BACKGROUND AND PURPOSE

It has been suggested that there are barriers to small businesses that want to provide on-demand services for mobile barbering and cosmetology services. S.B. 1394 seeks to address this issue by providing for the regulation of companies that prearrange barbering and cosmetology services outside of certain facilities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 of this bill.

ANALYSIS

S.B. 1394 amends the Occupations Code to define "remote service business" as a corporation, partnership, sole proprietorship, or other entity that enables a client to schedule with a person holding a license, certificate of registration, or permit to practice barbering or cosmetology a barbering or cosmetology service performed for compensation that is prearranged through a digital network and performed at a location other than a licensed or permitted place of business. The bill requires the Texas Commission on Licensing and Regulation (TCLR) to adopt rules to administer the bill's provisions, including rules that:

- set minimum standards for the operation of a remote service business and for the sanitation requirements for performing a digitally prearranged remote service;

- determine activities within the scope of barbering and cosmetology that may be performed as a digitally prearranged remote service; and

- establish procedures for inspecting and auditing the records of a remote service business and of a person who performs such a service.

S.B. 1394 requires a person who holds a license, certificate of registration, or permit to practice barbering or cosmetology and who performs a digitally prearranged remote service to comply with the bill's provisions and the rules adopted by TCLR under those provisions and to practice within the scope of the person's license, certificate of registration, or permit. The bill requires a remote service business, before such a person performs the service for a client, to provide through the entity's digital network certain information specified by the bill regarding the person who will perform the service, the business, and the Texas Department of Licensing and Regulation (TDLR). The bill requires the business to issue to the client a receipt with specified information within a reasonable time after completion of the service.

S.B. 1394 requires a remote service business to maintain each record showing compliance with the bill's provisions and the rules adopted by TCLR until at least the fifth anniversary of the date the record was generated. The bill establishes that a remote service business is required to terminate a person's access to the business's digital network if the business or TDLR determines the person violated:

- provisions relating to the regulation of barbers and cosmetologists or a rule adopted under such provisions; or
- statutory provisions relating to barbers or statutory provisions relating to cosmetologists or a rule adopted under such statutory provisions.

S.B. 1394 prohibits a remote service business from offering a barbering or cosmetology service that requires treating or removing a person's hair by coloring, processing, bleaching, dyeing, tinting, or using a cosmetic preparation.

S.B. 1394 clarifies that statutory provisions relating to permitted locations to practice barbering or cosmetology and limitations on barbering and cosmetology services at unlicensed locations do not apply to a digitally prearranged remote service scheduled through a remote service business.

EFFECTIVE DATE

September 1, 2019.