

By: Goldman

H.B. No. 2720

A BILL TO BE ENTITLED

AN ACT

relating to abolishing shampoo apprentice permits and shampoo specialty certificates.

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

1 separate and independent service for which a charge is directly or
2 indirectly made separately from a charge for any other service;

3 (C) cleansing, stimulating, or massaging a
4 person's scalp, face, neck, arms, or shoulders:

5 (i) by hand or by using a device, apparatus,
6 or appliance; and

7 (ii) with or without the use of any cosmetic
8 preparation, antiseptic, tonic, lotion, or cream;

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

12 (E) treating a person's nails by:

13 (i) cutting, trimming, polishing, tinting,
14 coloring, cleansing, manicuring, or pedicuring; or

15 (ii) attaching false nails;

16 (F) massaging, cleansing, treating, or
17 beautifying a person's hands;

18 (G) administering facial treatments;

19 (H) weaving a person's hair by using any method
20 to attach commercial hair to a person's hair or scalp;

21 (I) ~~[shampooing or conditioning a person's hair,~~

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 (J) [~~(K)~~] braiding a person's hair, trimming
26 hair 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 (J) [~~(K)~~].

13 SECTION 3. Section 1601.256(a), Occupations Code, is
14 amended to read as follows:

15 (a) A person holding a barber technician license may:

16 (1) perform only barbering as defined by Sections
17 1601.002(1)(C), (D), (F), and (G) [~~and (I)~~]; and

18 (2) practice only at a location that has been issued a
19 barbershop permit.

20 SECTION 4. Section 1601.259(a), Occupations Code, is
21 amended to read as follows:

22 (a) A person holding a hair braiding specialty certificate
23 of registration may perform only barbering as defined by Section
24 1601.002(1)(J) [~~1601.002(1)(K)~~].

25 SECTION 5. Section 1601.304(a), Occupations Code, is
26 amended to read as follows:

27 (a) A person who holds a specialty shop permit may maintain

1 an establishment in which only barbering as defined by Section
2 1601.002(1)(E), (F), (H), or (J) [~~(K)~~] is performed.

3 SECTION 6. 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,
13 or 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 a person's hair
17 or shaving a person's neck with a safety razor; or

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

21 (2) braiding a person's hair;

22 (3) [~~shampooing and conditioning a person's hair,~~

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

26 (4) [~~(5)~~] treating a person's mustache or beard by
27 arranging, beautifying, coloring, processing, styling, trimming,

1 or shaving with a safety razor;

2 (5) [~~(6)~~] cleansing, stimulating, or massaging a
3 person's scalp, face, neck, or arms:

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

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

8 (6) [~~(7)~~] beautifying a person's face, neck, or arms
9 using a cosmetic preparation, antiseptic, tonic, lotion, powder,
10 oil, clay, cream, or appliance;

11 (7) [~~(8)~~] administering facial treatments;

12 (8) [~~(9)~~] removing superfluous hair from a person's
13 body using depilatories, preparations, or tweezing techniques;

14 (9) [~~(10)~~] treating a person's nails by:

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

17 (B) attaching false nails;

18 (10) [~~(11)~~] massaging, cleansing, treating, or
19 beautifying a person's hands or feet;

20 (11) [~~(12)~~] applying semipermanent, thread-like
21 extensions composed of single fibers to a person's eyelashes; or

22 (12) [~~(13)~~] weaving a person's hair.

23 SECTION 7. Section [1602.255\(c\)](#), Occupations Code, is
24 amended to read as follows:

25 (c) The commission shall adopt rules for the licensing of
26 specialty instructors to teach specialty courses in the practice of
27 cosmetology defined in Sections [1602.002\(a\)\(6\)](#), (8), (9), and (11)

1 ~~[1602.002(a)(7), (9), (10), and (12)].~~

2 SECTION 8. Section 1602.256(a), Occupations Code, is
3 amended to read as follows:

4 (a) A person holding a manicurist specialty license may
5 perform only the practice of cosmetology defined in Section
6 1602.002(a)(9) or (10) ~~[1602.002(a)(10) or (11)]~~.

7 SECTION 9. Section 1602.257(a), Occupations Code, is
8 amended to read as follows:

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

13 SECTION 10. Section 1602.2571(a), Occupations Code, is
14 amended to read as follows:

15 (a) A person holding a specialty license in eyelash
16 extension application may perform only the practice of cosmetology
17 defined in Section 1602.002(a)(11) ~~[1602.002(a)(12)]~~.

18 SECTION 11. Section 1602.259(a), Occupations Code, is
19 amended to read as follows:

20 (a) A person holding a hair weaving specialty certificate
21 may perform only the practice of cosmetology defined in Sections
22 1602.002(a)(2) ~~[7(3)]~~ and (12) ~~[(13)]~~.

23 SECTION 12. Section 1602.260(a), Occupations Code, is
24 amended to read as follows:

25 (a) A person holding a wig specialty certificate may perform
26 only the practice of cosmetology defined in Section 1602.002(a)(3)
27 ~~[1602.002(a)(4)]~~.

1 SECTION 13. Section 1602.261(a), Occupations Code, is
2 amended to read as follows:

3 (a) A person holding a manicurist/esthetician specialty
4 license may perform only the practice of cosmetology defined in
5 Sections 1602.002(a)(5) through (10) [~~1602.002(a)(6) through~~
6 ~~(11)~~].

7 SECTION 14. Section 1602.305(a), Occupations Code, is
8 amended to read as follows:

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

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

15 (a) The commission will by rule recognize, prepare, or
16 administer continuing education programs for the practice of
17 cosmetology. Participation in the programs is mandatory for all
18 license renewals [~~other than renewal of a shampoo specialty~~
19 ~~certificate~~].

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

22 (c) A person holding a beauty shop license or specialty shop
23 license may not employ[+]

24 [~~(1)~~] a person as an operator or specialist or lease to
25 a person who acts as an operator or specialist unless the person
26 holds a license or certificate under this chapter or under Chapter
27 1601[~~or~~

1 ~~[(2) a person to shampoo or condition a person's hair~~
2 ~~unless the person holds a shampoo apprentice permit or student~~
3 ~~permit].~~

4 SECTION 17. Section [1603.352\(a\)](#), Occupations Code, is
5 amended to read as follows:

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

17 SECTION 18. Sections [1601.261](#) and [1602.267](#), Occupations
18 Code, are repealed.

19 SECTION 19. On the effective date of this Act:

20 (1) a shampoo apprentice permit issued under former
21 Section [1601.261](#) or [1602.267](#), Occupations Code, expires; and

22 (2) a shampoo specialty certificate issued under
23 Chapter 1602 expires.

24 SECTION 20. (a) The changes in law made by this Act do not
25 affect the validity of a proceeding pending before a court or other
26 governmental entity on the effective date of this Act.

27 (b) An offense or other violation of law committed before

1 the effective date of this Act is governed by the law in effect when
2 the offense or violation was committed, and the former law is
3 continued in effect for that purpose. For purposes of this
4 subsection, an offense or violation was committed before the
5 effective date of this Act if any element of the offense or
6 violation occurred before that date.

7 SECTION 21. This Act takes effect September 1, 2015.