

By: Seliger

S.B. No. 1394

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of companies that prearrange barbering
3 and cosmetology services outside of certain facilities; requiring
4 an occupational license; authorizing fees.

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

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

8 Sec. 1603.208. DIGITALLY PREARRANGED REMOTE SERVICES. (a)

9 In this section:

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

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

18 (A) prearranged through a digital network; and

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

22 (3) "Remote service business" means a corporation,
23 partnership, sole proprietorship, or other entity that, for
24 compensation, enables a client to schedule a digitally prearranged

1 remote service with a person holding a license, certificate of
2 registration, or permit under Chapter 1601 or 1602 or this chapter.

3 (b) A person may not operate a remote service business in
4 this state unless the person holds a license under this section.

5 (c) The department shall issue a license to operate a remote
6 service business if the applicant:

7 (1) meets the eligibility requirements of this section
8 and the rules adopted under this section; and

9 (2) pays the required fee.

10 (d) The commission shall set fees under this section in
11 amounts reasonable and necessary to cover the costs of
12 administering the licensing program established under this
13 section.

14 (e) The commission shall adopt rules to administer this
15 section, including rules that:

16 (1) establish procedures to govern the application for
17 and issuance of a license under this section;

18 (2) set minimum standards for:

19 (A) the operation of a remote service business;
20 and

21 (B) the sanitation requirements for performing a
22 digitally prearranged remote service;

23 (3) determine activities within the scope of barbering
24 and cosmetology that may be performed as a digitally prearranged
25 remote service; and

26 (4) establish procedures for inspecting and auditing
27 the records of a remote service business and of a person who

1 performs a digitally prearranged remote service.

2 (f) A person who holds a license, certificate of
3 registration, or permit to practice barbering or cosmetology and
4 who performs a digitally prearranged remote service shall:

5 (1) comply with this section and the rules adopted
6 under this section; and

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

9 (g) A remote service business licensed under this section
10 may not offer a barbering or cosmetology service that requires
11 treating or removing a person's hair by:

12 (1) coloring;

13 (2) processing;

14 (3) bleaching;

15 (4) dyeing;

16 (5) tinting; or

17 (6) using a cosmetic preparation.

18 (h) Sections [1601.453](#), [1601.455](#), [1602.251\(c\)](#), and [1602.407](#)
19 do not apply to a digitally prearranged remote service scheduled
20 through a remote service business.

21 (i) Before a person licensed, registered, or permitted to
22 practice barbering or cosmetology performs a digitally prearranged
23 remote service for a client requesting the service, a remote
24 service business licensed under this section shall provide through
25 the entity's digital network:

26 (1) the following information regarding the person who
27 will perform the service:

- 1 (A) the person's first and last name;
2 (B) the number of the person's license,
3 certificate of registration, or permit, as applicable; and
4 (C) a photograph of the person;
5 (2) the following information regarding the business:
6 (A) Internet website address;
7 (B) telephone number; and
8 (C) license number; and
9 (3) the department's Internet website address,
10 telephone number, and notice that the client may contact the
11 department to file a complaint against the business or person.
12 (j) Within a reasonable time after completion of a digitally
13 prearranged remote service, the remote service business shall issue
14 to the client who requested the service a receipt that includes:
15 (1) the date the service was provided;
16 (2) a description of the service;
17 (3) the first and last name of the person who performed
18 the service;
19 (4) the number of the person's license, certificate of
20 registration, or permit, as applicable;
21 (5) the following information regarding the business:
22 (A) Internet website address;
23 (B) telephone number; and
24 (C) license number; and
25 (6) the department's Internet website address and
26 telephone number and notice that the client may contact the
27 department to file a complaint against the business or person.

1 (k) A remote service business operating under a license
2 issued under this section shall maintain each record showing
3 compliance with this section and the rules adopted under this
4 section until at least the fifth anniversary of the date the record
5 was generated.

6 (1) A remote service business shall terminate a person's
7 access to the business's digital network if the business or
8 department determines the person violated:

9 (1) this chapter;

10 (2) a rule adopted under this chapter;

11 (3) Chapter 1601 or 1602; or

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

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

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