

1-1 By: Zaffirini S.B. No. 1503
 1-2 (In the Senate - Filed March 8, 2017; March 20, 2017, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 18, 2017, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 18, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Creighton	X			
1-9 Campbell	X			
1-10 Estes	X			
1-11 Nichols	X			
1-12 Schwertner	X			
1-13 Taylor of Galveston	X			
1-14 Whitmire	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to abolishing shampoo apprentice permits and shampoo
 1-20 specialty certificates.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 1601.002, Occupations Code, is amended
 1-23 to read as follows:

1-24 Sec. 1601.002. DEFINITION OF BARBERING. In this chapter,
 1-25 "barbering," "practicing barbering," or the "practice of
 1-26 barbering" means:

1-27 (1) performing or offering or attempting to perform
 1-28 for compensation or the promise of compensation any of the
 1-29 following services:

1-30 (A) treating a person's mustache or beard by
 1-31 arranging, beautifying, coloring, processing, shaving, styling, or
 1-32 trimming;

1-33 (B) treating a person's hair by:
 1-34 (i) arranging, beautifying, bleaching,
 1-35 cleansing, coloring, curling, dressing, dyeing, processing,
 1-36 [~~shampooing~~] shaping, singeing, straightening, styling, tinting,
 1-37 or waving;

1-38 (ii) providing a necessary service that is
 1-39 preparatory or ancillary to a service under Subparagraph (i),
 1-40 including bobbing, clipping, cutting, or trimming; or

1-41 (iii) cutting the person's hair as a
 1-42 separate and independent service for which a charge is directly or
 1-43 indirectly made separately from a charge for any other service;

1-44 (C) cleansing, stimulating, or massaging a
 1-45 person's scalp, face, neck, arms, or shoulders:

1-46 (i) by hand or by using a device, apparatus,
 1-47 or appliance; and

1-48 (ii) with or without the use of any cosmetic
 1-49 preparation, antiseptic, tonic, lotion, or cream;

1-50 (D) beautifying a person's face, neck, arms, or
 1-51 shoulders using a cosmetic preparation, antiseptic, tonic, lotion,
 1-52 powder, oil, clay, cream, or appliance;

1-53 (E) treating a person's nails by:
 1-54 (i) cutting, trimming, polishing, tinting,
 1-55 coloring, cleansing, manicuring, or pedicuring; or

1-56 (ii) attaching false nails;
 1-57 (F) massaging, cleansing, treating, or
 1-58 beautifying a person's hands;

1-59 (G) administering facial treatments;

1-60 (H) weaving a person's hair by using any method
 1-61 to attach commercial hair to a person's hair or scalp; or

2-1 (I) [~~shampooing or conditioning a person's hair,~~
2-2 ~~or~~
2-3 [~~(J)~~] servicing in any manner listed in Paragraph
2-4 (B) a person's wig, toupee, or artificial hairpiece on a person's
2-5 head or on a block after the initial retail sale;
2-6 (2) advertising or representing to the public in any
2-7 manner that a person is a barber or is authorized to practice
2-8 barbering; or
2-9 (3) advertising or representing to the public in any
2-10 manner that a location or place of business is a barbershop,
2-11 specialty shop, or barber school.

2-12 SECTION 2. Section 1601.256(a), Occupations Code, is
2-13 amended to read as follows:
2-14 (a) A person holding a barber technician license may:
2-15 (1) perform only barbering as defined by Sections
2-16 1601.002(1)(C), (D), (F), and (G) [~~, and (I)~~]; and
2-17 (2) practice only at a location that has been issued a
2-18 barbershop permit.

2-19 SECTION 3. Section 1602.002(a), Occupations Code, is
2-20 amended to read as follows:
2-21 (a) In this chapter, "cosmetology" means the practice of
2-22 performing or offering to perform for compensation any of the
2-23 following services:
2-24 (1) treating a person's hair by:
2-25 (A) providing any method of treatment as a
2-26 primary service, including arranging, beautifying, bleaching,
2-27 cleansing, coloring, cutting, dressing, dyeing, processing,
2-28 [~~shampooing,~~] shaping, singeing, straightening, styling, tinting,
2-29 or waving;
2-30 (B) providing a necessary service that is
2-31 preparatory or ancillary to a service under Paragraph (A),
2-32 including bobbing, clipping, cutting, or trimming a person's hair
2-33 or shaving a person's neck with a safety razor; or
2-34 (C) cutting the person's hair as a separate and
2-35 independent service for which a charge is directly or indirectly
2-36 made separately from charges for any other service;
2-37 (2) [~~shampooing and conditioning a person's hair,~~
2-38 [~~(3)~~] servicing a person's wig or artificial hairpiece
2-39 on a person's head or on a block after the initial retail sale and
2-40 servicing in any manner listed in Subdivision (1);
2-41 (3) [~~(4)~~] treating a person's mustache or beard by
2-42 arranging, beautifying, coloring, processing, styling, trimming,
2-43 or shaving with a safety razor;
2-44 (4) [~~(5)~~] cleansing, stimulating, or massaging a
2-45 person's scalp, face, neck, or arms:
2-46 (A) by hand or by using a device, apparatus, or
2-47 appliance; and
2-48 (B) with or without the use of any cosmetic
2-49 preparation, antiseptic, tonic, lotion, or cream;
2-50 (5) [~~(6)~~] beautifying a person's face, neck, or arms
2-51 using a cosmetic preparation, antiseptic, tonic, lotion, powder,
2-52 oil, clay, cream, or appliance;
2-53 (6) [~~(7)~~] administering facial treatments;
2-54 (7) [~~(8)~~] removing superfluous hair from a person's
2-55 body using depilatories, preparations, or tweezing techniques;
2-56 (8) [~~(9)~~] treating a person's nails by:
2-57 (A) cutting, trimming, polishing, tinting,
2-58 coloring, cleansing, or manicuring; or
2-59 (B) attaching false nails;
2-60 (9) [~~(10)~~] massaging, cleansing, treating, or
2-61 beautifying a person's hands or feet;
2-62 (10) [~~(11)~~] applying semipermanent, thread-like
2-63 extensions composed of single fibers to a person's eyelashes; or
2-64 (11) [~~(12)~~] weaving a person's hair.

2-65 SECTION 4. Section 1602.255(c), Occupations Code, is
2-66 amended to read as follows:
2-67 (c) The commission shall adopt rules for the licensing of
2-68 specialty instructors to teach specialty courses in the practice of
2-69 cosmetology defined in Sections 1602.002(a)(5), (7), (8), and (10)

3-1 ~~[1602.002(a)(6), (8), (9), and (11)].~~
 3-2 SECTION 5. Section 1602.256(a), Occupations Code, is
 3-3 amended to read as follows:
 3-4 (a) A person holding a manicurist specialty license may
 3-5 perform only the practice of cosmetology defined in Section
 3-6 1602.002(a)(8) or (9) ~~[1602.002(a)(9) or (10)].~~
 3-7 SECTION 6. Section 1602.257(a), Occupations Code, is
 3-8 amended to read as follows:
 3-9 (a) A person holding an esthetician specialty license may
 3-10 perform only the practice of cosmetology defined in Sections
 3-11 1602.002(a)(4), (5), (6), (7), and (10) ~~[1602.002(a)(5), (6), (7),~~
 3-12 ~~(8), and (11)].~~
 3-13 SECTION 7. Section 1602.2571(a), Occupations Code, is
 3-14 amended to read as follows:
 3-15 (a) A person holding a specialty license in eyelash
 3-16 extension application may perform only the practice of cosmetology
 3-17 defined in Section 1602.002(a)(10) ~~[1602.002(a)(11)].~~
 3-18 SECTION 8. Section 1602.259(a), Occupations Code, is
 3-19 amended to read as follows:
 3-20 (a) A person holding a hair weaving specialty certificate
 3-21 may perform only the practice of cosmetology defined in Section
 3-22 1602.002(a)(11) ~~[Sections 1602.002(a)(2) and (12)].~~
 3-23 SECTION 9. Section 1602.260(a), Occupations Code, is
 3-24 amended to read as follows:
 3-25 (a) A person holding a wig specialty certificate may perform
 3-26 only the practice of cosmetology defined in Section 1602.002(a)(2)
 3-27 ~~[1602.002(a)(3)].~~
 3-28 SECTION 10. Section 1602.261(a), Occupations Code, is
 3-29 amended to read as follows:
 3-30 (a) A person holding a manicurist/esthetician specialty
 3-31 license may perform only the practice of cosmetology defined in
 3-32 Sections 1602.002(a)(4) through (9) ~~[1602.002(a)(5) through (10)].~~
 3-33 SECTION 11. Section 1602.305(a), Occupations Code, is
 3-34 amended to read as follows:
 3-35 (a) A person holding a specialty shop license may maintain
 3-36 an establishment in which only the practice of cosmetology as
 3-37 defined in Section 1602.002(a)(2), (5), (7), (8), or (10)
 3-38 ~~[1602.002(a)(3), (6), (8), (9), or (11)]~~ is performed.
 3-39 SECTION 12. Section 1602.354(a), Occupations Code, is
 3-40 amended to read as follows:
 3-41 (a) The commission will by rule recognize, prepare, or
 3-42 administer continuing education programs for the practice of
 3-43 cosmetology. Participation in the programs is mandatory for all
 3-44 license renewals ~~[other than renewal of a shampoo specialty~~
 3-45 ~~certificate].~~
 3-46 SECTION 13. Section 1602.403(c), Occupations Code, is
 3-47 amended to read as follows:
 3-48 (c) A person holding a beauty shop license or specialty shop
 3-49 license may not employ~~+~~
 3-50 ~~[(1)]~~ a person as an operator or specialist or lease to
 3-51 a person who acts as an operator or specialist unless the person
 3-52 holds a license or certificate under this chapter or under Chapter
 3-53 1601 ~~[, or~~
 3-54 ~~[(2) a person to shampoo or condition a person's hair~~
 3-55 ~~unless the person holds a shampoo apprentice permit or student~~
 3-56 ~~permit].~~
 3-57 SECTION 14. Section 1603.352(a), Occupations Code, is
 3-58 amended to read as follows:
 3-59 (a) A person who holds a license, certificate, or permit
 3-60 issued under this chapter, Chapter 1601, or Chapter 1602 and who
 3-61 performs a barbering service described by Section 1601.002(1)(E) or
 3-62 (F) or a cosmetology service described by Section 1602.002(a)(8) or
 3-63 (9) ~~[1602.002(a)(9) or (10)]~~ shall, before performing the service,
 3-64 clean, disinfect, and sterilize with an autoclave or dry heat
 3-65 sterilizer or sanitize with an ultraviolet sanitizer, in accordance
 3-66 with the sterilizer or sanitizer manufacturer's instructions, each
 3-67 metal instrument, including metal nail clippers, cuticle pushers,
 3-68 cuticle nippers, and other metal instruments, used to perform the
 3-69 service.

4-1 SECTION 15. The following provisions of the Occupations
4-2 Code are repealed:
4-3 (1) Section 1601.260(c);
4-4 (2) Section 1601.261;
4-5 (3) Section 1601.301(c);
4-6 (4) Section 1602.266(c);
4-7 (5) Section 1602.267;
4-8 (6) Section 1602.301(c); and
4-9 (7) Section 1602.456(b-1).

4-10 SECTION 16. On the effective date of this Act:
4-11 (1) a shampoo apprentice permit issued under former
4-12 Section 1601.261 or 1602.267, Occupations Code, expires; and
4-13 (2) a shampoo specialty certificate issued under
4-14 Chapter 1602 expires.

4-15 SECTION 17. (a) The changes in law made by this Act do not
4-16 affect the validity of a proceeding pending before a court or other
4-17 governmental entity on the effective date of this Act.

4-18 (b) An offense or other violation of law committed before
4-19 the effective date of this Act is governed by the law in effect when
4-20 the offense or violation was committed, and the former law is
4-21 continued in effect for that purpose. For purposes of this
4-22 subsection, an offense or violation was committed before the
4-23 effective date of this Act if any element of the offense or
4-24 violation occurred before that date.

4-25 SECTION 18. This Act takes effect September 1, 2017.

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