

By: Smith

H.B. No. 4069

Substitute the following for H.B. No. 4069:

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C.S.H.B. No. 4069

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of barbering and cosmetology.

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

SECTION 1. Subchapter A, Chapter 1601, Occupations Code, is amended by adding Section 1601.0025 to read as follows:

Sec. 1601.0025. SERVICES NOT CONSTITUTING BARBERING.
Notwithstanding Section 1601.002, "barbering," "practicing barbering," and "practice of barbering" do not include threading, which involves removing unwanted eyebrow hair from a person by using a thin piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair.

SECTION 2. Section 1601.455(b), Occupations Code, is amended to read as follows:

(b) A person holding a license, certificate, or permit under this chapter may perform a service within the scope of the license, certificate, or permit at a location other than a licensed facility for a client who:

(1) [7] because of illness or physical or mental incapacitation, is unable to receive the services at a licensed facility; or

(2) receives the services in preparation for a special event, including a wedding or quinceañera.

SECTION 3. Section 1601.564(c), Occupations Code, is

1 amended to read as follows:

2 (c) If a student withdraws or is terminated after 50 percent
3 of the course has been completed, the school shall allow the student
4 to reenter the school at any time before the second [~~fourth~~]
5 anniversary of the date of withdrawal or termination.

6 SECTION 4. Section 1601.565, Occupations Code, is amended
7 to read as follows:

8 Sec. 1601.565. EFFECT OF STUDENT WITHDRAWAL. (a) A barber
9 school shall record a grade of incomplete for a student who
10 withdraws from a course of training but who is not entitled to a
11 refund under this chapter [~~Section 1601.564~~] if:

12 (1) the student requests the grade at the time of
13 withdrawal; and

14 (2) the withdrawal is for an appropriate reason
15 unrelated to the student's academic status.

16 (b) A student who receives a grade of incomplete may
17 reenroll in the course of training before the second [~~fourth~~]
18 anniversary of the date the student withdraws and may complete the
19 subjects without paying additional tuition.

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

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

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

26 (A) providing any method of treatment as a
27 primary service, including arranging, beautifying, bleaching,

1 cleansing, coloring, cutting, dressing, dyeing, processing,
2 shampooing, shaping, singeing, straightening, styling, tinting, or
3 waving;

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

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

11 (2) braiding a person's hair;

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

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

16 (5) treating a person's mustache or beard by
17 arranging, beautifying, coloring, processing, styling, trimming,
18 or shaving with a safety razor;

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

21 (A) by hand or by using a device, apparatus, or
22 appliance; and

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

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

1 (8) administering facial treatments;

2 (9) removing superfluous hair from a person's body
3 using depilatories, preparations or chemicals, tweezers, or other
4 devices or appliances of any kind or description [~~tweezing~~
5 ~~techniques~~];

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

7 (A) cutting, trimming, polishing, tinting,
8 coloring, cleansing, or manicuring; or

9 (B) attaching false nails;

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

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

14 (13) weaving a person's hair.

15 SECTION 6. Subchapter A, Chapter 1602, Occupations Code, is
16 amended by adding Section 1602.0025 to read as follows:

17 Sec. 1602.0025. SERVICES NOT CONSTITUTING COSMETOLOGY.
18 Notwithstanding Section 1602.002(a), "cosmetology" does not
19 include threading, which involves removing unwanted eyebrow hair
20 from a person by using a thin piece of thread that is looped around
21 the hair and pulled to remove the hair and includes the incidental
22 trimming of eyebrow hair.

23 SECTION 7. Section 1602.051, Occupations Code, is amended
24 to read as follows:

25 Sec. 1602.051. BOARD; MEMBERSHIP. (a) The Advisory Board
26 on Cosmetology consists of 11 [~~nine~~] members appointed by the
27 presiding officer of the commission, with the commission's

1 approval, as follows:

2 (1) one member who holds a license for a beauty shop
3 that is part of a chain of beauty shops;

4 (2) one member who holds a license for a beauty shop
5 that is not part of a chain of beauty shops;

6 (3) one member who holds a private beauty culture
7 school license;

8 (4) two members who each hold an operator license;

9 (5) one member who holds a manicurist specialty
10 license;

11 (6) [(5)] one member who represents a licensed public
12 secondary or postsecondary beauty culture school;

13 (7) [(6)] one member who represents a licensed public
14 secondary beauty culture school; and

15 (8) three [(7) — two] public members.

16 (b) The associate commissioner of the Texas Education
17 Agency responsible for career and technical education or the
18 associate commissioner's authorized representative shall serve as
19 an ex officio member of the advisory board [~~commission~~] without
20 voting privileges.

21 SECTION 8. Section 1602.055(a), Occupations Code, is
22 amended to read as follows:

23 (a) Members of the board serve staggered six-year terms,
24 with the terms of three [one] or four [two] members, as appropriate,
25 expiring on the same date each odd-numbered year.

26 SECTION 9. Section 1602.261(a), Occupations Code, is
27 amended to read as follows:

1 (a) A person holding a manicurist/esthetician specialty
2 license may perform only the practice of cosmetology defined in
3 Sections 1602.002(a)(6) through (12) [~~(11)~~].

4 SECTION 10. Section 1602.407(b), Occupations Code, is
5 amended to read as follows:

6 (b) A person holding a license, certificate, or permit under
7 this chapter may perform a service within the scope of the license,
8 certificate, or permit at a location other than a licensed facility
9 for a client who:

10 (1) [~~7~~] because of illness or physical or mental
11 incapacitation, is unable to receive the services at a licensed
12 facility; or

13 (2) receives the services in preparation for a special
14 event, including a wedding or quinceañera.

15 SECTION 11. Section 1602.461, Occupations Code, is amended
16 to read as follows:

17 Sec. 1602.461. REENTRY OF STUDENT AFTER WITHDRAWAL OR
18 TERMINATION. If a student voluntarily withdraws or is terminated
19 after completing 50 percent of the course at a private beauty
20 culture school, the school shall allow the student to reenter at any
21 time during the 24-month [~~48-month~~] period following the date of
22 withdrawal or termination.

23 SECTION 12. Section 1602.462, Occupations Code, is amended
24 to read as follows:

25 Sec. 1602.462. EFFECT OF STUDENT WITHDRAWAL. (a) A private
26 beauty culture school shall record a grade of incomplete for a
27 student who withdraws but is not entitled to a refund under this

1 chapter [Section 1602.459(a)] if the student:

2 (1) requests the grade at the time the student
3 withdraws; and

4 (2) withdraws for an appropriate reason unrelated to
5 the student's academic status.

6 (b) A student who receives a grade of incomplete may
7 reenroll in the program during the 24-month [~~48-month~~] period
8 following the date the student withdraws and complete the subjects
9 without payment of additional tuition.

10 SECTION 13. Not later than January 1, 2016, the Texas
11 Commission of Licensing and Regulation shall adopt rules to
12 implement the changes in law made by this Act to Chapters 1601 and
13 1602, Occupations Code.

14 SECTION 14. Not later than January 1, 2016, the presiding
15 officer of the Texas Commission of Licensing and Regulation shall
16 appoint the two additional members to the advisory board as
17 required by Section 1602.051, as amended by this Act, and shall
18 designate one member to a term expiring in 2017 and one to a term
19 expiring in 2021.

20 SECTION 15. This Act takes effect immediately if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for immediate
24 effect, this Act takes effect September 1, 2015.