

1-1 By: Thompson (Senate Sponsor - Whitmire) H.B. No. 2727
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on Business
1-4 and Commerce; May 10, 2011, reported favorably by the following
1-5 vote: Yeas 8, Nays 1; May 10, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the regulation by the Texas Department of Licensing and
1-9 Regulation of the application of eyelash extensions and private
1-10 beauty culture schools; providing a criminal penalty.

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

1-12 SECTION 1. Section 1602.002(a), Occupations Code, is
1-13 amended to read as follows:

1-14 (a) In this chapter, "cosmetology" means the practice of
1-15 performing or offering to perform for compensation any of the
1-16 following services:

1-17 (1) treating a person's hair by:

1-18 (A) providing any method of treatment as a
1-19 primary service, including arranging, beautifying, bleaching,
1-20 cleansing, coloring, cutting, dressing, dyeing, processing,
1-21 shampooing, shaping, singeing, straightening, styling, tinting, or
1-22 waving;

1-23 (B) providing a necessary service that is
1-24 preparatory or ancillary to a service under Paragraph (A),
1-25 including bobbing, clipping, cutting, or trimming; or

1-26 (C) cutting the person's hair as a separate and
1-27 independent service for which a charge is directly or indirectly
1-28 made separately from charges for any other service;

1-29 (2) weaving or braiding a person's hair;

1-30 (3) shampooing and conditioning a person's hair;

1-31 (4) servicing a person's wig or artificial hairpiece
1-32 on a person's head or on a block after the initial retail sale and
1-33 servicing in any manner listed in Subdivision (1);

1-34 (5) treating a person's mustache or beard by
1-35 arranging, beautifying, coloring, processing, styling, or
1-36 trimming;

1-37 (6) cleansing, stimulating, or massaging a person's
1-38 scalp, face, neck, or arms:

1-39 (A) by hand or by using a device, apparatus, or
1-40 appliance; and

1-41 (B) with or without the use of any cosmetic
1-42 preparation, antiseptic, tonic, lotion, or cream;

1-43 (7) beautifying a person's face, neck, or arms using a
1-44 cosmetic preparation, antiseptic, tonic, lotion, powder, oil,
1-45 clay, cream, or appliance;

1-46 (8) administering facial treatments;

1-47 (9) removing superfluous hair from a person's body
1-48 using depilatories or mechanical tweezers;

1-49 (10) treating a person's nails by:

1-50 (A) cutting, trimming, polishing, tinting,
1-51 coloring, cleansing, or manicuring; or

1-52 (B) attaching false nails; ~~or~~

1-53 (11) massaging, cleansing, treating, or beautifying a
1-54 person's hands or feet; or

1-55 (12) applying semipermanent, thread-like extensions
1-56 composed of single fibers to a person's eyelashes.

1-57 SECTION 2. Section 1602.255(c), Occupations Code, is
1-58 amended to read as follows:

1-59 (c) The commission shall adopt rules for the licensing of
1-60 specialty instructors to teach specialty courses in the practice of
1-61 cosmetology defined in Sections 1602.002(a)(7) ~~[1602.002(7)]~~, (9),
1-62 ~~[and]~~ (10), and (12).

1-63 SECTION 3. Section 1602.257(a), Occupations Code, is
1-64 amended to read as follows:

(a) A person holding a facialist specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(6), (7), (8), ~~[through]~~ (9), and (12).

SECTION 4. Subchapter F, Chapter 1602, Occupations Code, is amended by adding Sections 1602.2571 and 1602.2572 to read as follows:

Sec. 1602.2571. ELIGIBILITY FOR A SPECIALTY LICENSE IN EYELASH EXTENSION APPLICATION. (a) A person holding a specialty license in eyelash extension application may perform only the practice of cosmetology defined in Section 1602.002(a)(12).

(b) To be eligible for a specialty license in eyelash extension application, an applicant must:

- (1) be at least 17 years of age;
- (2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and
- (3) have completed a training program described by Section 1602.2572 that has been approved by the commission.

Sec. 1602.2572. EYELASH EXTENSION APPLICATION TRAINING PROGRAM. (a) An eyelash extension application training program must include at least 320 hours of classroom instruction and practical experience, including at least eight hours of theoretical instruction, and include instruction in the following areas:

- (1) recognizing infectious or contagious diseases of the eye and allergic reactions to materials;
- (2) proper sanitation practices;
- (3) occupational health and safety practices;
- (4) eyelash extension application procedures; and
- (5) eyelash extension isolation and separation procedures.

(b) An instructor at an eyelash extension application training program must comply with Section 1602.251(b).

(c) The commission shall adopt rules regarding eyelash extension application training programs and may establish or designate approved training programs.

SECTION 5. Section 1602.262(a), Occupations Code, is amended to read as follows:

(a) An applicant for an operator license, instructor license, manicurist specialty license, ~~[or]~~ facialist specialty license, or specialty license in eyelash extension application is entitled to the license if the applicant:

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

SECTION 6. Sections 1602.303(a) and (b), Occupations Code, are amended to read as follows:

(a) A person holding a private beauty culture school license may maintain an establishment in which any practice of cosmetology is taught, including providing an eyelash extension application training program described by Section 1602.2572.

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

- (1) be on a form prescribed by the department;
- (2) be verified by the applicant; and
- (3) contain a statement that the building:
 - (A) is of permanent construction and is divided into at least two separate areas:
 - (i) one area for instruction in theory; and
 - (ii) one area for clinic work;
 - (B) contains a minimum of:
 - (i) 2,000 [3,500] square feet of floor space if the building is located in a municipality with a population of more than 50,000; or
 - (ii) 1,000 square feet of floor space if the building is located in a municipality with a population of 50,000 or

3-1 less;

3-2 (C) has access to permanent ~~[separate]~~ restrooms
3-3 and adequate drinking fountain facilities ~~[for male and female~~
3-4 ~~students]~~; and

3-5 (D) contains, or will contain before classes
3-6 begin, the equipment established by commission rule as sufficient
3-7 to properly instruct a minimum of 10 ~~[50]~~ students.

3-8 SECTION 7. Section 1602.305(a), Occupations Code, is
3-9 amended to read as follows:

3-10 (a) A person holding a specialty shop license may maintain
3-11 an establishment in which only the practice of cosmetology as
3-12 defined in Section 1602.002(a)(2) ~~[1602.002(2)]~~, (4), (7), (9),
3-13 ~~[or]~~ (10), or (12) is performed.

3-14 SECTION 8. (a) The Texas Department of Licensing and
3-15 Regulation shall issue a specialty license in eyelash extension
3-16 application under Section 1602.2571, Occupations Code, as added by
3-17 this Act, to an applicant who:

3-18 (1) submits an application on a form prescribed by the
3-19 department not later than April 1, 2012;

3-20 (2) meets the eligibility requirements of Sections
3-21 1602.2571(b)(1) and (2), Occupations Code, as added by this Act;

3-22 (3) submits proof of either:
3-23 (A) successful completion of a training program
3-24 provided by an eyelash extension manufacturer or distributor that
3-25 is approved by the department; or

3-26 (B) completion of at least 240 hours of
3-27 verifiable practical experience performing the practice of
3-28 cosmetology defined in Section 1602.002(a)(12), Occupations Code,
3-29 as added by this Act, at a facility licensed under this chapter; and

3-30 (4) pays the required application fee.
3-31 (b) A license issued under this section may be renewed in
3-32 the same manner as a specialty license in eyelash extension
3-33 application issued under Section 1602.2571, Occupations Code, as
3-34 added by this Act.

3-35 (c) This section expires March 1, 2013.

3-36 SECTION 9. (a) Not later than February 1, 2012, the Texas
3-37 Commission of Licensing and Regulation shall adopt rules to
3-38 implement Sections 1602.2571 and 1602.2572, Occupations Code, as
3-39 added by this Act, and Section 8 of this Act.

3-40 (b) A person is not required to hold a specialty license in
3-41 eyelash extension application issued under Section 1602.2571,
3-42 Occupations Code, as added by this Act, until June 1, 2012.

3-43 SECTION 10. The changes in law made by this Act to Section
3-44 1602.303, Occupations Code, apply only to an application for a
3-45 private beauty culture school license that is filed with the Texas
3-46 Department of Licensing and Regulation on or after the effective
3-47 date of this Act. An application that is filed before the effective
3-48 date of this Act is governed by the law in effect on the date the
3-49 application was filed, and the former law is continued in effect for
3-50 that purpose.

3-51 SECTION 11. This Act takes effect immediately if it
3-52 receives a vote of two-thirds of all the members elected to each
3-53 house, as provided by Section 39, Article III, Texas Constitution.
3-54 If this Act does not receive the vote necessary for immediate
3-55 effect, this Act takes effect September 1, 2011.

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