

By: Smith

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. 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) ~~is~~ 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 2. Section 1601.564(c), Occupations Code, is amended to read as follows:

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

SECTION 3. Section 1601.565, Occupations Code, is amended to read as follows:

Sec. 1601.565. EFFECT OF STUDENT WITHDRAWAL. (a) A barber school shall record a grade of incomplete for a student who

1 withdraws from a course of training but who is not entitled to a
2 refund under this chapter [~~Section 1601.564~~] if:

3 (1) the student requests the grade at the time of
4 withdrawal; and

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

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

11 SECTION 4. Section 1602.051, Occupations Code, is amended
12 to read as follows:

13 Sec. 1602.051. BOARD; MEMBERSHIP. (a) The Advisory Board
14 on Cosmetology consists of 11 [~~nine~~] members appointed by the
15 presiding officer of the commission, with the commission's
16 approval, as follows:

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

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

21 (3) one member who holds a private beauty culture
22 school license;

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

24 (5) one member who holds a manicurist specialty
25 license;

26 (6) [~~(5)~~] one member who represents a licensed public
27 secondary or postsecondary beauty culture school;

1 (7) [~~(6)~~] one member who represents a licensed public
2 secondary beauty culture school; and

3 (8) three [~~(7)~~ ~~two~~] public members.

4 (b) The associate commissioner of the Texas Education
5 Agency responsible for career and technical education or the
6 associate commissioner's authorized representative shall serve as
7 an ex officio member of the advisory board [~~commission~~] without
8 voting privileges.

9 SECTION 5. Section 1602.055(a), Occupations Code, is
10 amended to read as follows:

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

14 SECTION 6. Section 1602.261(a), Occupations Code, is
15 amended to read as follows:

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

19 SECTION 7. Section 1602.407(b), Occupations Code, is
20 amended to read as follows:

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

25 (1) [~~7~~] because of illness or physical or mental
26 incapacitation, is unable to receive the services at a licensed
27 facility; or

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

3 SECTION 8. Section 1602.461, Occupations Code, is amended
4 to read as follows:

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

11 SECTION 9. Section 1602.462, Occupations Code, is amended
12 to read as follows:

13 Sec. 1602.462. EFFECT OF STUDENT WITHDRAWAL. (a) A private
14 beauty culture school shall record a grade of incomplete for a
15 student who withdraws but is not entitled to a refund under this
16 chapter [~~Section 1602.459(a)~~] if the student:

17 (1) requests the grade at the time the student
18 withdraws; and

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

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

25 SECTION 10. Not later than January 1, 2016, the Texas
26 Commission of Licensing and Regulation shall adopt rules to
27 implement the changes in law made by this Act to Chapters 1601 and

1 1602, Occupations Code.

2 SECTION 11. Not later than January 1, 2016, the presiding
3 officer of the Texas Commission of Licensing and Regulation shall
4 appoint the two additional members to the advisory board as
5 required by Section 1602.051, as amended by this Act, and shall
6 designate one member to a term expiring in 2017 and one to a term
7 expiring in 2021.

8 SECTION 12. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2015.