

Suspending limitations on conference committee
jurisdiction, H.B. No. 2847 (Goldman/Hancock)

By: Goldman

H.R. No. 2196

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 86th Legislature, Regular Session, 2019, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 2847 (the licensing and
6 regulation of certain occupations, activities, and agreements;
7 providing a civil penalty; authorizing fees; requiring an
8 occupational registration and an occupational license) to consider
9 and take action on the following matter:

10 House Rule 13, Section 9(a)(4), is suspended to permit the
11 committee to add text on a matter not included in either the house
12 or senate version of the bill by adding SECTION 14.007 to the bill,
13 adding Section 1603.208, Occupations Code, to read as follows:

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

16 Sec. 1603.208. DIGITALLY PREARRANGED REMOTE SERVICES.

17 (a) In this section:

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

22 (2) "Digitally prearranged remote service" means a
23 barbering or cosmetology service performed for compensation by a
24 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 Explanation: The addition is necessary to regulate companies
6 that prearrange barbering and cosmetology services outside of
7 certain facilities.