

By: Schaefer

H.B. No. 1779

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of the practices of barbering and
3 cosmetology and associated locations.

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

5 SECTION 1. Subchapter D, Chapter 341, Health and Safety
6 Code, is amended by adding Section 341.070 to read as follows:

7 Sec. 341.070. BARBERING OR COSMETOLOGY ESTABLISHMENTS. (a)

8 In this section:

9 (1) "Barbering" means performing or offering or
10 attempting to perform for compensation or the promise of
11 compensation any of the following services:

12 (A) treating a person's mustache or beard by
13 arranging, beautifying, coloring, processing, shaving, styling, or
14 trimming;

15 (B) treating a person's hair by:

16 (i) arranging, beautifying, bleaching,
17 cleansing, coloring, curling, dressing, dyeing, processing,
18 shampooing, shaping, singeing, straightening, styling, tinting, or
19 waving;

20 (ii) providing a necessary service that is
21 preparatory or ancillary to a service under Subparagraph (i),
22 including bobbing, clipping, cutting, or trimming; or

23 (iii) cutting the person's hair as a
24 separate and independent service for which a charge is directly or

1 indirectly made separately from a charge for any other service;
2 (C) cleansing, stimulating, or massaging a
3 person's scalp, face, neck, arms, or shoulders:
4 (i) by hand or by using a device, apparatus,
5 or appliance; and
6 (ii) with or without the use of any cosmetic
7 preparation, antiseptic, tonic, lotion, or cream;
8 (D) beautifying a person's face, neck, arms, or
9 shoulders using a cosmetic preparation, antiseptic, tonic, lotion,
10 powder, oil, clay, cream, or appliance;
11 (E) treating a person's nails by:
12 (i) cutting, trimming, polishing, tinting,
13 coloring, cleansing, manicuring, or pedicuring; or
14 (ii) attaching false nails;
15 (F) massaging, cleansing, treating, or
16 beautifying a person's hands;
17 (G) administering facial treatments;
18 (H) weaving a person's hair by using any method
19 to attach commercial hair to a person's hair or scalp;
20 (I) shampooing or conditioning a person's hair;
21 (J) servicing in any manner listed in Paragraph
22 (B) a person's wig, toupee, or artificial hairpiece on a person's
23 head or on a block after the initial retail sale; or
24 (K) braiding a person's hair, trimming hair
25 extensions only as applicable to the braiding process, and
26 attaching commercial hair only by braiding and without the use of
27 chemicals or adhesives.

1 (2) "Cosmetology" means the practice of performing or
2 offering to perform for compensation any of the following services:

3 (A) treating a person's hair by:

4 (i) providing any method of treatment as a
5 primary service, including arranging, beautifying, bleaching,
6 cleansing, coloring, cutting, dressing, dyeing, processing,
7 shampooing, shaping, singeing, straightening, styling, tinting, or
8 waving;

9 (ii) providing a necessary service that is
10 preparatory or ancillary to a service under Subparagraph (i),
11 including bobbing, clipping, cutting, or trimming; or

12 (iii) cutting the person's hair as a
13 separate and independent service for which a charge is directly or
14 indirectly made separately from charges for any other service;

15 (B) weaving or braiding a person's hair;

16 (C) shampooing and conditioning a person's hair;

17 (D) servicing a person's wig or artificial
18 hairpiece on a person's head or on a block after the initial retail
19 sale and servicing in any manner listed in Paragraph (A);

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

23 (F) cleansing, stimulating, or massaging a
24 person's scalp, face, neck, or arms:

25 (i) by hand or by using a device, apparatus,
26 or appliance; and

27 (ii) with or without the use of any cosmetic

1 preparation, antiseptic, tonic, lotion, or cream;

2 (G) beautifying a person's face, neck, or arms
3 using a cosmetic preparation, antiseptic, tonic, lotion, powder,
4 oil, clay, cream, or appliance;

5 (H) administering facial treatments;

6 (I) removing superfluous hair from a person's
7 body using depilatories, preparations, or tweezing techniques;

8 (J) treating a person's nails by:

9 (i) cutting, trimming, polishing, tinting,
10 coloring, cleansing, or manicuring; or

11 (ii) attaching false nails;

12 (K) massaging, cleansing, treating, or
13 beautifying a person's hands or feet; or

14 (L) applying semipermanent, thread-like
15 extensions composed of single fibers to a person's eyelashes.

16 (b) An owner, manager, operator, or other attendant in
17 charge of an establishment providing barbering or cosmetology
18 services to the public must keep the establishment in a sanitary
19 condition.

20 (c) A local health department or local health authority of a
21 county or municipality may inspect an establishment described by
22 Subsection (b) within the jurisdiction of the county or
23 municipality for compliance with this section.

24 (d) A county or municipality may by order close, for the
25 period specified in the order, an establishment described by
26 Subsection (b) within the jurisdiction of the county or
27 municipality if the operation of the establishment violates this

1 section.

2 SECTION 2. Title 9, Occupations Code, is repealed.

3 SECTION 3. (a) A license, certificate, or permit issued
4 under Chapter 1601, 1602, or 1603, Occupations Code, in effect on
5 the effective date of this Act expires on that date.

6 (b) A proceeding under Title 9, Occupations Code, including
7 a complaint investigation, disciplinary action, and administrative
8 penalty proceeding, pending on the effective date of this Act is
9 terminated on that date.

10 (c) The Texas Department of Licensing and Regulation shall
11 return to a person who holds a valid license, certificate, or permit
12 under Title 9, Occupations Code, as that title existed immediately
13 before the effective date of this Act, a prorated portion of the fee
14 paid to the department for the issuance or renewal of the license,
15 certificate, or permit.

16 SECTION 4. This Act takes effect September 1, 2013.