

By: White of Tyler

H.B. No. 2314

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the regulation of hair braiding.

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

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

Sec. 1601.002. DEFINITION OF BARBERING. In this chapter, "barbering," "practicing barbering," or the "practice of barbering" means:

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

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

(B) treating a person's hair by:

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

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

(iii) cutting the person's hair as a 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 or

22 (J) servicing in any manner listed in Paragraph

23 (B) a person's wig, toupee, or artificial hairpiece on a person's
24 head or on a block after the initial retail sale; [~~or~~

25 [~~(K) braiding a person's hair, trimming hair~~

26 ~~extensions only as applicable to the braiding process, and~~

27 ~~attaching commercial hair only by braiding and without the use of~~

1 ~~chemicals or adhesives,]~~

2 (2) advertising or representing to the public in any
3 manner that a person is a barber or is authorized to practice
4 barbering; or

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

8 SECTION 2. Section 1601.254(c), Occupations Code, is
9 amended to read as follows:

10 (c) The commission shall adopt rules for the licensing of
11 specialty instructors to teach specialty courses in the practice of
12 barbering as defined by Sections 1601.002(1)(C)-(H) [~~and (K)~~].

13 SECTION 3. Section 1601.304(a), Occupations Code, is
14 amended to read as follows:

15 (a) A person who holds a specialty shop permit may maintain
16 an establishment in which only barbering as defined by Section
17 1601.002(1)(E), (F), or (H) [~~or (K)~~] is performed.

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

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

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

24 (A) providing any method of treatment as a
25 primary service, including arranging, beautifying, bleaching,
26 cleansing, coloring, cutting, dressing, dyeing, processing,
27 shampooing, shaping, singeing, straightening, styling, tinting, or

1 waving;

2 (B) providing a necessary service that is
3 preparatory or ancillary to a service under Paragraph (A),
4 including bobbing, clipping, cutting, or trimming a person's hair
5 or shaving a person's neck with a safety razor; or

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

9 (2) [~~braiding a person's hair,~~

10 [~~3~~] shampooing and conditioning a person's hair;

11 (3) [~~4~~] servicing a person's wig or artificial
12 hairpiece on a person's head or on a block after the initial retail
13 sale and servicing in any manner listed in Subdivision (1);

14 (4) [~~5~~] treating a person's mustache or beard by
15 arranging, beautifying, coloring, processing, styling, trimming,
16 or shaving with a safety razor;

17 (5) [~~6~~] cleansing, stimulating, or massaging a
18 person's scalp, face, neck, or arms:

19 (A) by hand or by using a device, apparatus, or
20 appliance; and

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

23 (6) [~~7~~] beautifying a person's face, neck, or arms
24 using a cosmetic preparation, antiseptic, tonic, lotion, powder,
25 oil, clay, cream, or appliance;

26 (7) [~~8~~] administering facial treatments;

27 (8) [~~9~~] removing superfluous hair from a person's

1 body using depilatories, preparations, or tweezing techniques;

2 (9) [~~(10)~~] treating a person's nails by:

3 (A) cutting, trimming, polishing, tinting,
4 coloring, cleansing, or manicuring; or

5 (B) attaching false nails;

6 (10) [~~(11)~~] massaging, cleansing, treating, or
7 beautifying a person's hands or feet;

8 (11) [~~(12)~~] applying semipermanent, thread-like
9 extensions composed of single fibers to a person's eyelashes; or

10 (12) [~~(13)~~] weaving a person's hair.

11 SECTION 5. Section [1602.255\(c\)](#), Occupations Code, is
12 amended to read as follows:

13 (c) The commission shall adopt rules for the licensing of
14 specialty instructors to teach specialty courses in the practice of
15 cosmetology defined in Sections [1602.002\(a\)\(6\)](#), [\(8\)](#), [\(9\)](#), and [\(11\)](#)
16 [~~[1602.002\(a\)\(7\)](#), [\(9\)](#), [\(10\)](#), and [\(12\)](#)].~~

17 SECTION 6. Section [1602.256\(a\)](#), Occupations Code, is
18 amended to read as follows:

19 (a) A person holding a manicurist specialty license may
20 perform only the practice of cosmetology defined in Section
21 [1602.002\(a\)\(9\)](#) or [\(10\)](#) [~~[1602.002\(a\)\(10\)](#) or [\(11\)](#)].~~

22 SECTION 7. Section [1602.257\(a\)](#), Occupations Code, is
23 amended to read as follows:

24 (a) A person holding an esthetician specialty license may
25 perform only the practice of cosmetology defined in Sections
26 [1602.002\(a\)\(5\)](#), [\(6\)](#), [\(7\)](#), [\(8\)](#), and [\(11\)](#) [~~[1602.002\(a\)\(6\)](#), [\(7\)](#), [\(8\)](#),
27 [\(9\)](#), and [\(12\)](#)].~~

1 SECTION 8. Section [1602.2571\(a\)](#), Occupations Code, is
2 amended to read as follows:

3 (a) A person holding a specialty license in eyelash
4 extension application may perform only the practice of cosmetology
5 defined in Section [1602.002\(a\)\(11\)](#) [~~[1602.002\(a\)\(12\)](#)~~].

6 SECTION 9. Section [1602.259\(a\)](#), Occupations Code, is
7 amended to read as follows:

8 (a) A person holding a hair weaving specialty certificate
9 may perform only the practice of cosmetology defined in Sections
10 [1602.002\(a\)\(2\)](#) [~~[\(3\)](#)~~] and [\(12\)](#) [~~[\(13\)](#)~~].

11 SECTION 10. Section [1602.260\(a\)](#), Occupations Code, is
12 amended to read as follows:

13 (a) A person holding a wig specialty certificate may perform
14 only the practice of cosmetology defined in Section [1602.002\(a\)\(3\)](#)
15 [~~[1602.002\(a\)\(4\)](#)~~].

16 SECTION 11. Section [1602.261\(a\)](#), Occupations Code, is
17 amended to read as follows:

18 (a) A person holding a manicurist/esthetician specialty
19 license may perform only the practice of cosmetology defined in
20 Sections [1602.002\(a\)\(5\) through \(10\)](#) [~~[1602.002\(a\)\(6\) through](#)~~
21 ~~[\(11\)](#)~~].

22 SECTION 12. Section [1602.267\(a\)](#), Occupations Code, is
23 amended to read as follows:

24 (a) A person holding a shampoo apprentice permit may perform
25 only the practice of cosmetology defined by Section [1602.002\(a\)\(2\)](#)
26 [~~[1602.002\(3\)](#)~~].

27 SECTION 13. Section [1602.305\(a\)](#), Occupations Code, is

1 amended to read as follows:

2 (a) A person holding a specialty shop license may maintain
3 an establishment in which only the practice of cosmetology as
4 defined in Section 1602.002(a)(3), (6), (8) [~~1602.002(a)(2), (4),~~
5 ~~(7)~~], (9), [~~(10)~~], or (11) [~~(12)~~] is performed.

6 SECTION 14. Section 1603.352(a), Occupations Code, is
7 amended to read as follows:

8 (a) A person who holds a license, certificate, or permit
9 issued under this chapter, Chapter 1601, or Chapter 1602 and who
10 performs a barbering service described by Section 1601.002(1)(E) or
11 (F) or a cosmetology service described by Section 1602.002(a)(9) or
12 (10) [~~1602.002(a)(10) or (11)~~] shall, before performing the
13 service, clean, disinfect, and sterilize with an autoclave or dry
14 heat sterilizer or sanitize with an ultraviolet sanitizer, in
15 accordance with the sterilizer or sanitizer manufacturer's
16 instructions, each metal instrument, including metal nail
17 clippers, cuticle pushers, cuticle nippers, and other metal
18 instruments, used to perform the service.

19 SECTION 15. Sections 1601.259 and 1602.258, Occupations
20 Code, are repealed.

21 SECTION 16. (a) On the effective date of this Act:

22 (1) a disciplinary proceeding pending before the Texas
23 Department of Licensing and Regulation relating to an allegation
24 against a person for practicing, without the appropriate
25 certificate, barbering as defined by Section 1601.002(1)(K),
26 Occupations Code, or cosmetology as defined by Section
27 1602.002(a)(2), Occupations Code, as those sections existed

1 immediately before the effective date of this Act, is dismissed;
2 and

3 (2) a hair braiding specialty certificate issued under
4 former Section 1601.259 or 1602.258, Occupations Code, expires.

5 (b) As soon as practicable after the effective date of this
6 Act, the Texas Department of Licensing and Regulation shall issue a
7 prorated refund of any fees paid by a holder of a hair braiding
8 specialty certificate under former Section 1601.259 or 1602.258,
9 Occupations Code, that was scheduled to expire after the effective
10 date of this Act.

11 (c) As soon as practicable after the effective date of this
12 Act, the Texas Commission of Licensing and Regulation shall repeal
13 all rules regarding the regulation of hair braiding and the
14 teaching of hair braiding.

15 SECTION 17. This Act takes effect September 1, 2015.