

By: Goldman

H.B. No. 2846

A BILL TO BE ENTITLED

AN ACT

relating to abolishing certain specialty licenses and certificates for the practice of barbering or cosmetology.

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; or

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~~
22 ~~hair;~~

23 ~~[(J)] servicing in any manner listed in Paragraph~~
24 ~~(B) a person's wig, toupee, or artificial hairpiece on a person's~~
25 ~~head or on a block after the initial retail sale, or~~

26 ~~[(K)] braiding a person's hair, trimming hair~~
27 ~~extensions only as applicable to the braiding process, and~~

1 ~~attaching commercial hair only by braiding and without the use of~~
2 ~~chemicals or adhesives,]~~

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

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

9 SECTION 2. Section [1601.254\(c\)](#), Occupations Code, is
10 amended to read as follows:

11 (c) The commission shall adopt rules for the licensing of
12 specialty instructors to teach specialty courses in the practice of
13 barbering as defined by Sections [1601.002\(1\)\(C\)-\(G\)](#)
14 [~~[1601.002\(1\)\(C\)-\(H\)](#) and [\(K\)](#)].~~

15 SECTION 3. Section [1601.256\(a\)](#), Occupations Code, is
16 amended to read as follows:

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

18 (1) perform only barbering as defined by Sections
19 [1601.002\(1\)\(C\)](#), (D), (F), (G), and (H) [~~(I)~~]; and

20 (2) practice only at a location that has been issued a
21 barbershop permit.

22 SECTION 4. Section [1601.261\(a\)](#), Occupations Code, is
23 amended to read as follows:

24 (a) A person holding a shampoo apprentice permit may perform
25 only barbering as defined by Section [1601.002\(1\)\(H\)](#)
26 [~~[1601.002\(1\)\(I\)](#)].~~

27 SECTION 5. Section [1601.304\(a\)](#), Occupations Code, is

1 amended to read as follows:

2 (a) A person who holds a specialty shop permit may maintain
3 an establishment in which only barbering as defined by Section
4 1601.002(1)(E) or ~~(F)~~ ~~(H)~~ ~~or~~ ~~(K)~~ is performed.

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

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

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

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

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

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

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

24 ~~(3)] shampooing and conditioning a person's hair;~~

25 ~~(3) [(4) servicing a person's wig or artificial~~
26 ~~hairpiece on a person's head or on a block after the initial retail~~
27 ~~sale and servicing in any manner listed in Subdivision (1);~~

1 ~~(5)~~ treating a person's mustache or beard by
2 arranging, beautifying, coloring, processing, styling, trimming,
3 or shaving with a safety razor;

4 (4) ~~(6)~~ cleansing, stimulating, or massaging a
5 person's scalp, face, neck, or arms:

6 (A) by hand or by using a device, apparatus, or
7 appliance; and

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

10 (5) ~~(7)~~ beautifying a person's face, neck, or arms
11 using a cosmetic preparation, antiseptic, tonic, lotion, powder,
12 oil, clay, cream, or appliance;

13 (6) ~~(8)~~ administering facial treatments;

14 (7) ~~(9)~~ removing superfluous hair from a person's
15 body using depilatories, preparations, or tweezing techniques;

16 (8) ~~(10)~~ treating a person's nails by:

17 (A) cutting, trimming, polishing, tinting,
18 coloring, cleansing, or manicuring; or

19 (B) attaching false nails;

20 (9) ~~(11)~~ massaging, cleansing, treating, or
21 beautifying a person's hands or feet; or

22 (10) ~~(12)~~ applying semipermanent, thread-like
23 extensions composed of single fibers to a person's eyelashes [~~or~~

24 ~~(13) weaving a person's hair~~].

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

27 (c) The commission shall adopt rules for the licensing of

1 specialty instructors to teach specialty courses in the practice of
2 cosmetology defined in Sections 1602.002(a)(5), (7), (8), and (10)
3 [~~1602.002(a)(7), (9), (10), and (12)~~].

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

6 (a) A person holding a manicurist specialty license may
7 perform only the practice of cosmetology defined in Section
8 1602.002(a)(8) or (9) [~~1602.002(a)(10) or (11)~~].

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

11 (a) A person holding an esthetician specialty license may
12 perform only the practice of cosmetology defined in Sections
13 1602.002(a)(4), (5), (6), (7), and (10) [~~1602.002(a)(6), (7), (8),~~
14 ~~(9), and (12)~~].

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

17 (a) A person holding a specialty license in eyelash
18 extension application may perform only the practice of cosmetology
19 defined in Section 1602.002(a)(10) [~~1602.002(a)(12)~~].

20 SECTION 11. Section 1602.261(a), Occupations Code, is
21 amended to read as follows:

22 (a) A person holding a manicurist/esthetician specialty
23 license may perform only the practice of cosmetology defined in
24 Sections 1602.002(a)(4) through (9) [~~1602.002(a)(6) through (11)~~].

25 SECTION 12. Section 1602.267(a), Occupations Code, is
26 amended to read as follows:

27 (a) A person holding a shampoo apprentice permit may perform

1 only the practice of cosmetology defined by Section 1602.002(2)
2 [~~1602.002(3)~~].

3 SECTION 13. Section 1602.305(a), Occupations Code, is
4 amended to read as follows:

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

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

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

22 SECTION 15. Sections 1601.258, 1601.259, 1601.263,
23 1602.258, 1602.259, and 1602.260, Occupations Code, are repealed.

24 SECTION 16. (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 (c) On the effective date of this Act a license or
8 certificate issued under former Section [1601.258](#), [1601.259](#),
9 [1601.263](#), [1602.258](#), [1602.259](#), or [1602.260](#), Occupations Code,
10 expires.

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