

By: Carona

S.B. No. 973

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of barbering and cosmetology;
3 authorizing fees.

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

5 SECTION 1. Section 1601.001(a), Occupations Code, is
6 amended by adding Subdivision (5) to read as follows:

7 (5) "Dual shop" means a shop owned, operated, or
8 managed by a person holding a dual barber and beauty shop license
9 issued under Chapter 1603.

10 SECTION 2. Section 1601.260, Occupations Code, is amended
11 by adding Subsection (c) to read as follows:

12 (c) A person holding a student permit may shampoo or
13 condition a person's hair in a facility licensed under this chapter
14 or Chapter 1603. The barber school in which the permit holder is
15 enrolled may not receive compensation for services performed under
16 this subsection.

17 SECTION 3. Section 1601.261, Occupations Code, is amended
18 by adding Subsection (f) to read as follows:

19 (f) This section applies only to a person who holds a permit
20 under this section issued to the person before September 1, 2013.

21 SECTION 4. Section 1601.301, Occupations Code, is amended
22 to read as follows:

23 Sec. 1601.301. PERMIT REQUIRED. (a) A person may not own,
24 operate, or manage a barbershop, dual shop, or specialty shop

1 unless the person holds the appropriate permit.

2 (b) Not later than the third day after the date the shop
3 opens, a person who owns, operates, or manages a barbershop, dual
4 shop, or specialty shop must submit an application to the
5 department for an appropriate permit for each shop, accompanied by
6 a fee set by commission rule.

7 (c) A person who owns, operates, or manages a barbershop,
8 dual shop, or specialty shop may employ a person holding a student
9 permit under Section 1601.260 to shampoo or condition a person's
10 hair.

11 SECTION 5. Section 1601.353, Occupations Code, is amended
12 to read as follows:

13 Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. The
14 department may approve an application for a permit for a barber
15 school if the school:

16 (1) is located in:

17 (A) a municipality with a population of more than
18 50,000 that has a building of permanent construction containing at
19 least 2,000 square feet of floor space, including classroom and
20 practical areas, covered in a hard-surface floor-covering of tile
21 or other suitable material; or

22 (B) a municipality with a population of 50,000 or
23 less or an unincorporated area of a county that has a building of
24 permanent construction containing at least 1,000 square feet of
25 floor space, including classroom and practical areas, covered in a
26 hard-surface floor-covering of tile or other suitable material;

27 (2) has the following equipment:

- 1 (A) at least 10 student workstations that include
2 a chair that reclines, a back bar, and a wall mirror;
3 (B) a sink behind every two workstations;
4 (C) [~~a liquid sterilizer for each workstation,~~
5 [~~(D)~~] adequate lighting for each room;
6 (D) [~~(E)~~] at least 10 classroom chairs and other
7 materials necessary to teach the required subjects; and
8 (E) [~~(F)~~] access to permanent restrooms
9 and adequate drinking fountain facilities; and
10 (3) meets any other requirement set by the commission.

11 SECTION 6. Subchapter J, Chapter 1601, Occupations Code, is
12 amended by adding Section 1601.455 to read as follows:

13 Sec. 1601.455. SERVICE AT UNLICENSED LOCATION. (a) In this
14 section, "licensed facility" means the premises of a place of
15 business that holds a license, certificate, or permit under this
16 chapter or Chapter 1603.

17 (b) A person holding a license, certificate, or permit under
18 this chapter may perform a service within the scope of the license,
19 certificate, or permit at a location other than a licensed facility
20 for a client who, because of illness or physical or mental
21 incapacitation, is unable to receive the services at a licensed
22 facility.

23 (c) An appointment for a service performed under this
24 section must be made through a licensed facility.

25 SECTION 7. Section 1602.001, Occupations Code, is amended
26 by adding Subdivision (3-a) to read as follows:

27 (3-a) "Dual shop" means a shop owned, operated, or

1 managed by a person holding a dual barber and beauty shop license
2 issued under Chapter 1603.

3 SECTION 8. Section 1602.002(a), Occupations Code, is
4 amended to read as follows:

5 (a) In this chapter, "cosmetology" means the practice of
6 performing or offering to perform for compensation any of the
7 following services:

8 (1) treating a person's hair by:

9 (A) providing any method of treatment as a
10 primary service, including arranging, beautifying, bleaching,
11 cleansing, coloring, cutting, dressing, dyeing, processing,
12 shampooing, shaping, singeing, straightening, styling, tinting, or
13 waving;

14 (B) providing a necessary service that is
15 preparatory or ancillary to a service under Paragraph (A),
16 including bobbing, clipping, cutting, or trimming; or

17 (C) cutting the person's hair as a separate and
18 independent service for which a charge is directly or indirectly
19 made separately from charges for any other service;

20 (2) ~~[weaving or]~~ braiding a person's hair;

21 (3) shampooing and conditioning a person's hair;

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

25 (5) treating a person's mustache or beard by
26 arranging, beautifying, coloring, processing, styling, or
27 trimming;

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

3 (A) by hand or by using a device, apparatus, or
4 appliance; and

5 (B) with or without the use of any cosmetic
6 preparation, antiseptic, tonic, lotion, or cream;

7 (7) beautifying a person's face, neck, or arms using a
8 cosmetic preparation, antiseptic, tonic, lotion, powder, oil,
9 clay, cream, or appliance;

10 (8) administering facial treatments;

11 (9) removing superfluous hair from a person's body
12 using depilatories, preparations, or tweezing techniques;

13 (10) treating a person's nails by:

14 (A) cutting, trimming, polishing, tinting,
15 coloring, cleansing, or manicuring; or

16 (B) attaching false nails;

17 (11) massaging, cleansing, treating, or beautifying a
18 person's hands or feet; ~~or~~

19 (12) applying semipermanent, thread-like extensions
20 composed of single fibers to a person's eyelashes; or

21 (13) weaving a person's hair.

22 SECTION 9. Section 1602.251(c), Occupations Code, is
23 amended to read as follows:

24 (c) A person licensed by the department may practice
25 cosmetology only at a facility operated by a person holding a beauty
26 shop license, specialty shop license, private beauty culture school
27 license, or other license issued by the department.

1 SECTION 10. Section 1602.258, Occupations Code, is amended
2 to read as follows:

3 Sec. 1602.258. ELIGIBILITY FOR A HAIR BRAIDING SPECIALTY
4 CERTIFICATE. (a) A person holding a hair braiding specialty
5 certificate may perform only the practice of cosmetology defined in
6 Section 1602.002(a)(2) [~~Sections 1602.002(a)(2) through (4)~~].

7 (b) To be eligible for a hair braiding specialty
8 certificate, an applicant must:

9 (1) be at least 17 years of age; and

10 (2) have the necessary requisites as determined by the
11 department in the particular specialty for which certification is
12 sought, including training through a commission-approved training
13 program.

14 SECTION 11. Subchapter F, Chapter 1602, Occupations Code,
15 is amended by adding Sections 1602.259 and 1602.260 to read as
16 follows:

17 Sec. 1602.259. ELIGIBILITY FOR A HAIR WEAVING SPECIALTY
18 CERTIFICATE. (a) A person holding a hair weaving specialty
19 certificate may perform only the practice of cosmetology defined in
20 Sections 1602.002(a)(2), (3), and (13).

21 (b) To be eligible for a hair weaving specialty certificate,
22 an applicant must:

23 (1) be at least 17 years of age; and

24 (2) have the necessary requisites as determined by the
25 department in the particular specialty for which certification is
26 sought, including training through a commission-approved training
27 program.

1 Sec. 1602.260. ELIGIBILITY FOR A WIG SPECIALTY CERTIFICATE.

2 (a) A person holding a wig specialty certificate may perform only
3 the practice of cosmetology defined in Section 1602.002(a)(4).

4 (b) To be eligible for a wig specialty certificate, an
5 applicant must:

6 (1) be at least 17 years of age; and

7 (2) have the necessary requisites as determined by the
8 department in the particular specialty for which certification is
9 sought, including training through a commission-approved training
10 program.

11 SECTION 12. Section 1602.266, Occupations Code, is amended
12 by adding Subsection (c) to read as follows:

13 (c) A person holding a student permit may shampoo or
14 condition a person's hair in a facility licensed under this chapter
15 or Chapter 1603.

16 SECTION 13. Section 1602.267, Occupations Code, is amended
17 by adding Subsection (f) to read as follows:

18 (f) This section applies only to a person who holds a permit
19 under this section issued to the person before September 1, 2013.

20 SECTION 14. Section 1602.301, Occupations Code, is amended
21 by amending Subsection (b) and adding Subsection (c) to read as
22 follows:

23 (b) A person may not operate a vocational cosmetology
24 program in a public school or lease space on the premises of a
25 beauty shop, specialty shop, or dual shop to engage in the practice
26 of cosmetology as an independent contractor unless the person holds
27 a license issued under this chapter.

1 (c) A person who owns, operates, or manages a beauty shop,
2 specialty shop, or dual shop may employ a person holding a student
3 permit under Section 1602.266 to shampoo or condition a person's
4 hair.

5 SECTION 15. Section 1602.354(a), Occupations Code, is
6 amended to read as follows:

7 (a) The commission will by rule recognize, prepare, or
8 administer continuing education programs for the practice of
9 cosmetology. Participation in the programs is mandatory for all
10 license renewals other than renewal of a shampoo apprentice permit
11 under Section 1602.267.

12 SECTION 16. Section 1602.403(c), Occupations Code, is
13 amended to read as follows:

14 (c) A person holding a beauty shop license or specialty shop
15 license may not employ:

16 (1) a person as an operator or specialist or lease to a
17 person who acts as an operator or specialist unless the person holds
18 a license or certificate under this chapter or under Chapter 1601;
19 or

20 (2) a person to shampoo or condition a person's hair
21 unless the person holds a shampoo apprentice permit or student
22 permit.

23 SECTION 17. Subchapter I, Chapter 1602, Occupations Code,
24 is amended by adding Section 1602.407 to read as follows:

25 Sec. 1602.407. SERVICE AT UNLICENSED LOCATION. (a) In this
26 section, "licensed facility" means the premises of a place of
27 business that holds a license, certificate, or permit under this

1 chapter or Chapter 1603.

2 (b) A person holding a license, certificate, or permit under
3 this chapter may perform a service within the scope of the license,
4 certificate, or permit at a location other than a licensed facility
5 for a client who, because of illness or physical or mental
6 incapacitation, is unable to receive the services at a licensed
7 facility.

8 (c) An appointment for a service performed under this
9 section must be made through a licensed facility.

10 SECTION 18. Section 1602.451(a), Occupations Code, is
11 amended to read as follows:

12 (a) The holder of a private beauty culture school license
13 shall:

- 14 (1) maintain a sanitary establishment;
- 15 (2) maintain on duty one [~~full-time~~] licensed
16 instructor for each 25 students in attendance;
- 17 (3) maintain a daily record of students' attendance;
- 18 (4) establish regular class and instruction hours and
19 grades;
- 20 (5) require a school term of not less than nine months
21 and not less than 1,500 hours instruction for a complete course in
22 cosmetology;
- 23 (6) require a school term of not less than 600 hours
24 instruction for a complete course in manicuring;
- 25 (7) hold examinations before issuing diplomas;
- 26 (8) maintain a copy of the school's curriculum in a
27 conspicuous place and verify that the curriculum is being followed;

1 (9) publish in the school's catalogue and enrollment
2 contract a description of the refund policy required under Section
3 1602.458; and

4 (10) provide the department with information on:

5 (A) the current course completion rates of
6 students who attend a course of instruction offered by the school;
7 and

8 (B) job placement rates and employment rates of
9 students who complete the course of instruction.

10 SECTION 19. Section 1602.456, Occupations Code, is amended
11 by adding Subsection (b-1) to read as follows:

12 (b-1) A private beauty culture school or public school in
13 which a student permit holder is enrolled may not receive
14 compensation for services performed under Section 1602.266(c).

15 SECTION 20. Subchapter E, Chapter 1603, Occupations Code,
16 is amended by adding Section 1603.207 to read as follows:

17 Sec. 1603.207. MINI-SALONS AND MINI-BARBERSHOPS. (a) In
18 this section, "mini-salon or mini-barbershop" includes a room or
19 suite of rooms that is one of a number of connected establishments
20 in a single premises that open onto a common hallway or another
21 configuration of operations as determined by commission rule in
22 which a person practices barbering or cosmetology under a license,
23 certificate, or permit issued under this chapter, Chapter 1601, or
24 Chapter 1602.

25 (b) The commission may adopt rules for the:

26 (1) licensing, permitting, operation, inspection, and
27 reporting requirements of a mini-salon or mini-barbershop;

1 (2) fees required to issue or renew a license or permit
2 for or to inspect a mini-salon or mini-barbershop; and

3 (3) sanitation standards required for a mini-salon or
4 mini-barbershop.

5 (c) A mini-salon or mini-barbershop licensed, certified, or
6 permitted under this section must meet the requirements of a
7 barbershop, beauty shop, dual shop, or specialty shop licensed,
8 certified, or permitted under this chapter, Chapter 1601, or
9 Chapter 1602.

10 SECTION 21. Section 1603.256(c), Occupations Code, is
11 amended to read as follows:

12 (c) The following persons may administer a practical
13 examination required under this subchapter:

14 (1) the department; or

15 (2) a person with whom the department contracts under
16 Section 1603.252 [~~, or~~

17 ~~(3) an examination proctor]~~.

18 SECTION 22. Section 1603.351, Occupations Code, is amended
19 to read as follows:

20 Sec. 1603.351. MINIMUM CURRICULUM FOR SCHOOLS; DISTANCE
21 EDUCATION. (a) The commission shall prescribe the minimum
22 curriculum, including the subjects and the number of hours in each
23 subject, taught by a school licensed under this chapter, Chapter
24 1601, or Chapter 1602 [~~, including a private beauty culture school~~
25 ~~or a vocational cosmetology program in a public school]~~.

26 (b) The commission may adopt rules allowing distance
27 education only for the theory portion of the curriculum taught by a

1 school licensed under this chapter or Chapter 1601.

2 (c) Distance education does not satisfy the requirements of
3 the practical portion of the curriculum taught by a school licensed
4 under this chapter, Chapter 1601, or Chapter 1602.

5 SECTION 23. The following sections of the Occupations Code
6 are repealed:

- 7 (1) Sections 1601.261(b) and (e);
8 (2) Sections 1602.267(b) and (e);
9 (3) Section 1603.153;
10 (4) Section 1603.251; and
11 (5) Section 1603.257.

12 SECTION 24. (a) A person holding a shampoo apprentice
13 permit under Section 1601.261 or 1602.267, Occupations Code, on the
14 effective date of this Act may continue to provide services under
15 the permit as provided by Chapter 1601 or 1602, Occupations Code, as
16 appropriate.

17 (b) The Texas Department of Licensing and Regulation may not
18 issue an original shampoo apprentice permit on or after September
19 1, 2013.

20 SECTION 25. Not later than May 1, 2014, the Texas Commission
21 of Licensing and Regulation shall adopt rules to implement Section
22 1603.207, Occupations Code, as added by this Act, and Section
23 1603.351, Occupations Code, as amended by this Act.

24 SECTION 26. This Act takes effect September 1, 2013.