

By: Seliger

S.B. No. 1394

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of companies that prearrange barbering and cosmetology services outside of certain facilities.

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

SECTION 1. Subchapter E, Chapter 1603, Occupations Code, is amended by adding Section 1603.208 to read as follows:

Sec. 1603.208. DIGITALLY PREARRANGED REMOTE SERVICES.

(a) In this section:

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

(2) "Digitally prearranged remote service" means a barbering or cosmetology service performed for compensation by a person holding a license, certificate of registration, or permit under Chapter 1601 or 1602 or this chapter that is:

(A) prearranged through a digital network; and

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

(3) "Remote service business" means a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a client to schedule a digitally prearranged remote service with a person holding a license, certificate of

1 registration, or permit under Chapter 1601 or 1602 or this chapter.

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

4 (1) set minimum standards for:

5 (A) the operation of a remote service business;

6 and

7 (B) the sanitation requirements for performing a
8 digitally prearranged remote service;

9 (2) determine activities within the scope of barbering
10 and cosmetology that may be performed as a digitally prearranged
11 remote service; and

12 (3) establish procedures for inspecting and auditing
13 the records of a remote service business and of a person who
14 performs a digitally prearranged remote service.

15 (c) Sections 1601.453, 1601.455, 1602.251(c), and 1602.407
16 do not apply to a digitally prearranged remote service scheduled
17 through a remote service business.

18 (d) A person who holds a license, certificate of
19 registration, or permit to practice barbering or cosmetology and
20 who performs a digitally prearranged remote service shall:

21 (1) comply with this section and the rules adopted
22 under this section; and

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

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

- 1 (1) coloring;
- 2 (2) processing;
- 3 (3) bleaching;
- 4 (4) dyeing;
- 5 (5) tinting; or
- 6 (6) using a cosmetic preparation.

7 (f) Before a person licensed, registered, or permitted to
8 practice barbering or cosmetology performs a digitally prearranged
9 remote service for a client requesting the service, a remote
10 service business shall provide through the entity's digital
11 network:

12 (1) the following information regarding the person who
13 will perform the service:

- 14 (A) the person's first and last name;
- 15 (B) the number of the person's license,
16 certificate of registration, or permit, as applicable; and
- 17 (C) a photograph of the person;

18 (2) the following information regarding the business:

- 19 (A) Internet website address; and
- 20 (B) telephone number; and

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

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

- 27 (1) the date the service was provided;

1 (2) a description of the service;

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

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

6 (5) the following information regarding the business:

7 (A) Internet website address; and

8 (B) telephone number; and

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

12 (h) A remote service business shall maintain each record
13 showing compliance with this section and the rules adopted under
14 this section until at least the fifth anniversary of the date the
15 record was generated.

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

19 (1) this chapter;

20 (2) a rule adopted under this chapter;

21 (3) Chapter 1601 or 1602; or

22 (4) a rule adopted under Chapter 1601 or 1602.

23 SECTION 2. As soon as practicable after the effective date
24 of this Act, the Texas Commission of Licensing and Regulation shall
25 adopt the rules necessary to implement Section 1603.208,
26 Occupations Code, as added by this Act.

27 SECTION 3. This Act takes effect September 1, 2019.