

1 AN ACT

2 relating to the licensing and regulation of certain occupations,
3 activities, and agreements; providing a civil penalty; authorizing
4 fees; requiring an occupational registration and an occupational
5 license.

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

7 ARTICLE 1. EXCESS WEAR AND USE WAIVERS FOR LEASES OF MOTOR VEHICLES

8 SECTION 1.001. Subtitle B, Title 5, Business & Commerce
9 Code, is amended by adding Chapter 94 to read as follows:

10 CHAPTER 94. EXCESS WEAR AND USE WAIVERS FOR LEASES OF MOTOR

11 VEHICLES

12 Sec. 94.001. DEFINITIONS. In this chapter:

13 (1) "Excess wear and use waiver" means a provision of
14 or addendum to a lease agreement under which the lessor agrees to
15 not hold a lessee liable for all or part of the excess wear and use
16 to a motor vehicle.

17 (2) "Lease agreement" means an agreement, including
18 any addendum to the agreement, entered into in this state under
19 which a lessee pays a fee or other consideration to a lessor for the
20 right to possession and use of a motor vehicle for a term of more
21 than 180 days, regardless of whether the agreement provides the
22 lessee an option to purchase or otherwise become the owner of the
23 motor vehicle upon the expiration of the term of the agreement.

24 (3) "Lessee" means an individual who acquires the

1 right to possession and use of a motor vehicle under a lease
2 agreement primarily for personal, family, or household purposes.

3 (4) "Lessor" means a person who, in the ordinary
4 course of business, regularly leases, offers to lease, or arranges
5 for the lease of a motor vehicle under a lease agreement. Unless
6 the context clearly indicates otherwise, the term includes an
7 assignee of the lessor.

8 (5) "Motor vehicle" has the meaning assigned by
9 Section 541.201, Transportation Code.

10 Sec. 94.002. CONTRACT FOR EXCESS WEAR AND USE WAIVER. A
11 lessee may contract with a lessor for an excess wear and use waiver
12 in connection with a lease agreement.

13 Sec. 94.003. RESTRICTIONS ON LESSOR CONCERNING EXCESS WEAR
14 AND USE WAIVER. A lessor may not:

15 (1) sell an excess wear and use waiver, unless:

16 (A) the lease agreement containing the excess
17 wear and use waiver complies with this chapter; and

18 (B) the lessee agrees to the excess wear and use
19 waiver in writing; or

20 (2) impose or require the purchase of an excess wear
21 and use waiver as a condition of entering into a lease agreement.

22 Sec. 94.004. REQUIRED NOTICE. An excess wear and use waiver
23 must be in writing and include a notice substantially similar to the
24 following:

25 "This excess wear and use waiver is optional, is not a
26 condition of leasing the vehicle, and is being provided for an
27 additional charge to cover your responsibility for any excess wear

1 and use to the leased vehicle."

2 Sec. 94.005. REQUIRED DISCLOSURES. A lease agreement that
3 includes an excess wear and use waiver must disclose:

4 (1) the total charge for the excess wear and use
5 waiver; and

6 (2) any exclusions or limitations on the amount of
7 excess wear and use that may be waived under the excess wear and use
8 waiver.

9 Sec. 94.006. RELATIONSHIP TO INSURANCE. An excess wear and
10 use waiver is not insurance.

11 Sec. 94.007. CIVIL PENALTY. A lessor that violates this
12 chapter is liable for a civil penalty in an amount of not less than
13 \$500 or more than \$1,000 for each violation.

14 Sec. 94.008. INJUNCTIVE RELIEF. A person injured or
15 threatened with injury by a violation of this chapter may seek
16 injunctive relief against the person committing or threatening to
17 commit the violation.

18 Sec. 94.009. SUIT FOR CIVIL PENALTY OR INJUNCTIVE RELIEF.
19 The attorney general or a county or district attorney may bring an
20 action in the name of the state for a civil penalty under Section
21 94.007, injunctive relief under Section 94.008, or both.

22 SECTION 1.002. The change in law made by this article
23 applies only to a lease agreement entered into on or after the
24 effective date of this Act. A lease agreement entered into before
25 the effective date of this Act is governed by the law in effect on
26 the date the lease agreement was entered into, and the former law is
27 continued in effect for that purpose.

ARTICLE 2. DRIVER EDUCATION

SECTION 2.001. Section 1001.001(7), Education Code, is amended to read as follows:

(7) "Driver education school" means an enterprise that:

(A) maintains a place of business or solicits business in this state; and

(B) is operated by an individual, association, partnership, or corporation for educating and training persons ~~at a primary or branch location~~ in driver education or driver education instructor development.

SECTION 2.002. Section 1001.151(e), Education Code, is amended to read as follows:

(e) The commission may establish a fee for an application for approval to offer a driver education course ~~by an alternative method of instruction under Section 1001.3541~~.

SECTION 2.003. Section 1001.204(b), Education Code, is amended to read as follows:

(b) The department shall approve an application for a driver education school license if the application is submitted on a form approved by the department ~~executive director~~, the application is accompanied by ~~includes~~ the fee, and the department determines ~~on inspection of the premises of the school, it is determined~~ that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and

1 instruction are offered;

2 (2) has adequate space, equipment, instructional
3 material, and instructors to provide training of good quality in
4 the classroom and behind the wheel, if applicable;

5 (3) has instructors who have adequate educational
6 qualifications and experience;

7 (4) provides to each student before enrollment:

8 (A) a copy of:

9 (i) the refund policy;

10 (ii) the schedule of tuition, fees, and
11 other charges; and

12 (iii) the regulations relating to absence,
13 grading policy, and rules of operation and conduct; and

14 (B) the department's name, mailing address,
15 telephone number, and Internet website address for the purpose of
16 directing complaints to the department;

17 (5) maintains adequate records as prescribed by the
18 department to show attendance and progress or grades and enforces
19 satisfactory standards relating to attendance, progress, and
20 conduct;

21 (6) on completion of training, issues each student a
22 certificate indicating the course name and satisfactory
23 completion;

24 (7) complies with all county, municipal, state, and
25 federal regulations, including fire, building, and sanitation
26 codes and assumed name registration, if applicable;

27 (8) is financially sound and capable of fulfilling its

1 commitments for training;

2 (9) maintains and publishes as part of its student
3 enrollment contract the proper policy for the refund of the unused
4 portion of tuition, fees, and other charges if a student fails to
5 take the course or withdraws or is discontinued from the school at
6 any time before completion;

7 (10) does not use erroneous or misleading advertising,
8 either by actual statement, omission, or intimation, as determined
9 by the department;

10 (11) does not use a name similar to the name of another
11 existing school or tax-supported educational institution in this
12 state, unless specifically approved in writing by the executive
13 director;

14 (12) submits to the department for approval the
15 applicable course hour lengths and curriculum content for each
16 course offered by the school;

17 (13) does not owe an administrative penalty for a
18 violation of this chapter; ~~and~~

19 (14) meets any additional criteria required by the
20 department, including any applicable inspection requirements; and

21 (15) provides adequate testing and security measures
22 for the school's method of instruction.

23 SECTION 2.004. Section [1001.2513](#), Education Code, is
24 amended to read as follows:

25 Sec. 1001.2513. CONFIDENTIALITY OF INFORMATION. A social
26 security number, driver's license number, other identification
27 number, or fingerprint record ~~[Information]~~ collected for ~~[about]~~ a

1 person to comply with Section 1001.2511[, ~~including the person's~~
2 ~~name, address, phone number, social security number, driver's~~
3 ~~license number, other identification number, and fingerprint~~
4 ~~records~~]:

5 (1) may not be released except:

6 (A) to provide relevant information to driver
7 education schools or otherwise to comply with Section 1001.2511;

8 (B) by court order; or

9 (C) with the consent of the person who is the
10 subject of the information;

11 (2) is not subject to disclosure as provided by
12 Chapter 552, Government Code; and

13 (3) shall be destroyed by the requestor or any
14 subsequent holder of the information not later than the first
15 anniversary of the date the information is received.

16 SECTION 2.005. Subchapter F, Chapter 1001, Education Code,
17 is amended by adding Sections 1001.2531, 1001.2532, 1001.2533,
18 1001.2534, and 1001.2535 to read as follows:

19 Sec. 1001.2531. DRIVER EDUCATION INSTRUCTOR REQUIREMENTS.

20 (a) The commission by rule shall establish standards for a driver
21 education instructor to be certified as a teaching assistant,
22 driver education teacher, or supervising teacher.

23 (b) An applicant for a driver education instructor license
24 under this section must:

25 (1) apply to the department on a form prescribed by the
26 department and under rules adopted by the commission;

27 (2) submit with the application a nonrefundable

1 application fee in an amount set by commission rule; and

2 (3) present satisfactory evidence to the department
3 that the applicant:

4 (A) is at least 21 years of age;

5 (B) holds a high school diploma or high school
6 equivalency certificate; and

7 (C) meets any other requirement established by
8 commission rule.

9 Sec. 1001.2532. TEACHING ASSISTANT. (a) A teaching
10 assistant is a driver education instructor who is authorized to
11 teach or provide only behind-the-wheel training.

12 (b) To be eligible to be certified as a teaching assistant,
13 a driver education instructor must:

14 (1) have successfully completed:

15 (A) six semester hours of driver and traffic
16 safety education from an accredited college or university; or

17 (B) a teaching assistant development course
18 approved by the department; and

19 (2) pass any required examination.

20 Sec. 1001.2533. DRIVER EDUCATION TEACHER. (a) A driver
21 education teacher is a driver education instructor who is
22 authorized to teach or provide behind-the-wheel training and
23 classroom training.

24 (b) To be eligible to be certified as a driver education
25 teacher, a driver education instructor must:

26 (1) have successfully completed:

27 (A) nine semester hours of driver and traffic

1 safety education from an accredited college or university; or
2 (B) a driver education teacher development
3 course approved by the department; and

4 (2) pass any required examination.

5 Sec. 1001.2534. SUPERVISING TEACHER. (a) A supervising
6 teacher is a driver education instructor who is authorized to teach
7 instructor training classes.

8 (b) To be eligible to be certified as a supervising teacher,
9 a driver education instructor must have:

10 (1) been certified as a driver education teacher for
11 at least one year; and

12 (2) successfully completed:

13 (A) 15 semester hours of driver and traffic
14 safety education from an accredited college or university; or

15 (B) a supervising teacher development course
16 approved by the department.

17 (c) The commission, department, or executive director may
18 adopt an alternative method to determine or verify an instructor's
19 eligibility under Subsection (b).

20 Sec. 1001.2535. DEVELOPMENT COURSE FOR TEACHING ASSISTANT,
21 DRIVER EDUCATION TEACHER, OR SUPERVISING TEACHER. The classroom
22 portion of a development course required for certification as a
23 teaching assistant, driver education teacher, or supervising
24 teacher may be completed online.

25 SECTION 2.006. Subchapter H, Chapter 1001, Education Code,
26 is amended by adding Section 1001.3542 to read as follows:

27 Sec. 1001.3542. METHOD OF INSTRUCTION FOR DRIVER EDUCATION

1 COURSE. A driver education school may teach a driver education
2 course by any method approved by the department, including an
3 alternative method under Section 1001.3541 or a traditional method
4 under Subchapter C.

5 SECTION 2.007. The following provisions of the Education
6 Code are repealed:

- 7 (1) Sections 1001.253, 1001.254, and 1001.256; and
8 (2) Section 1001.3541(b).

9 SECTION 2.008. (a) As soon as practicable after the
10 effective date of this Act, the Texas Commission of Licensing and
11 Regulation shall adopt rules to implement Section 1001.204(b),
12 Education Code, as amended by this article, and Section 1001.2531,
13 Education Code, as added by this article.

14 (b) A driver education instructor license issued under
15 Section 1001.253, Education Code, before the repeal of that section
16 by this article, continues to be valid until the license expires,
17 and former Section 1001.253, Education Code, is continued in effect
18 for that purpose.

19 (c) A person who holds on the effective date of this Act a
20 driver education instructor license described by former Section
21 1001.253(b), Education Code, is entitled on expiration of that
22 license to issuance of a driver education instructor license
23 certified as a teaching assistant under Section 1001.2532,
24 Education Code, as added by this article, if the person otherwise
25 meets the requirements for renewal of a driver education instructor
26 license certified as a teaching assistant.

27 (d) A person who holds on the effective date of this Act a

1 driver education instructor license described by former Section
2 1001.253(c), Education Code, is entitled on expiration of that
3 license to issuance of a driver education instructor license
4 certified as a driver education teacher under Section 1001.2533,
5 Education Code, as added by this article, if the person otherwise
6 meets the requirements for renewal of a driver education instructor
7 license certified as a driver education teacher.

8 (e) A person who holds on the effective date of this Act a
9 driver education instructor license described by former Section
10 1001.253(e), Education Code, is entitled on expiration of that
11 license to issuance of a driver education instructor license
12 certified as a supervising teacher under Section 1001.2534,
13 Education Code, as added by this article, if the person otherwise
14 meets the requirements for renewal of a driver education instructor
15 license certified as a supervising teacher.

16 (f) The changes in law made by this article do not affect the
17 validity of a disciplinary action or other proceeding that was
18 initiated before the effective date of this Act and that is pending
19 before a court or other governmental entity on the effective date of
20 this Act.

21 (g) Sections 1001.2531, 1001.2532, 1001.2533, and
22 1001.2534, Education Code, as added by this article, apply only to
23 an application for, or renewal of, an instructor license submitted
24 to the Texas Department of Licensing and Regulation on or after the
25 effective date of this Act. An application submitted before that
26 date is governed by the law in effect when the application was
27 submitted, and the former law is continued in effect for that

1 purpose.

2 ARTICLE 3. LASER HAIR REMOVAL

3 SECTION 3.001. Subchapter M, Chapter 401, Health and Safety
4 Code, is amended by adding Section 401.509 to read as follows:

5 Sec. 401.509. CONTINUING EDUCATION. The commission by rule
6 shall establish continuing education requirements for renewal of a
7 certificate under this subchapter.

8 SECTION 3.002. As soon as practicable after the effective
9 date of this Act, the Texas Commission of Licensing and Regulation
10 shall adopt the rules necessary to implement Section 401.509,
11 Health and Safety Code, as added by this article.

12 ARTICLE 4. PHARMACISTS

13 SECTION 4.001. Section 481.075(i), Health and Safety Code,
14 is amended to read as follows:

15 (i) Each dispensing pharmacist shall:

16 (1) fill in on the official prescription form or note
17 in the electronic prescription record each item of information
18 given orally to the dispensing pharmacy under Subsection (h) and
19 the date the prescription is filled, and:

20 (A) for a written prescription, fill in the
21 dispensing pharmacist's signature; or

22 (B) for an electronic prescription,
23 appropriately record the identity of the dispensing pharmacist in
24 the electronic prescription record;

25 (2) retain with the records of the pharmacy for at
26 least two years:

27 (A) the official prescription form or the

1 electronic prescription record, as applicable; and

2 (B) the name or other patient identification
3 required by Section 481.074(m) or (n); ~~and~~

4 (3) send all required information, including any
5 information required to complete an official prescription form or
6 electronic prescription record, to the board by electronic transfer
7 or another form approved by the board not later than the next
8 business day after the date the prescription is completely filled;
9 and

10 (4) if the pharmacy does not dispense any controlled
11 substance prescriptions during a period of seven consecutive days,
12 send a report to the board indicating that the pharmacy did not
13 dispense any controlled substance prescriptions during that
14 period, unless the pharmacy has obtained a waiver or permission to
15 delay reporting to the board.

16 SECTION 4.002. Sections 481.076(a) and (k), Health and
17 Safety Code, are amended to read as follows:

18 (a) The board may not permit any person to have access to
19 information submitted to the board under Section 481.074(q) or
20 481.075 except:

21 (1) the board, the Texas Medical Board, the Texas
22 Department of Licensing and Regulation, with respect to the
23 regulation of podiatrists [~~State Board of Podiatric Medical~~
24 ~~Examiners~~], the State Board of Dental Examiners, the State Board of
25 Veterinary Medical Examiners, the Texas Board of Nursing, or the
26 Texas Optometry Board for the purpose of:

27 (A) investigating a specific license holder; or

1 (B) monitoring for potentially harmful
2 prescribing or dispensing patterns or practices under Section
3 481.0762;

4 (2) an authorized officer or member of the department
5 or authorized employee of the board engaged in the administration,
6 investigation, or enforcement of this chapter or another law
7 governing illicit drugs in this state or another state;

8 (3) the department on behalf of a law enforcement or
9 prosecutorial official engaged in the administration,
10 investigation, or enforcement of this chapter or another law
11 governing illicit drugs in this state or another state;

12 (4) a medical examiner conducting an investigation;

13 (5) provided that accessing the information is
14 authorized under the Health Insurance Portability and
15 Accountability Act of 1996 (Pub. L. No. 104-191) and regulations
16 adopted under that Act:

17 (A) a pharmacist or a pharmacist-intern,
18 pharmacy technician, or pharmacy technician trainee, as defined by
19 Section 551.003, Occupations Code, acting at the direction of a
20 pharmacist, who is inquiring about a recent Schedule II, III, IV, or
21 V prescription history of a particular patient of the pharmacist;

22 or

23 (B) a practitioner who:

24 (i) is a physician, dentist, veterinarian,
25 podiatrist, optometrist, or advanced practice nurse or is a
26 physician assistant described by Section 481.002(39)(D) or an
27 employee or other agent of a practitioner acting at the direction of

1 a practitioner; and

2 (ii) is inquiring about a recent Schedule
3 II, III, IV, or V prescription history of a particular patient of
4 the practitioner;

5 (6) a pharmacist or practitioner who is inquiring
6 about the person's own dispensing or prescribing activity or a
7 practitioner who is inquiring about the prescribing activity of an
8 individual to whom the practitioner has delegated prescribing
9 authority; or

10 (7) one or more states or an association of states with
11 which the board has an interoperability agreement, as provided by
12 Subsection (j).

13 (k) A person authorized to access information under
14 Subsection (a)(4) or (5) who is registered with the board for
15 electronic access to the information is entitled to directly access
16 the information available from other states pursuant to an
17 interoperability agreement described by Subsection (j).

18 SECTION 4.003. Section [481.0766](#)(a), Health and Safety Code,
19 is amended to read as follows:

20 (a) A wholesale distributor shall report to the board the
21 distribution of all Schedules II, III, IV, and V controlled
22 substances [~~information that the distributor is required to report~~
23 ~~to the Automation of Reports and Consolidated Orders System (ARCOS)~~
24 ~~of the Federal Drug Enforcement Administration for the distribution~~
25 ~~of a controlled substance]~~ by the distributor to a person in this
26 state. The distributor shall report the information to the board in
27 the same format and with the same frequency as the information is

1 reported to the Federal Drug Enforcement Administration [ARCOS].

2 SECTION 4.004. Section 481.353(a), Health and Safety Code,
3 is amended to read as follows:

4 (a) The work group shall meet when necessary as determined
5 by the board [~~at least quarterly~~].

6 SECTION 4.005. Section 560.051(f), Occupations Code, is
7 amended to read as follows:

8 (f) A Class E pharmacy license or nonresident pharmacy
9 license may be issued to a pharmacy located in another state whose
10 primary business is to:

11 (1) [~~(A)~~] dispense a prescription drug or device under
12 a prescription drug order [~~+~~] and

13 [~~(B)~~] deliver the drug or device to a patient,
14 including a patient in this state, by United States mail, common
15 carrier, or delivery service;

16 (2) process a prescription drug order for a patient,
17 including a patient in this state; or

18 (3) perform another pharmaceutical service, as
19 defined by board rule.

20 SECTION 4.006. The following provisions of the Occupations
21 Code are repealed:

22 (1) Sections 554.016, 556.0555, 560.001(c), 560.0525,
23 561.003(f), 562.101(f-1), and 562.111; and

24 (2) Subchapter E, Chapter 562.

25 SECTION 4.007. To the extent of any conflict, Section
26 481.076(a), Health and Safety Code, as amended by this article,
27 prevails over another Act of the 86th Legislature, Regular Session,

1 2019, relating to nonsubstantive additions to and corrections in
2 enacted codes.

3 ARTICLE 5. ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

4 SECTION 5.001. Chapter 754, Health and Safety Code, is
5 amended by adding Section 754.026 to read as follows:

6 Sec. 754.026. DISCLOSURE OF E-MAIL ADDRESS.

7 Notwithstanding any other law, an e-mail address provided to the
8 department relating to an inspection or review of plans under this
9 chapter is not confidential and is subject to disclosure under
10 Chapter 552, Government Code.

11 ARTICLE 6. BOILERS

12 SECTION 6.001. Section 755.025, Health and Safety Code, is
13 amended by adding Subsection (h) to read as follows:

14 (h) Notwithstanding any other law, an e-mail address
15 provided to the department relating to an inspection under this
16 chapter is not confidential and is subject to disclosure under
17 Chapter 552, Government Code.

18 SECTION 6.002. Section 755.029(c), Health and Safety Code,
19 is amended to read as follows:

20 (c) A certificate of operation must be posted [~~under glass~~]
21 in a conspicuous place on or near the boiler for which it is issued.

22 ARTICLE 7. TEXAS DEPARTMENT OF LICENSING AND REGULATION

23 SECTION 7.001. Section 51.203, Occupations Code, is amended
24 to read as follows:

25 Sec. 51.203. RULES REGARDING PROGRAMS REGULATED BY
26 DEPARTMENT. (a) The commission shall adopt rules as necessary to
27 implement each law establishing a program regulated by the

1 department.

2 (b) Notwithstanding any other law, for each program
3 regulated by the department, including a program under which a
4 license is issued by the department, the commission by rule may
5 establish:

6 (1) the length of a license term, not to exceed two
7 years;

8 (2) a fee for the issuance or renewal of a license; and

9 (3) any continuing education required to renew a
10 license.

11 SECTION 7.002. Section 51.2031(a-2), Occupations Code, is
12 amended to read as follows:

13 (a-2) For each rule proposed under Subsection (a-1), the
14 commission shall either adopt the rule as proposed or return the
15 rule to the advisory board for revision. The commission retains
16 authority for final adoption of all rules and is responsible for
17 ensuring compliance with all laws regarding the rulemaking process.

18 ~~[This subsection and Subsection (a-1) expire September 1, 2019.]~~

19 SECTION 7.003. Section 51.252, Occupations Code, is amended
20 by amending Subsection (b) and adding Subsections (b-1) and (e) to
21 read as follows:

22 (b) The department shall maintain a file on each written
23 complaint filed with the department. The file must include:

24 (1) except for a complaint described by Subsection
25 (b-1), the name of the person who filed the complaint;

26 (2) the date the complaint is received by the
27 department;

1 (3) the subject matter of the complaint;

2 (4) the name of each person contacted in relation to
3 the complaint;

4 (5) a summary of the results of the review or
5 investigation of the complaint; and

6 (6) an explanation of the reason the file was closed,
7 if the department closed the file without taking action other than
8 to investigate the complaint.

9 (b-1) The department may accept, but is not required to
10 investigate, a complaint that lacks sufficient information to
11 identify the source or the name of the person who filed the
12 complaint.

13 (e) The department may contract with a qualified
14 individual, including an advisory board member unless otherwise
15 prohibited by law, to assist the department with reviewing or
16 investigating complaints filed with the department. Except for an
17 act of the individual involving fraud, conspiracy, or malice, an
18 individual with whom the department contracts under this subsection
19 is immune from liability and may not be subject to a suit for
20 damages for any act arising from the performance of the
21 individual's duties in:

22 (1) participating in an informal conference to
23 determine the facts of a complaint;

24 (2) evaluating evidence in a complaint and offering an
25 expert opinion or technical guidance on an alleged violation of:

26 (A) a law establishing a regulatory program
27 administered by the department; or

1 (B) a rule adopted or order issued by the
2 executive director or commission;

3 (3) testifying at a hearing regarding a complaint; or

4 (4) making an evaluation, report, or recommendation
5 regarding a complaint.

6 SECTION 7.004. Subchapter E, Chapter 51, Occupations Code,
7 is amended by adding Section 51.254 to read as follows:

8 Sec. 51.254. CONFIDENTIALITY OF COMPLAINT AND DISCIPLINARY
9 INFORMATION. (a) In this section, unless the context requires
10 otherwise:

11 (1) "Disciplinary action" includes, with respect to
12 any person subject to regulation by the department or the
13 commission:

14 (A) enforcement activity, prosecution,
15 discipline, or penalization; and

16 (B) any related complaint, investigation, or
17 resolution of a complaint or investigation.

18 (2) "Patient" includes:

19 (A) a patient;

20 (B) a client; and

21 (C) an authorized representative of a patient or
22 client.

23 (b) This section applies to health-related professions
24 regulated by this state the administration of which is assigned to
25 the department by law, including the following professions:

26 (1) athletic trainers regulated under Chapter 451;

27 (2) behavior analysts regulated under Chapter 506;

1 (3) dietitians regulated under Chapter 701;

2 (4) dyslexia practitioners and dyslexia therapists
3 regulated under Chapter 403;

4 (5) hearing instrument fitters and dispensers
5 regulated under Chapter 402;

6 (6) massage therapists regulated under Chapter 455;

7 (7) midwives regulated under Chapter 203;

8 (8) orthotists and prosthetists regulated under
9 Chapter 605;

10 (9) podiatrists regulated under Chapter 202; and

11 (10) speech-language pathologists and audiologists
12 regulated under Chapter 401.

13 (c) Except as otherwise provided by this section, a
14 complaint and investigation concerning a person to whom this
15 section applies and all information and materials subpoenaed or
16 compiled by the department in connection with the complaint and
17 investigation are confidential and not subject to:

18 (1) disclosure under Chapter 552, Government Code; or

19 (2) disclosure, discovery, subpoena, or other means of
20 legal compulsion for their release to any person.

21 (d) A complaint or investigation subject to this section and
22 all information and materials subpoenaed or compiled by the
23 department in connection with the complaint and investigation may
24 be disclosed to:

25 (1) persons involved with the department in a
26 disciplinary action;

27 (2) a respondent or the respondent's authorized

1 representative;

2 (3) a governmental agency, if:

3 (A) the disclosure is required or permitted by
4 law; and

5 (B) the agency obtaining the disclosure protects
6 the identity of any patient whose records are examined;

7 (4) a professional licensing, credentialing, or
8 disciplinary entity in another jurisdiction;

9 (5) a peer assistance program approved by the
10 commission under Chapter 467, Health and Safety Code, including a
11 properly established peer assistance program in another
12 jurisdiction;

13 (6) a peer review committee reviewing a license
14 holder's application for privileges or the license holder's
15 qualifications related to retaining the privileges;

16 (7) a law enforcement agency; and

17 (8) a person engaged in bona fide research, if all
18 individual-identifying information has been deleted.

19 (e) Notwithstanding any other provision of this section, if
20 a department investigation would be jeopardized by the release or
21 disclosure, the department may temporarily withhold or otherwise
22 refrain from releasing or disclosing to any person any information
23 or materials that the department would otherwise be required to
24 release or disclose.

25 (f) The department may not be compelled to release or
26 disclose complaint and investigation information or materials to a
27 person listed in Subsection (d) if the department has not issued a

1 notice of alleged violation related to the information or
2 materials.

3 (g) The department may release or disclose complaint and
4 investigation information or materials in accordance with
5 Subsection (d) at any stage of a disciplinary action.

6 (h) The department shall protect the identity of any patient
7 whose records are examined in connection with a disciplinary
8 action, other than a patient who:

9 (1) initiates the disciplinary action;

10 (2) is a witness in the disciplinary action; or

11 (3) has submitted a written consent to release the
12 records.

13 (i) Notices of alleged violation issued by the department
14 against respondents, disciplinary proceedings of the department,
15 commission, or executive director, and final disciplinary actions,
16 including warnings and reprimands, by the department, commission,
17 or executive director are not confidential and are subject to
18 disclosure in accordance with Chapter 552, Government Code.

19 SECTION 7.005. Section 202.2032(c), Occupations Code, is
20 amended to read as follows:

21 (c) Notwithstanding any confidentiality requirements under
22 Chapter 552, Government Code, Chapter 51, or this chapter, a
23 complaint filed with the department by an insurance agent, insurer,
24 pharmaceutical company, or third-party administrator against a
25 license holder must include the name and address of the insurance
26 agent, insurer, pharmaceutical company, or third-party
27 administrator filing the complaint.

1 SECTION 7.006. Section 202.404(e), Occupations Code, is
2 amended to read as follows:

3 (e) The department shall protect the identity of a patient
4 whose podiatric records are examined or provided under Subsection
5 (c) [~~or (d)~~], other than a patient who:

6 (1) is covered under Subsection (a)(1); or

7 (2) has submitted written consent to the release of
8 the patient's podiatric records as provided by Section 202.406.

9 SECTION 7.007. Section 202.509(g), Occupations Code, is
10 amended to read as follows:

11 (g) The department's disclosure of information under
12 Subsection [~~(b), (d), or~~] (f) of this section, Section 202.2031, or
13 Section 202.2032 does not constitute a waiver of privilege or
14 confidentiality under this chapter or any other law.

15 SECTION 7.008. The following provisions of the Occupations
16 Code are repealed:

17 (1) Section 202.404(d);

18 (2) Sections 202.509(a), (b), (c), (d), and (h);

19 (3) Section 401.2535;

20 (4) Section 402.154;

21 (5) Section 451.110;

22 (6) Section 506.202;

23 (7) Subchapter E, Chapter 605; and

24 (8) Subchapter E, Chapter 701.

25 SECTION 7.009. The changes in law made by this article apply
26 to a disciplinary action initiated before the effective date of
27 this Act that has not resulted in a final order issued on or before

1 the effective date of this Act and to a disciplinary action
2 initiated on or after the effective date of this Act.

3 ARTICLE 8. PODIATRISTS

4 SECTION 8.001. Section 202.2032(d), Occupations Code, is
5 amended to read as follows:

6 (d) The [~~Not later than the 15th day after the date the~~
7 ~~complaint is filed with the department, the~~] department shall
8 notify the license holder who is the subject of the complaint of the
9 name and address of the insurance agent, insurer, pharmaceutical
10 company, or third-party administrator who filed the complaint,
11 unless the notice would jeopardize an investigation.

12 SECTION 8.002. Subchapter E, Chapter 202, Occupations Code,
13 is amended by adding Section 202.204 to read as follows:

14 Sec. 202.204. EXPERT WITNESS. (a) In this section, "expert
15 witness" means a podiatrist or other qualified individual with whom
16 the department contracts to assist the department with reviewing,
17 investigating, or prosecuting complaints filed under this chapter.

18 (b) The department may contract with an expert witness,
19 including an advisory board member under Section 202.051(a)(1), to
20 assist the department with reviewing, investigating, or
21 prosecuting a complaint filed under this chapter.

22 (c) Except for an act by an expert witness involving fraud,
23 conspiracy, or malice, an expert witness is immune from liability
24 and may not be subject to a suit for damages for any act arising from
25 the performance of the expert witness's duties in:

26 (1) participating in an informal conference to
27 determine the facts of a complaint;

1 (2) evaluating evidence in a complaint and offering an
2 opinion or technical guidance on an alleged violation of this
3 chapter or a rule adopted under this chapter;

4 (3) testifying at a hearing regarding a complaint; or

5 (4) making an evaluation, report, or recommendation
6 regarding a complaint.

7 SECTION 8.003. Section 202.253(a-1), Occupations Code, is
8 amended to read as follows:

9 (a-1) The commission or department may refuse to admit a
10 person to an examination, and may refuse to issue a license to
11 practice podiatry to a person, for:

12 (1) presenting a license, certificate, or diploma that
13 was illegally or fraudulently obtained or engaging in fraud or
14 deception in passing the examination;

15 (2) being convicted of ~~[+~~

16 ~~[(A) a felony;~~

17 ~~[(B) a crime that involves moral turpitude; or~~

18 ~~[(C)]~~ an offense under Section 202.606;

19 (3) engaging in habits of intemperance or drug
20 addiction that in the department's opinion would endanger the
21 health, well-being, or welfare of patients;

22 (4) engaging in grossly unprofessional or
23 dishonorable conduct of a character that in the department's
24 opinion is likely to deceive or defraud the public;

25 (5) directly or indirectly violating or attempting to
26 violate this chapter or a rule adopted under this chapter as a
27 principal, accessory, or accomplice;

1 (6) using any advertising statement of a character
2 tending to mislead or deceive the public;

3 (7) advertising professional superiority or the
4 performance of professional service in a superior manner;

5 (8) purchasing, selling, bartering, or using or
6 offering to purchase, sell, barter, or use a podiatry degree,
7 license, certificate, diploma, or a transcript of a license,
8 certificate, or diploma, in or incident to an application for a
9 license to practice podiatry;

10 (9) altering, with fraudulent intent, a podiatry
11 license, certificate, diploma, or a transcript of a podiatry
12 license, certificate, or diploma;

13 (10) using a podiatry license, certificate, or
14 diploma, or a transcript of a podiatry license, certificate, or
15 diploma, that has been fraudulently purchased, issued,
16 counterfeited, or materially altered;

17 (11) impersonating, or acting as proxy for, another
18 person in a podiatry license examination;

19 (12) impersonating a license holder, or permitting
20 another person to use the license holder's license to practice
21 podiatry in this state, to treat or offer to treat, by any method,
22 conditions and ailments of human feet;

23 (13) directly or indirectly employing a person whose
24 license to practice podiatry has been suspended or associating in
25 the practice of podiatry with a person whose license to practice
26 podiatry has been suspended or who has been convicted of the
27 unlawful practice of podiatry in this state or elsewhere;

1 (14) wilfully making in the application for a license
2 to practice podiatry a material misrepresentation or material
3 untrue statement;

4 (15) being unable to practice podiatry with reasonable
5 skill and safety to a patient because of age, illness, drunkenness,
6 or excessive use of drugs, narcotics, chemicals, or other
7 substances or as a result of a mental or physical condition;

8 (16) failing to practice podiatry in an acceptable
9 manner consistent with public health and welfare;

10 (17) being removed, suspended, or disciplined in
11 another manner by the podiatrist's peers in a professional podiatry
12 association or society, whether local, regional, state, or national
13 in scope, or being disciplined by a licensed hospital or the medical
14 staff of a hospital, including removal, suspension, limitation of
15 hospital privileges, or other disciplinary action, if the
16 commission or department determines that the action was:

17 (A) based on unprofessional conduct or
18 professional incompetence likely to harm the public; and

19 (B) appropriate and reasonably supported by
20 evidence submitted to the association, society, hospital, or
21 medical staff; or

22 (18) having repeated or recurring meritorious health
23 care liability claims filed against the podiatrist that in the
24 commission's or department's opinion are evidence of professional
25 incompetence likely to injure the public.

26 SECTION 8.004. Subchapter H, Chapter 202, Occupations Code,
27 is amended by adding Section 202.354 to read as follows:

1 Sec. 202.354. DELEGATION OF CERTAIN ACTS. (a) A podiatrist
2 may delegate to a qualified and properly trained podiatric medical
3 assistant acting under the podiatrist's supervision any podiatric
4 medical act that a reasonable and prudent podiatrist would find
5 within the scope of sound medical judgment to delegate if:

6 (1) in the opinion of the delegating podiatrist, the
7 medical act:

8 (A) can be properly and safely performed by the
9 podiatric medical assistant to whom the podiatric medical act is
10 delegated; and

11 (B) is performed in a customary manner and not in
12 violation of any other statute; and

13 (2) the podiatric medical assistant to whom the
14 podiatric medical act is delegated does not represent to the public
15 that the medical assistant is authorized to practice podiatry.

16 (b) A delegating podiatrist is responsible for a podiatric
17 medical act performed by the podiatric medical assistant to whom
18 the podiatrist delegates the act.

19 (c) The department may determine whether:

20 (1) an act constitutes the practice of podiatric
21 medicine; and

22 (2) a podiatric medical act may be properly or safely
23 delegated by podiatrists.

24 SECTION 8.005. Section 202.602(a), Occupations Code, is
25 amended to read as follows:

26 (a) The department [~~commission by rule~~] shall develop a
27 system to identify and monitor a podiatrist's compliance with this

1 chapter and any [~~. The system must include:~~

2 [~~(1) procedures for determining whether a podiatrist~~
3 ~~is in compliance with an]~~ order issued by the commission or
4 executive director under this chapter [~~, and~~

5 [~~(2) a method of identifying and monitoring each~~
6 ~~podiatrist who represents a risk to the public]~~.

7 SECTION 8.006. Subchapter D, Chapter 601, Occupations Code,
8 is amended by adding Section 601.157 to read as follows:

9 Sec. 601.157. PERSON SUPERVISED BY PODIATRIST. A person is
10 not required to hold a certificate issued under this chapter to
11 perform a radiologic procedure if:

12 (1) the procedure is performed under the supervision
13 of a podiatrist; and

14 (2) the person:

15 (A) is registered with the Texas Department of
16 Licensing and Regulation to assist a podiatrist; and

17 (B) complies with rules adopted under Section
18 601.252(e).

19 SECTION 8.007. Section 601.251, Occupations Code, is
20 amended to read as follows:

21 Sec. 601.251. APPLICABILITY. This subchapter applies to
22 the:

23 (1) Texas Board of Nursing;

24 (2) Texas Board of Chiropractic Examiners;

25 (3) State Board of Dental Examiners;

26 (4) Texas Medical Board;

27 (5) Texas Department of Licensing and Regulation, with

1 respect to the department's authority to regulate podiatrists
2 [State Board of Podiatric Medical Examiners]; and

3 (6) Texas Physician Assistant Board.

4 SECTION 8.008. Section 601.252, Occupations Code, is
5 amended by adding Subsections (e) and (f) to read as follows:

6 (e) Rules adopted under this section by the Texas Commission
7 of Licensing and Regulation must:

8 (1) require an authorized person who performs
9 radiologic procedures under the delegation of a podiatrist, other
10 than a registered nurse, to register with the Texas Department of
11 Licensing and Regulation;

12 (2) establish reasonable and necessary fees to cover
13 the administrative costs incurred by the Texas Department of
14 Licensing and Regulation in administering a registration program
15 created under this subsection;

16 (3) establish grounds for the suspension, revocation,
17 or nonrenewal of a registration issued under this subsection; and

18 (4) establish standards for training and supervising
19 the operators of podiatric equipment, including standards for
20 curricula and instructors.

21 (f) In adopting rules under Subsection (e), the Texas
22 Commission of Licensing and Regulation may take into account
23 whether the radiologic procedure will be performed by a registered
24 nurse.

25 SECTION 8.009. Sections 202.2025 and 202.6011, Occupations
26 Code, are repealed.

27 SECTION 8.010. Section 202.2032, Occupations Code, as

1 amended by this article, applies only to a complaint filed under
2 Chapter 202, Occupations Code, on or after the effective date of
3 this Act. A complaint filed before the effective date of this Act
4 is governed by the law in effect on the date the complaint was
5 filed, and the former law is continued in effect for that purpose.

6 SECTION 8.011. Section 202.253(a-1), Occupations Code, as
7 amended by this article, applies only to a conviction that occurs on
8 or after the effective date of this Act. A conviction that occurs
9 before the effective date of this Act is governed by the law in
10 effect on the date the conviction occurred, and the former law is
11 continued in effect for that purpose.

12 SECTION 8.012. To the extent of any conflict, Section
13 601.251, Occupations Code, as amended by this article, prevails
14 over another Act of the 86th Legislature, Regular Session, 2019,
15 relating to nonsubstantive additions to and corrections in enacted
16 codes.

17 ARTICLE 9. MIDWIVES

18 SECTION 9.001. Section 203.056, Occupations Code, is
19 amended to read as follows:

20 Sec. 203.056. PRESIDING OFFICER. The presiding officer of
21 the commission shall designate a [~~public~~] member of the advisory
22 board to serve as the presiding officer of the advisory board to
23 serve for a term of one year. The presiding officer of the advisory
24 board may vote on any matter before the advisory board.

25 SECTION 9.002. Section 203.152, Occupations Code, is
26 repealed.

27 SECTION 9.003. Section 203.056, Occupations Code, as

1 amended by this article, does not affect the entitlement of a member
2 of the Midwives Advisory Board who is serving as the presiding
3 officer of the advisory board immediately before the effective date
4 of this Act to continue to serve in that capacity for the remainder
5 of the member's term as presiding officer.

6 ARTICLE 10. AUDIOLOGISTS

7 SECTION 10.001. Section 401.403(b), Occupations Code, is
8 amended to read as follows:

9 (b) A person who holds a license [~~meets the requirements of~~
10 ~~this chapter for licensing~~] as an audiologist or audiologist intern
11 and who fits and dispenses hearing instruments must:

12 (1) [~~register with the department the person's~~
13 ~~intention to fit and dispense hearing instruments;~~

14 [~~(2)~~] comply with rules adopted under this chapter
15 related to fitting and dispensing hearing instruments [~~the~~
16 ~~profession's code of ethics~~];

17 (2) [~~(3)~~] comply with the federal Food and Drug
18 Administration guidelines for fitting and dispensing hearing
19 instruments;

20 (3) [~~(4)~~] when providing services in this state, use a
21 written contract that contains the department's name, mailing
22 address, [~~and~~] telephone number, and Internet website address; and

23 (4) [~~(5)~~] follow the guidelines adopted by commission
24 rule for a 30-day trial period on every hearing instrument
25 purchased.

26 ARTICLE 11. ORTHOTIC AND PROSTHETIC TECHNICIANS

27 SECTION 11.001. The following provisions of the Occupations

1 Code are repealed:

2 (1) Sections 605.002(19), (20), and (21); and

3 (2) Section 605.259.

4 SECTION 11.002. (a) On the effective date of this Act, a
5 registered orthotic technician or registered prosthetic technician
6 certificate issued under former Section 605.259, Occupations Code,
7 expires.

8 (b) As soon as practicable after the effective date of this
9 Act, the Texas Commission of Licensing and Regulation shall repeal
10 all rules regarding the regulation of orthotic and prosthetic
11 technicians adopted under Chapter 605, Occupations Code.

12 SECTION 11.003. The change in law made by this article does
13 not affect the validity of a proceeding pending before a court or
14 other governmental entity on the effective date of this Act.

15 ARTICLE 12. DIETITIANS

16 SECTION 12.001. Section 701.151(b), Occupations Code, is
17 amended to read as follows:

18 (b) The commission or the department, as appropriate,
19 shall:

20 (1) ~~[adopt an official seal,~~

21 ~~[(2)]~~ adopt and publish a code of ethics;

22 (2) ~~[(3)]~~ establish the qualifications and fitness of
23 applicants for licenses, including renewed and reciprocal
24 licenses;

25 ~~[(4) revoke, suspend, or deny a license, probate a~~
26 ~~license suspension, or reprimand a license holder for a violation~~
27 ~~of this chapter, a rule adopted under this chapter, or the code of~~

1 ~~ethics,~~] and

2 (3) [~~4~~] request and receive any necessary
3 assistance from state educational institutions or other state
4 agencies.

5 SECTION 12.002. Sections 701.155 and 701.353, Occupations
6 Code, are repealed.

7 ARTICLE 13. INTERIOR DESIGNERS

8 SECTION 13.001. Section 1051.451, Occupations Code, is
9 amended to read as follows:

10 Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. (a)
11 Except as provided by Subsection (b), the [~~The~~] board may impose an
12 administrative penalty on a person who engages in conduct for which
13 the person is subject to disciplinary action under this subtitle,
14 regardless of whether the person holds a certificate of
15 registration issued under this subtitle.

16 (b) The board may not impose an administrative penalty under
17 this subtitle on a person for conduct related to the practice of
18 interior design unless the person holds a certificate of
19 registration as an interior designer.

20 SECTION 13.002. Section 1053.251(a), Occupations Code, is
21 amended to read as follows:

22 (a) On a determination that a ground for disciplinary action
23 exists under Section 1053.252, the board shall:

24 (1) revoke, suspend, or refuse to renew a
25 certification of registration;

26 (2) reprimand a certificate holder; or

27 (3) impose an administrative penalty on a certificate

1 holder [~~person~~] under Subchapter I, Chapter 1051.

2 SECTION 13.003. Subchapter H, Chapter 1053, Occupations
3 Code, is repealed.

4 SECTION 13.004. Sections 1051.451 and 1053.251(a),
5 Occupations Code, as amended by this article, apply only to the
6 imposition of an administrative penalty for a violation that occurs
7 on or after the effective date of this Act. The imposition of an
8 administrative penalty for a violation that occurs before the
9 effective date of this Act is governed by the law in effect on the
10 date the violation occurred, and the former law is continued in
11 effect for that purpose.

12 SECTION 13.005. The repeal by this article of Subchapter H,
13 Chapter 1053, Occupations Code, does not apply to an offense
14 committed under that subchapter before the effective date of the
15 repeal. An offense committed before the effective date of the
16 repeal is governed by the law as it existed on the date the offense
17 was committed, and the former law is continued in effect for that
18 purpose. For purposes of this section, an offense was committed
19 before the effective date of the repeal if any element of the
20 offense occurred before that date.

21 ARTICLE 14. BARBERS AND COSMETOLOGISTS

22 SECTION 14.001. Section 1602.254(b), Occupations Code, is
23 amended to read as follows:

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

- 26 (1) be at least 17 years of age;
- 27 (2) have obtained a high school diploma or the

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

4 (3) have completed:

5 (A) 1,000 [~~1,500~~] hours of instruction in a
6 licensed beauty culture school; or

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

11 SECTION 14.002. Section 1602.255(c), Occupations Code, is
12 amended to read as follows:

13 (c) The commission shall adopt rules for the licensing of
14 specialty instructors to teach specialty courses in the practice of
15 cosmetology defined in Sections 1602.002(a)(2), (4), (5), (6)
16 [~~1602.002(a)(5)~~], (7), (8), (9), [~~and~~] (10), and (11).

17 SECTION 14.003. Section 1602.261(a), Occupations Code, is
18 amended to read as follows:

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

22 SECTION 14.004. Section 1602.305(a), Occupations Code, is
23 amended to read as follows:

24 (a) A person holding a specialty shop license may maintain
25 an establishment in which only the practice of cosmetology as
26 defined in Section 1602.002(a)(2), (4), (5), (6), (7), (8), (9),
27 [~~or~~] (10), or (11) is performed.

1 SECTION 14.005. Section 1602.451(a), Occupations Code, is
2 amended to read as follows:

3 (a) The holder of a private beauty culture school license
4 shall:

5 (1) maintain a sanitary establishment;

6 (2) maintain on duty one licensed instructor for each
7 25 students in attendance;

8 (3) maintain a daily record of students' attendance;

9 (4) establish regular class and instruction hours and
10 grades;

11 (5) require a school term of not less than six [~~nine~~]
12 months and not less than 1,000 [~~1,500~~] hours instruction for a
13 complete course in cosmetology;

14 (6) require a school term of not less than 600 hours
15 instruction for a complete course in manicuring;

16 (7) hold examinations before issuing diplomas;

17 (8) maintain a copy of the school's curriculum in a
18 conspicuous place and verify that the curriculum is being followed;

19 (9) publish in the school's catalogue and enrollment
20 contract a description of the refund policy required under Section
21 1602.458; and

22 (10) provide the department with information on:

23 (A) the current course completion rates of
24 students who attend a course of instruction offered by the school;
25 and

26 (B) job placement rates and employment rates of
27 students who complete the course of instruction.

1 SECTION 14.006. Section 1603.104, Occupations Code, is
2 amended by amending Subsection (b) and adding Subsections (c) and
3 (c-1) to read as follows:

4 (b) Except as otherwise provided by this section, at ~~At~~
5 least once every four ~~two~~ years, the department shall inspect
6 each shop or other facility that holds a license, certificate, or
7 permit in which the practice of barbering or cosmetology is
8 performed under this chapter, Chapter 1601, or Chapter 1602.

9 (c) At ~~, and at~~ least twice per year, the department shall
10 inspect each school in which barbering or cosmetology is taught
11 under this chapter, Chapter 1601, or Chapter 1602.

12 (c-1) At least once every two years, the department shall
13 inspect each specialty shop that holds a license, certificate, or
14 permit issued under this chapter, Chapter 1601, or Chapter 1602 and
15 at which the practices described by Section 1601.002(1)(E) or (F)
16 or 1602.002(a)(8) or (9) are performed.

17 SECTION 14.007. Subchapter E, Chapter 1603, Occupations
18 Code, is amended by adding Section 1603.208 to read as follows:

19 Sec. 1603.208. DIGITALLY PREARRANGED REMOTE SERVICES.

20 (a) In this section:

21 (1) "Digital network" means any online-enabled
22 application, Internet website, or system offered or used by a
23 remote service business that allows a client to arrange for a
24 digitally prearranged remote service.

25 (2) "Digitally prearranged remote service" means a
26 barbering or cosmetology service performed for compensation by a
27 person holding a license, certificate of registration, or permit

1 under Chapter 1601 or 1602 or this chapter that is:

2 (A) prearranged through a digital network; and

3 (B) performed at a location other than a place of
4 business that is licensed or permitted under Chapter 1601 or 1602 or
5 this chapter.

6 (3) "Remote service business" means a corporation,
7 partnership, sole proprietorship, or other entity that, for
8 compensation, enables a client to schedule a digitally prearranged
9 remote service with a person holding a license, certificate of
10 registration, or permit under Chapter 1601 or 1602 or this chapter.

11 (b) The commission shall adopt rules to administer this
12 section, including rules that:

13 (1) set minimum standards for:

14 (A) the operation of a remote service business;
15 and

16 (B) the sanitation requirements for performing a
17 digitally prearranged remote service;

18 (2) determine activities within the scope of barbering
19 and cosmetology that may be performed as a digitally prearranged
20 remote service; and

21 (3) establish procedures for inspecting and auditing
22 the records of a remote service business and of a person who
23 performs a digitally prearranged remote service.

24 (c) Sections 1601.453, 1601.455, 1602.251(c), and 1602.407
25 do not apply to a digitally prearranged remote service scheduled
26 through a remote service business.

27 (d) A person who holds a license, certificate of

1 registration, or permit to practice barbering or cosmetology and
2 who performs a digitally prearranged remote service shall:

3 (1) comply with this section and the rules adopted
4 under this section; and

5 (2) practice within the scope of the person's license,
6 certificate of registration, or permit.

7 (e) A remote service business may not offer a barbering or
8 cosmetology service that requires treating or removing a person's
9 hair by:

10 (1) coloring;

11 (2) processing;

12 (3) bleaching;

13 (4) dyeing;

14 (5) tinting; or

15 (6) using a cosmetic preparation.

16 (f) Before a person licensed, registered, or permitted to
17 practice barbering or cosmetology performs a digitally prearranged
18 remote service for a client requesting the service, a remote
19 service business shall provide through the entity's digital
20 network:

21 (1) the following information regarding the person who
22 will perform the service:

23 (A) the person's first and last name;

24 (B) the number of the person's license,
25 certificate of registration, or permit, as applicable; and

26 (C) a photograph of the person;

27 (2) the following information regarding the business:

1 (A) Internet website address; and

2 (B) telephone number; and

3 (3) the department's Internet website address and
4 telephone number and notice that the client may contact the
5 department to file a complaint against the business or person.

6 (g) Within a reasonable time after completion of a digitally
7 prearranged remote service, the remote service business shall issue
8 to the client who requested the service a receipt that includes:

9 (1) the date the service was provided;

10 (2) a description of the service;

11 (3) the first and last name of the person who performed
12 the service;

13 (4) the number of the person's license, certificate of
14 registration, or permit, as applicable;

15 (5) the following information regarding the business:

16 (A) Internet website address; and

17 (B) telephone number; and

18 (6) the department's Internet website address and
19 telephone number and notice that the client may contact the
20 department to file a complaint against the business or person.

21 (h) A remote service business shall maintain each record
22 showing compliance with this section and the rules adopted under
23 this section until at least the fifth anniversary of the date the
24 record was generated.

25 (i) A remote service business shall terminate a person's
26 access to the business's digital network if the business or
27 department determines the person violated:

- 1 (1) this chapter;
- 2 (2) a rule adopted under this chapter;
- 3 (3) Chapter 1601 or 1602; or
- 4 (4) a rule adopted under Chapter 1601 or 1602.

5 SECTION 14.008. Section 1603.255, Occupations Code, is
6 amended to read as follows:

7 Sec. 1603.255. EARLY EXAMINATION. The department may allow
8 for the early written examination of a student who has completed the
9 following number of hours of instruction in a department-approved
10 training program:

11 (1) 1,000 hours for a student seeking a Class A barber
12 certificate [~~or operator license~~] in a private barber [~~or~~
13 ~~cosmetology~~] school; [~~or~~]

14 (2) 900 hours for a student seeking an operator
15 license in a private cosmetology school; or

16 (3) 900 hours for a student seeking a Class A barber
17 certificate or operator license in a publicly funded barber or
18 cosmetology school.

19 SECTION 14.009. Section 1603.256(c), Occupations Code, is
20 amended to read as follows:

21 (c) The following persons may administer a practical
22 examination required under this subchapter:

23 (1) the department; [~~or~~]
24 (2) a person with whom the department contracts under
25 Section 1603.252;

26 (3) a barber school, private beauty culture school, or
27 public secondary or postsecondary beauty culture school that is

1 approved by the department to administer the examination under
2 Section 1603.252; or

3 (4) the Windham School District.

4 SECTION 14.010. As soon as practicable after the effective
5 date of this Act, the Texas Commission of Licensing and Regulation
6 shall adopt rules implementing Chapters 1602 and 1603, Occupations
7 Code, as amended by this article.

8 SECTION 14.011. The change in law made by this article to
9 Section 1602.254(b), Occupations Code, applies only to an
10 application for an operator license submitted on or after September
11 1, 2020. An application for an operator license submitted before
12 that date is governed by the law in effect immediately before the
13 effective date of this Act, and the former law is continued in
14 effect for that purpose.

15 SECTION 14.012. The changes in law made by this article to
16 Section 1603.255, Occupations Code, apply only to a person who
17 applies to take an early examination for a barbering or cosmetology
18 license on or after the effective date of this Act. A person who
19 applies to take an early examination before the effective date of
20 this Act is governed by the law in effect on the date the person
21 applies, and the former law is continued in effect for that purpose.

22 ARTICLE 15. USED AUTOMOTIVE PARTS RECYCLERS

23 SECTION 15.001. Section 2309.102(a), Occupations Code, is
24 amended to read as follows:

25 (a) The commission shall adopt rules for licensing used
26 automotive parts recyclers [~~and used automotive parts employees~~].

27 SECTION 15.002. The heading to Section 2309.106,

1 Occupations Code, is amended to read as follows:

2 Sec. 2309.106. PERIODIC [~~AND RISK-BASED~~] INSPECTIONS.

3 SECTION 15.003. Section 2309.106(a), Occupations Code, is
4 amended to read as follows:

5 (a) The department shall inspect each used automotive parts
6 recycling facility at least once every four [~~two~~] years.

7 SECTION 15.004. The following provisions of the Occupations
8 Code are repealed:

9 (1) Sections 2309.106(c) and (d); and

10 (2) Section 2309.154.

11 SECTION 15.005. (a) On the effective date of this Act, a
12 used automotive parts employee license issued under former Section
13 2309.154, Occupations Code, expires.

14 (b) As soon as practicable after the effective date of this
15 Act, the Texas Commission of Licensing and Regulation shall repeal
16 all rules regarding the regulation of used automotive parts
17 employees adopted under Chapter 2309, Occupations Code.

18 SECTION 15.006. (a) The change in law made by this article
19 to Chapter 2309, Occupations Code, does not affect the validity of a
20 proceeding pending before a court or other governmental entity on
21 the effective date of this Act.

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

1 violation occurred before that date.

2 ARTICLE 16. IMPLEMENTATION; EFFECTIVE DATE

3 SECTION 16.001. The Texas Commission of Licensing and
4 Regulation and the Texas Department of Licensing and Regulation are
5 required to implement a provision of this Act only if the
6 legislature appropriates money specifically for that purpose. If
7 the legislature does not appropriate money specifically for that
8 purpose, the commission and the department may, but are not
9 required to, implement a provision of this Act using other
10 appropriations available for that purpose.

11 SECTION 16.002. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 2847 was passed by the House on April 25, 2019, by the following vote: Yeas 130, Nays 5, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2847 on May 23, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2847 on May 26, 2019, by the following vote: Yeas 100, Nays 42, 1 present, not voting.

Chief Clerk of the House

H.B. No. 2847

I certify that H.B. No. 2847 was passed by the Senate, with amendments, on May 21, 2019, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2847 on May 26, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor