

By: Goldman

H.B. No. 2720

A BILL TO BE ENTITLED

AN ACT

relating to abolishing shampoo apprentice permits.

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 [~~(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 (J) [~~(K)~~] braiding a person's hair, trimming  
25 hair 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) advertising or representing to the public in any  
2 manner that a person is a barber or is authorized to practice  
3 barbering; or

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

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

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

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

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

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

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

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

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

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

26           (a) A person who holds a specialty shop permit may maintain  
27 an establishment in which only barbering as defined by Section

1 1601.002(1)(E), (F), (H), or (J) [~~(K)~~] is performed.

2 SECTION 6. Section 1602.002(a), Occupations Code, is  
3 amended to read as follows:

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

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

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

13 (B) providing a necessary service that is  
14 preparatory or ancillary to a service under Paragraph (A),  
15 including bobbing, clipping, cutting, or trimming a person's hair  
16 or shaving a person's neck with a safety razor; 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) 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 (4) [~~(5)~~] treating a person's mustache or beard by  
26 arranging, beautifying, coloring, processing, styling, trimming,  
27 or shaving with a safety razor;

1           (5) [~~(6)~~] cleansing, stimulating, or massaging a  
2 person's 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           (6) [~~(7)~~] beautifying a person's face, neck, or arms  
8 using a cosmetic preparation, antiseptic, tonic, lotion, powder,  
9 oil, clay, cream, or appliance;

10           (7) [~~(8)~~] administering facial treatments;

11           (8) [~~(9)~~] removing superfluous hair from a person's  
12 body using depilatories, preparations, or tweezing techniques;

13           (9) [~~(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           (10) [~~(11)~~] massaging, cleansing, treating, or  
18 beautifying a person's hands or feet;

19           (11) [~~(12)~~] applying semipermanent, thread-like  
20 extensions composed of single fibers to a person's eyelashes; or

21           (12) [~~(13)~~] weaving a person's hair.

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

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

27 [~~[1602.002\(a\)\(7\)](#), (9), (10), and (12)~~].

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

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

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

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

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

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

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

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

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

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

27 SECTION 13. Section 1602.261(a), Occupations Code, is

1 amended to read as follows:

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

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

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

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

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

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

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

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

27 (2) a person to shampoo or condition a person's hair

1 unless the person holds a [~~shampoo apprentice permit or~~] student  
2 permit.

3 SECTION 17. Section 1603.352(a), Occupations Code, is  
4 amended to read as follows:

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

16 SECTION 18. Sections 1601.261 and 1602.267, Occupations  
17 Code, are repealed.

18 SECTION 19. On the effective date of this Act, a shampoo  
19 apprentice permit issued under former Section 1601.261 or 1602.267,  
20 Occupations Code, expires.

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

24 (b) An offense or other violation of law committed before  
25 the effective date of this Act is governed by the law in effect when  
26 the offense or violation was committed, and the former law is  
27 continued in effect for that purpose. For purposes of this



1 subsection, an offense or violation was committed before the  
2 effective date of this Act if any element of the offense or  
3 violation occurred before that date.

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