

By: Goldman

H.B. No. 340

Substitute the following for H.B. No. 340:

By: Kuempel

C.S.H.B. No. 340

A BILL TO BE ENTITLED

1

AN ACT

2 relating to abolishing shampoo apprentice permits and shampoo  
3 specialty certificates.

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

5 SECTION 1. Section 1601.002, Occupations Code, is amended  
6 to read as follows:

7 Sec. 1601.002. DEFINITION OF BARBERING. In this chapter,  
8 "barbering," "practicing barbering," or the "practice of  
9 barbering" means:

10 (1) performing or offering or attempting to perform  
11 for compensation or the promise of compensation any of the  
12 following services:

13 (A) treating a person's mustache or beard by  
14 arranging, beautifying, coloring, processing, shaving, styling, or  
15 trimming;

16 (B) treating a person's hair by:

17 (i) arranging, beautifying, bleaching,  
18 cleansing, coloring, curling, dressing, dyeing, processing,  
19 ~~shampooing,~~ shaping, singeing, straightening, styling, tinting,  
20 or waving;

21 (ii) providing a necessary service that is  
22 preparatory or ancillary to a service under Subparagraph (i),  
23 including bobbing, clipping, cutting, or trimming; or

24 (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; or

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

22 ~~or~~

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;

26 (2) advertising or representing to the public in any  
27 manner that a person is a barber or is authorized to practice

1 barbering; or

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

5 SECTION 2. Section 1601.256(a), Occupations Code, is  
6 amended to read as follows:

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

8 (1) perform only barbering as defined by Sections  
9 1601.002(1)(C), (D), (F), and (G) [~~and (I)~~]; and

10 (2) practice only at a location that has been issued a  
11 barbershop permit.

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

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

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

18 (A) providing any method of treatment as a  
19 primary service, including arranging, beautifying, bleaching,  
20 cleansing, coloring, cutting, dressing, dyeing, processing,  
21 [~~shampooing~~] shaping, singeing, straightening, styling, tinting,  
22 or waving;

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

27 (C) cutting the person's hair as a separate and

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

3           (2) [~~shampooing and conditioning a person's hair,~~  
4           ~~(3)~~] servicing a person's wig or artificial hairpiece  
5 on a person's head or on a block after the initial retail sale and  
6 servicing in any manner listed in Subdivision (1);

7           (3) [~~(4)~~] treating a person's mustache or beard by  
8 arranging, beautifying, coloring, processing, styling, trimming,  
9 or shaving with a safety razor;

10           (4) [~~(5)~~] cleansing, stimulating, or massaging a  
11 person's scalp, face, neck, or arms:

12                   (A) by hand or by using a device, apparatus, or  
13 appliance; and

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

16           (5) [~~(6)~~] beautifying a person's face, neck, or arms  
17 using a cosmetic preparation, antiseptic, tonic, lotion, powder,  
18 oil, clay, cream, or appliance;

19           (6) [~~(7)~~] administering facial treatments;

20           (7) [~~(8)~~] removing superfluous hair from a person's  
21 body using depilatories, preparations, or tweezing techniques;

22           (8) [~~(9)~~] treating a person's nails by:

23                   (A) cutting, trimming, polishing, tinting,  
24 coloring, cleansing, or manicuring; or

25                   (B) attaching false nails;

26           (9) [~~(10)~~] massaging, cleansing, treating, or  
27 beautifying a person's hands or feet;

1           (10) [~~(11)~~] applying semipermanent, thread-like  
2 extensions composed of single fibers to a person's eyelashes; or

3           (11) [~~(12)~~] weaving a person's hair.

4           SECTION 4. Section 1602.255(c), Occupations Code, is  
5 amended to read as follows:

6           (c) The commission shall adopt rules for the licensing of  
7 specialty instructors to teach specialty courses in the practice of  
8 cosmetology defined in Sections 1602.002(a)(5), (7), (8), and (10)  
9 [~~1602.002(a)(6), (8), (9), and (11)~~].

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

12          (a) A person holding a manicurist specialty license may  
13 perform only the practice of cosmetology defined in Section  
14 1602.002(a)(8) or (9) [~~1602.002(a)(9) or (10)~~].

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

17          (a) A person holding an esthetician specialty license may  
18 perform only the practice of cosmetology defined in Sections  
19 1602.002(a)(4), (5), (6), (7), and (10) [~~1602.002(a)(5), (6), (7),~~  
20 ~~(8), and (11)~~].

21          SECTION 7. Section 1602.2571(a), Occupations Code, is  
22 amended to read as follows:

23          (a) A person holding a specialty license in eyelash  
24 extension application may perform only the practice of cosmetology  
25 defined in Section 1602.002(a)(10) [~~1602.002(a)(11)~~].

26          SECTION 8. Section 1602.259(a), Occupations Code, is  
27 amended to read as follows:

1 (a) A person holding a hair weaving specialty certificate  
2 may perform only the practice of cosmetology defined in Section  
3 1602.002(a)(11) [~~Sections 1602.002(a)(2) and (12)~~].

4 SECTION 9. Section 1602.260(a), Occupations Code, is  
5 amended to read as follows:

6 (a) A person holding a wig specialty certificate may perform  
7 only the practice of cosmetology defined in Section 1602.002(a)(2)  
8 [~~1602.002(a)(3)~~].

9 SECTION 10. Section 1602.261(a), Occupations Code, is  
10 amended to read as follows:

11 (a) A person holding a manicurist/esthetician specialty  
12 license may perform only the practice of cosmetology defined in  
13 Sections 1602.002(a)(4) through (9) [~~1602.002(a)(5) through (10)~~].

14 SECTION 11. Section 1602.305(a), Occupations Code, is  
15 amended to read as follows:

16 (a) A person holding a specialty shop license may maintain  
17 an establishment in which only the practice of cosmetology as  
18 defined in Section 1602.002(a)(2), (5), (7), (8), or (10)  
19 [~~1602.002(a)(3), (6), (8), (9), or (11)~~] is performed.

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

22 (a) The commission will by rule recognize, prepare, or  
23 administer continuing education programs for the practice of  
24 cosmetology. Participation in the programs is mandatory for all  
25 license renewals [~~other than renewal of a shampoo specialty~~  
26 ~~certificate~~].

27 SECTION 13. Section 1602.403(c), Occupations Code, is

1 amended to read as follows:

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

4 [~~(1)~~] a person as an operator or specialist or lease to  
5 a person who acts as an operator or specialist unless the person  
6 holds a license or certificate under this chapter or under Chapter  
7 1601[~~+ or~~

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

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

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

24 SECTION 15. The following provisions of the Occupations  
25 Code are repealed:

26 (1) Section 1601.260(c);

27 (2) Section 1601.261;

- 1 (3) Section 1601.301(c);
- 2 (4) Section 1602.266(c);
- 3 (5) Section 1602.267;
- 4 (6) Section 1602.301(c); and
- 5 (7) Section 1602.456(b-1).

6 SECTION 16. On the effective date of this Act:

7 (1) a shampoo apprentice permit issued under former  
8 Section 1601.261 or 1602.267, Occupations Code, expires; and

9 (2) a shampoo specialty certificate issued under  
10 Chapter 1602 expires.

11 SECTION 17. (a) The changes in law made by this Act do not  
12 affect the validity of a proceeding pending before a court or other  
13 governmental entity on the effective date of this Act.

14 (b) An offense or other violation of law committed before  
15 the effective date of this Act is governed by the law in effect when  
16 the offense or violation was committed, and the former law is  
17 continued in effect for that purpose. For purposes of this  
18 subsection, an offense or violation was committed before the  
19 effective date of this Act if any element of the offense or  
20 violation occurred before that date.

21 SECTION 18. This Act takes effect September 1, 2017.