

By: Hernandez

H.B. No. 1104

A BILL TO BE ENTITLED

AN ACT

relating to sexual assault and domestic violence awareness training
and reporting by cosmetology license holders.

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

SECTION 1. Sections 1602.254(b) and (c), Occupations Code,
are amended to read as follows:

(b) To be eligible for an operator license, an applicant
must meet the requirements of Subsection (c) or:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the
equivalent of a high school diploma or have passed a valid
examination administered by a certified testing agency that
measures the person's ability to benefit from training; ~~and~~

(3) have completed:

(A) 1,500 hours of instruction in a licensed
beauty culture school; or

(B) 1,000 hours of instruction in beauty culture
courses and 500 hours of related high school courses prescribed by
the commission in a vocational cosmetology program in a public
school; and

(4) have completed a sexual assault and domestic
violence education program established or approved by the
commission under Section 1602.263.

(c) The commission shall adopt rules for the issuance of an

1 operator license under this section to a person who holds a Class A
2 barber certificate. The department shall issue the license to an
3 applicant who:

4 (1) holds an active Class A barber certificate;

5 (2) completes 300 hours of instruction in cosmetology
6 through a commission-approved training program in a cosmetology
7 school;

8 (3) completes a sexual assault and domestic violence
9 education program established or approved by the commission under
10 Section 1602.263;

11 (4) [~~(3)~~] passes the examination required under
12 Section 1602.262; and

13 (5) [~~(4)~~] submits to the department:

14 (A) an application on a form prescribed by the
15 department; and

16 (B) the required fee.

17 SECTION 2. Section 1602.256(b), Occupations Code, is
18 amended to read as follows:

19 (b) To be eligible for a manicurist specialty license, an
20 applicant must:

21 (1) be at least 17 years of age;

22 (2) have obtained a high school diploma or the
23 equivalent of a high school diploma or have passed a valid
24 examination administered by a certified testing agency that
25 measures the person's ability to benefit from training; [~~and~~]

26 (3) have completed 600 hours of instruction in
27 manicuring through a commission-approved training program; and

1 (4) have completed a sexual assault and domestic
2 violence education program established or approved by the
3 commission under Section 1602.263.

4 SECTION 3. Section 1602.257(b), Occupations Code, is
5 amended to read as follows:

6 (b) To be eligible for an esthetician specialty license, an
7 applicant must:

8 (1) be at least 17 years of age;

9 (2) have obtained a high school diploma or the
10 equivalent of a high school diploma or have passed a valid
11 examination administered by a certified testing agency that
12 measures the person's ability to benefit from training; ~~and~~

13 (3) have completed 750 hours of instruction in
14 esthetics specialty through a commission-approved training
15 program; and

16 (4) have completed a sexual assault and domestic
17 violence education program established or approved by the
18 commission under Section 1602.263.

19 SECTION 4. Section 1602.2571(b), Occupations Code, is
20 amended to read as follows:

21 (b) To be eligible for a specialty license in eyelash
22 extension application, an applicant must:

23 (1) be at least 17 years of age;

24 (2) have obtained a high school diploma or the
25 equivalent of a high school diploma or have passed a valid
26 examination administered by a certified testing agency that
27 measures the person's ability to benefit from training; ~~and~~

1 (3) have completed a training program described by
2 Section 1602.2572 that has been approved by the commission; and

3 (4) have completed a sexual assault and domestic
4 violence education program established or approved by the
5 commission under Section 1602.263.

6 SECTION 5. Section 1602.259(b), Occupations Code, is
7 amended to read as follows:

8 (b) To be eligible for a hair weaving specialty certificate,
9 an applicant must:

10 (1) be at least 17 years of age; [~~and~~]

11 (2) have the necessary requisites as determined by the
12 department in the particular specialty for which certification is
13 sought, including training through a commission-approved training
14 program; and

15 (3) have completed a sexual assault and domestic
16 violence education program established or approved by the
17 commission under Section 1602.263.

18 SECTION 6. Section 1602.260(b), Occupations Code, is
19 amended to read as follows:

20 (b) To be eligible for a wig specialty certificate, an
21 applicant must:

22 (1) be at least 17 years of age; [~~and~~]

23 (2) have the necessary requisites as determined by the
24 department in the particular specialty for which certification is
25 sought, including training through a commission-approved training
26 program; and

27 (3) have completed a sexual assault and domestic

1 violence education program established or approved by the
2 commission under Section 1602.263.

3 SECTION 7. Section 1602.261(c), Occupations Code, is
4 amended to read as follows:

5 (c) An applicant who qualifies under Subsection (b)(3)(B)
6 must:

7 (1) either:

8 (A) have obtained a high school diploma or a high
9 school equivalency certificate; or

10 (B) have passed a valid examination administered
11 by a certified testing agency that measures the person's ability to
12 benefit from training; ~~and~~

13 (2) have completed:

14 (A) 1,200 hours of instruction in a
15 manicure/esthetics specialty curriculum in a commission-approved
16 training program; or

17 (B) 600 hours of instruction in a manicure
18 curriculum and 750 hours of instruction in an esthetics curriculum
19 in commission-approved training programs; and

20 (3) have completed a sexual assault and domestic
21 violence education program established or approved by the
22 commission under Section 1602.263.

23 SECTION 8. Subchapter F, Chapter 1602, Occupations Code, is
24 amended by adding Section 1602.263 to read as follows:

25 Sec. 1602.263. SEXUAL ASSAULT AND DOMESTIC VIOLENCE
26 EDUCATION PROGRAM. (a) The commission shall adopt rules to
27 establish or approve an education program on sexual assault and

1 domestic violence awareness and support. A program established or
2 approved under this section must be one hour in duration and may be
3 provided as an online course.

4 (b) The commission may adopt rules relating to the standards
5 for approval of a program described by Subsection (a), including
6 the content and provider of the program.

7 (c) An applicant for the issuance or renewal of a license or
8 certificate issued under this chapter who is required to complete a
9 program established or approved under this section shall verify
10 completion of the program in the manner provided by commission
11 rule.

12 SECTION 9. Section 1602.354, Occupations Code, is amended
13 by adding Subsection (c) to read as follows:

14 (c) As part of the continuing education programs under
15 Subsection (a), a person who holds a license or certificate issued
16 under Subchapter F must complete a sexual assault and domestic
17 violence education program that is established or approved by the
18 commission under Section 1602.263. The commission may waive
19 compliance with this subsection if:

20 (1) the commission determines that completion of the
21 requirement will cause the person substantial financial hardship;

22 (2) the person is serving in the United States armed
23 forces; or

24 (3) the person is incapacitated due to illness.

25 SECTION 10. Subchapter I, Chapter 1602, Occupations Code,
26 is amended by adding Section 1602.408 to read as follows:

27 Sec. 1602.408. IMMUNITY FROM LIABILITY. A person who has

1 completed the education program under Section 1602.263 when
2 required by Subchapter F and Section 1602.354(c), or that person's
3 employer, is immune from civil and criminal liability for
4 reporting, in good faith, information obtained during the course
5 and scope of the person's employment that relates to a potential act
6 of sexual assault or domestic violence.

7 SECTION 11. (a) Not later than September 1, 2018, the Texas
8 Commission of Licensing and Regulation shall adopt rules to
9 implement the changes in law made by this Act to Chapter 1602,
10 Occupations Code.

11 (b) The changes in law made by this Act apply only to an
12 application for the issuance or renewal of a license or certificate
13 that is filed with the Texas Department of Licensing and Regulation
14 on or after September 1, 2018. An application for the issuance or
15 renewal of a license or certificate that is filed before that date
16 is governed by the law in effect immediately before the effective
17 date of this Act, and the former law is continued in effect for that
18 purpose.

19 SECTION 12. (a) Except as provided by Subsection (b) of this
20 section, this Act takes effect September 1, 2017.

21 (b) Section 1602.408, Occupations Code, as added by this
22 Act, takes effect September 1, 2018.