

By: Harper-Brown

H.B. No. 3156

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain practices in barbering and cosmetology.

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

SECTION 1. Section 1601.251, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] person may not perform or offer or attempt to perform any act of barbering unless the person holds an appropriate certificate, license, or permit.

(a-1) A person is not required to hold a license, certificate, or permit if the person's only act of barbering consists of shampooing or conditioning a person's hair.

SECTION 2. Section 1602.251, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] person may not perform or attempt to perform a practice of cosmetology unless the person holds a license or certificate to perform that practice.

(a-1) A person is not required to hold a license, certificate, or permit if the person's only act of cosmetology consists of shampooing or conditioning a person's hair.

SECTION 3. Section 1602.258(a), Occupations Code, is

1 amended to read as follows:

2 (a) A person holding a specialty certificate may perform
3 only the practice of cosmetology defined in Section [~~Sections~~]
4 1602.002(a)(2) or [~~through~~] (4).

5 SECTION 4. The following sections of the Occupations Code
6 are repealed:

7 (1) Section 1601.261; and

8 (2) Section 1602.267.

9 SECTION 5. (a) A permit issued under Section 1601.261 or
10 1602.267, Occupations Code, in effect on the effective date of this
11 Act expires on that date.

12 (b) A proceeding under Title 9, Occupations Code, including
13 a complaint investigation, disciplinary action, and administrative
14 penalty proceeding, relating to the holder of a permit under
15 Section 1601.261 or 1602.267, Occupations Code, pending on the
16 effective date of this Act is terminated on that date.

17 (c) The Texas Department of Licensing and Regulation shall
18 return to a person who holds a valid permit under Section 1601.261
19 or 1602.267, Occupations Code, as those sections existed
20 immediately before the effective date of this Act, a prorated
21 portion of the fee paid to the department for the issuance or
22 renewal of the permit.

23 SECTION 6. This Act takes effect September 1, 2013.