist specialty license may  
4-10 perform only the practice of cosmetology defined in Section  
4-11 1602.002(a)(10) or (11) [~~1602.002(9) or (10)~~].

4-12 (b) To be eligible for a manicurist specialty license, an  
4-13 applicant must:

- 4-14 (1) be at least 17 years of age;
- 4-15 (2) have obtained a high school diploma or the  
4-16 equivalent of a high school diploma or have passed a valid  
4-17 examination administered by a certified testing agency that  
4-18 measures the person's ability to benefit from training; and
- 4-19 (3) have completed 600 hours of instruction in  
4-20 manicuring through a commission-approved training program.

4-21 SECTION 9. Section 1602.257(a), Occupations Code, is  
4-22 amended to read as follows:

4-23 (a) A person holding a facialist specialty license may  
4-24 perform only the practice of cosmetology defined in Sections  
4-25 1602.002(a)(6) through (9) [~~Section 1602.002(7)~~].

4-26 SECTION 10. Section 1602.258, Occupations Code, is amended  
4-27 to read as follows:

4-28 Sec. 1602.258. ELIGIBILITY FOR A SPECIALTY  
4-29 CERTIFICATE. (a) A person holding a specialty certificate may  
4-30 perform only the practice of cosmetology defined in Sections  
4-31 1602.002(a)(2) through (4) [~~Section 1602.002(2), (3), (4), or (7)~~].

4-32 (b) To be eligible for a specialty certificate, an applicant  
4-33 must:

- 4-34 (1) be at least 17 years of age; and
- 4-35 (2) ~~[have obtained a high school diploma or the~~  
4-36 ~~equivalent of a high school diploma or have passed a valid~~  
4-37 ~~examination administered by a certified testing agency that~~  
4-38 ~~measures the person's ability to benefit from training; and~~  
4-39 ~~[(3)]~~ have the necessary requisites as determined by  
4-40 the department in the particular specialty for which certification  
4-41 is sought, including training through a commission-approved  
4-42 training program.

4-43 SECTION 11. Section 1602.262(a), Occupations Code, is  
4-44 amended to read as follows:

4-45 (a) An applicant for an operator license, instructor  
4-46 license, manicurist specialty license, or facialist specialty  
4-47 license is entitled to the license if the applicant:

- 4-48 (1) meets the applicable eligibility requirements;
- 4-49 (2) passes the applicable examination;
- 4-50 (3) pays the required fee; and
- 4-51 (4) has not committed an act that constitutes a ground  
4-52 for denial of the license.

4-53 SECTION 12. Section 1602.303(b), Occupations Code, is  
4-54 amended to read as follows:

4-55 (b) An application for a private beauty culture school  
4-56 license must be accompanied by the required license fee and  
4-57 inspection fee and:

- 4-58 (1) be on a form prescribed by the department;
- 4-59 (2) be verified by the applicant; and
- 4-60 (3) ~~[contain a detailed floor plan of the school~~  
4-61 ~~building divided into two separate areas, one area for instruction~~  
4-62 ~~in theory and one area for clinic work; and~~

4-63 ~~[(4)]~~ contain a statement that the building:  
4-64 (A) ~~[is fireproof,~~  
4-65 ~~[(B)]~~ is of permanent construction and is divided  
4-66 into at least two separate areas:

- 4-67 (i) one area for instruction in theory; and
- 4-68 (ii) one area for clinic work;
- 4-69 (B) ~~[(C)]~~ contains a minimum of 3,500 square feet

5-1 of floor space;  
5-2 (C) [~~(D)~~] has separate restrooms for male and  
5-3 female students; and  
5-4 (D) [~~(E)~~] contains, or will contain before  
5-5 classes begin, the equipment established by commission rule as  
5-6 sufficient to properly instruct a minimum of 50 students.

5-7 SECTION 13. Section 1602.354, Occupations Code, is amended  
5-8 to read as follows:

5-9 Sec. 1602.354. CONTINUING EDUCATION. (a) The commission  
5-10 will by rule recognize, prepare, or administer continuing education  
5-11 programs for the practice of cosmetology. Participation in the  
5-12 programs is mandatory for all license renewals.

5-13 (b) The commission may only require a license holder to  
5-14 complete continuing education of not more than four hours in health  
5-15 and safety courses if the license holder:

- 5-16 (1) is at least 65 years of age; and
- 5-17 (2) has held a cosmetology license for at least 15  
5-18 years.

5-19 SECTION 14. Section 1602.403(a), Occupations Code, is  
5-20 amended to read as follows:

5-21 (a) A private beauty culture school may not employ:

5-22 (1) a person holding an operator license, manicurist  
5-23 specialty license, or specialty certificate solely to perform the  
5-24 practices of cosmetology for which the person is licensed or  
5-25 certified; or

5-26 (2) a person holding an instructor license to perform  
5-27 any act or practice of cosmetology.

5-28 SECTION 15. Section 1603.103, Occupations Code, is amended  
5-29 to read as follows:

5-30 Sec. 1603.103. INSPECTION OF SCHOOLS [~~, SHOPS, AND~~  
5-31 ~~FACILITIES~~] BEFORE OPERATION. (a) Until the department  
5-32 determines, by inspection, that the person has established the  
5-33 school [~~, shop, or facility~~] in compliance with this chapter,  
5-34 Chapter 1601, or Chapter 1602, a person may not operate a school [~~,~~  
5-35 ~~shop, or other facility~~] licensed or permitted under this chapter,  
5-36 Chapter 1601, or Chapter 1602.

5-37 (b) A school [~~, shop, or other facility~~] that is not approved  
5-38 by the department on initial inspection may be reinspected.

5-39 (c) The department may charge the school [~~, shop, or other~~  
5-40 facility shall pay] a fee for each inspection. The commission shall  
5-41 by rule set the amount of the fee.

5-42 SECTION 16. Sections 1603.104(b) and (e), Occupations Code,  
5-43 are amended to read as follows:

5-44 (b) At least once every two years, the department shall  
5-45 inspect each [~~school,~~] shop [~~,~~] or other facility that holds a  
5-46 license, certificate, or permit in which the practice of barbering  
5-47 or cosmetology is performed under this chapter, Chapter 1601, or  
5-48 Chapter 1602, and at least twice per year, the department shall  
5-49 inspect each school in which barbering or cosmetology is taught  
5-50 under this chapter, Chapter 1601, or Chapter 1602.

5-51 (e) The department may charge the school, shop, or other  
5-52 facility [~~shall pay~~] a fee for each inspection performed under  
5-53 Subsection (c). The commission shall by rule set the amount of the  
5-54 fee.

5-55 SECTION 17. Subchapter C, Chapter 1603, Occupations Code,  
5-56 is amended by adding Section 1603.1045 to read as follows:

5-57 Sec. 1603.1045. CONTRACT TO PERFORM INSPECTIONS. The  
5-58 department may contract with a person to perform for the department  
5-59 inspections of a school, shop, or other facility under this  
5-60 chapter, Chapter 1601, or Chapter 1602.

5-61 SECTION 18. Subchapter E, Chapter 1603, Occupations Code,  
5-62 is amended by adding Sections 1603.205 and 1603.206 to read as  
5-63 follows:

5-64 Sec. 1603.205. DUAL BARBER AND BEAUTY SHOP LICENSE. (a) A  
5-65 person holding a dual barber and beauty shop license may own,  
5-66 operate, or manage a shop in which any practice of barbering defined  
5-67 by Section 1601.002(1) or cosmetology defined by Section  
5-68 1602.002(a) is performed.

5-69 (b) An applicant for a dual barber and beauty shop license

6-1 must submit:  
 6-2 (1) an application on a department-approved form that  
 6-3 is verified by the applicant;  
 6-4 (2) proof that the applicant meets the applicable  
 6-5 requirements under Chapters 1601 and 1602 for obtaining a  
 6-6 barbershop permit and a beauty shop license; and  
 6-7 (3) the required license fee.

6-8 (c) The department shall issue a dual barber and beauty shop  
 6-9 license to an applicant that:  
 6-10 (1) meets the requirements under this chapter and  
 6-11 Chapters 1601 and 1602;  
 6-12 (2) complies with commission rules; and  
 6-13 (3) pays the required fees.

6-14 (d) The holder of a dual barber and beauty shop license must  
 6-15 comply with this chapter, Chapters 1601 and 1602, and commission  
 6-16 rules related to barbering and cosmetology.

6-17 Sec. 1603.206. MOBILE SHOPS. (a) In this section, "mobile  
 6-18 shop" means a facility that is readily movable and where barbering,  
 6-19 cosmetology, or both are practiced other than at a fixed location.

6-20 (b) A barbershop, beauty shop, or specialty shop licensed or  
 6-21 permitted under this chapter, Chapter 1601, or Chapter 1602 may be a  
 6-22 mobile shop.

6-23 (c) The commission may adopt rules to administer this  
 6-24 section, including rules providing for:  
 6-25 (1) the licensing or permitting of a mobile shop;  
 6-26 (2) the fees for a mobile shop;  
 6-27 (3) the operation of a mobile shop;  
 6-28 (4) reporting requirements for a mobile shop; and  
 6-29 (5) the inspection of a mobile shop.

6-30 SECTION 19. Section 1603.352, Occupations Code, is amended  
 6-31 to read as follows:

6-32 Sec. 1603.352. STERILIZATION [SANITATION] REQUIREMENTS FOR  
 6-33 CERTAIN SERVICES. (a) A person who holds a license, certificate,  
 6-34 or permit issued under this chapter, Chapter 1601, or Chapter 1602  
 6-35 and who performs a barbering service described by Section  
 6-36 1601.002(1)(E) or (F) or a cosmetology service described by Section  
 6-37 1602.002(a)(10) or (11) [1602.002(10) or (11)].

6-38 [~~(1)~~] shall, before performing the service, clean,  
 6-39 disinfect, and sterilize with an autoclave or a dry heat,  
 6-40 ultraviolet, or other department-approved sterilizer, in  
 6-41 accordance with the sterilizer manufacturer's instructions, each  
 6-42 metal [nondisposable] instrument, including metal nail clippers,  
 6-43 cuticle pushers, cuticle nippers, and other metal instruments, used  
 6-44 to perform the service[~~, and~~

6-45 [~~(2) may use a disposable supply or instrument only if~~  
 6-46 ~~that supply or instrument is purchased at the location where the~~  
 6-47 ~~service is performed or provided by the person on whom the service~~  
 6-48 ~~is performed].~~

6-49 (b) The owner or manager of a barber shop, barber school,  
 6-50 beauty shop, specialty shop, [~~or~~] beauty culture school, or other  
 6-51 facility licensed under this chapter, Chapter 1601, or Chapter  
 6-52 1602, is responsible for providing an autoclave or a dry heat,  
 6-53 ultraviolet, or other department-approved sterilizer for use in the  
 6-54 shop or school as required by Subsection (a). An autoclave or a dry  
 6-55 heat, ultraviolet, or other department-approved sterilizer used as  
 6-56 required by Subsection (a) must be[~~+~~

6-57 [~~(1) registered and~~] listed with the United States  
 6-58 [~~federal~~] Food and Drug Administration[~~, and~~

6-59 [~~(2) used in accordance with the manufacturer's~~  
 6-60 ~~instructions].~~

6-61 (c) Each sterilized instrument must be stored in accordance  
 6-62 with the manufacturer's instructions.

6-63 (d) This section does not apply to:  
 6-64 (1) single-use instruments; or  
 6-65 (2) nonmetal nail files, buffer blocks, pumice stones,  
 6-66 nail brushes, or other similar instruments.

6-67 (e) The commission may adopt rules to administer this  
 6-68 section.

6-69 SECTION 20. Subchapter J, Chapter 1603, Occupations Code,

7-1 is amended by adding Sections 1603.455 and 1603.456 to read as  
7-2 follows:

7-3 Sec. 1603.455. EMERGENCY ORDERS. (a) The executive  
7-4 director may issue an emergency order to suspend or revoke a license  
7-5 or permit issued, or to cease the operation of an unsafe facility  
7-6 regulated, by the department under this title if the executive  
7-7 director determines that an emergency exists requiring immediate  
7-8 action to protect the public health and safety.

7-9 (b) The executive director may issue the emergency order  
7-10 with or without notice and hearing as the executive director  
7-11 considers practicable under the circumstances.

7-12 (c) If an emergency order is issued under this section  
7-13 without a hearing, the executive director, not later than the 10th  
7-14 day after the date the emergency order was issued, shall set the  
7-15 time and place for a hearing conducted by the State Office of  
7-16 Administrative Hearings to affirm, modify, or set aside the  
7-17 emergency order. The executive director shall set the hearing for a  
7-18 date not later than the 30th day after the date the time and place  
7-19 for the hearing are set. The hearing examiner shall affirm the  
7-20 order to the extent that reasonable cause existed to issue the  
7-21 order.

7-22 (d) The commission by rule may prescribe procedures for the  
7-23 issuance and appeal of an emergency order under this section,  
7-24 including a rule to allow the commission to affirm, modify, or set  
7-25 aside a decision by the State Office of Administrative Hearings  
7-26 under Subsection (c).

7-27 (e) A proceeding under this section is a contested case  
7-28 under Chapter 2001, Government Code.

7-29 Sec. 1603.456. CEASE AND DESIST ORDERS. The executive  
7-30 director may issue a cease and desist order, after notice and  
7-31 opportunity for hearing, if the executive director determines that  
7-32 the order is necessary to prevent a violation of:

- 7-33 (1) this chapter, Chapter 1601, or Chapter 1602; or
- 7-34 (2) a rule adopted by the commission.

7-35 SECTION 21. Sections 1601.506, 1602.266(c), and 1602.408,  
7-36 Occupations Code, are repealed.

7-37 SECTION 22. (a) The Texas Department of Licensing and  
7-38 Regulation shall issue a hair braiding specialty certificate of  
7-39 registration under Section 1601.259, Occupations Code, as added by  
7-40 this Act, to an applicant qualified under this section who:

- 7-41 (1) applies for a certificate of registration under  
7-42 this section not later than October 1, 2007;
- 7-43 (2) has the experience required by this section; and
- 7-44 (3) pays the application fee.

7-45 (b) An applicant for a hair braiding specialty certificate  
7-46 of registration under this section is required to have practiced  
7-47 hair braiding in this state for at least 10 years before the  
7-48 regulation of hair braiding by Chapter 267, Acts of the 75th  
7-49 Legislature, Regular Session, 1997.

7-50 (c) This section expires on October 31, 2007.

7-51 SECTION 23. Not later than January 1, 2008, the Texas  
7-52 Commission of Licensing and Regulation shall adopt rules necessary  
7-53 to implement the changes in law made by this Act, including rules to  
7-54 administer:

7-55 (1) Sections 1601.258 and 1601.259, Occupations Code,  
7-56 as added by this Act, related to eligibility for hair weaving and  
7-57 hair braiding specialty certificates;

7-58 (2) Section 1602.354, Occupations Code, as amended by  
7-59 this Act, related to continuing education and renewal requirements;

7-60 (3) Section 1603.205, Occupations Code, as added by  
7-61 this Act, related to dual barber and beauty shop licenses.

7-62 SECTION 24. The changes in law made by this Act apply only  
7-63 to an application for the issuance or renewal of a license, permit,  
7-64 or certificate that is filed with the Texas Department of Licensing  
7-65 and Regulation on or after the effective date of this Act. An  
7-66 application for the issuance or renewal of a license, permit, or  
7-67 certificate that is filed before the effective date of this Act is  
7-68 governed by the law in effect on the date the application was filed,  
7-69 and the former law is continued in effect for that purpose.

8-1 SECTION 25. Notwithstanding Section 1603.205, Occupations  
8-2 Code, as added by this Act, the Texas Department of Licensing and  
8-3 Regulation may not issue a license under that section before May 1,  
8-4 2008.

8-5 SECTION 26. This Act takes effect immediately if it  
8-6 receives a vote of two-thirds of all the members elected to each  
8-7 house, as provided by Section 39, Article III, Texas Constitution.  
8-8 If this Act does not receive the vote necessary for immediate  
8-9 effect, this Act takes effect September 1, 2007.

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