

1-1 By: Seliger S.B. No. 1394
1-2 (In the Senate - Filed March 1, 2019; March 14, 2019, read
1-3 first time and referred to Committee on Business & Commerce;
1-4 April 11, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 11, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1394 By: Nichols

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the regulation of companies that prearrange barbering
1-22 and cosmetology services outside of certain facilities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter E, Chapter 1603, Occupations Code, is
1-25 amended by adding Section 1603.208 to read as follows:

1-26 Sec. 1603.208. DIGITALLY PREARRANGED REMOTE SERVICES.

1-27 (a) In this section:

1-28 (1) "Digital network" means any online-enabled
1-29 application, Internet website, or system offered or used by a
1-30 remote service business that allows a client to arrange for a
1-31 digitally prearranged remote service.

1-32 (2) "Digitally prearranged remote service" means a
1-33 barbering or cosmetology service performed for compensation by a
1-34 person holding a license, certificate of registration, or permit
1-35 under Chapter 1601 or 1602 or this chapter that is:

1-36 (A) prearranged through a digital network; and
1-37 (B) performed at a location other than a place of
1-38 business that is licensed or permitted under Chapter 1601 or 1602 or
1-39 this chapter.

1-40 (3) "Remote service business" means a corporation,
1-41 partnership, sole proprietorship, or other entity that, for
1-42 compensation, enables a client to schedule a digitally prearranged
1-43 remote service with a person holding a license, certificate of
1-44 registration, or permit under Chapter 1601 or 1602 or this chapter.

1-45 (b) The commission shall adopt rules to administer this
1-46 section, including rules that:

1-47 (1) set minimum standards for:

1-48 (A) the operation of a remote service business;
1-49 and

1-50 (B) the sanitation requirements for performing a
1-51 digitally prearranged remote service;

1-52 (2) determine activities within the scope of barbering
1-53 and cosmetology that may be performed as a digitally prearranged
1-54 remote service; and

1-55 (3) establish procedures for inspecting and auditing
1-56 the records of a remote service business and of a person who
1-57 performs a digitally prearranged remote service.

1-58 (c) Sections 1601.453, 1601.455, 1602.251(c), and 1602.407
1-59 do not apply to a digitally prearranged remote service scheduled
1-60 through a remote service business.

2-1 (d) A person who holds a license, certificate of
2-2 registration, or permit to practice barbering or cosmetology and
2-3 who performs a digitally prearranged remote service shall:

2-4 (1) comply with this section and the rules adopted
2-5 under this section; and

2-6 (2) practice within the scope of the person's license,
2-7 certificate of registration, or permit.

2-8 (e) A remote service business may not offer a barbering or
2-9 cosmetology service that requires treating or removing a person's
2-10 hair by:

2-11 (1) coloring;

2-12 (2) processing;

2-13 (3) bleaching;

2-14 (4) dyeing;

2-15 (5) tinting; or

2-16 (6) using a cosmetic preparation.

2-17 (f) Before a person licensed, registered, or permitted to
2-18 practice barbering or cosmetology performs a digitally prearranged
2-19 remote service for a client requesting the service, a remote
2-20 service business shall provide through the entity's digital
2-21 network:

2-22 (1) the following information regarding the person who
2-23 will perform the service:

2-24 (A) the person's first and last name;

2-25 (B) the number of the person's license,
2-26 certificate of registration, or permit, as applicable; and

2-27 (C) a photograph of the person;

2-28 (2) the following information regarding the business:

2-29 (A) Internet website address; and

2-30 (B) telephone number; and

2-31 (3) the department's Internet website address and
2-32 telephone number and notice that the client may contact the
2-33 department to file a complaint against the business or person.

2-34 (g) Within a reasonable time after completion of a digitally
2-35 prearranged remote service, the remote service business shall issue
2-36 to the client who requested the service a receipt that includes:

2-37 (1) the date the service was provided;

2-38 (2) a description of the service;

2-39 (3) the first and last name of the person who performed
2-40 the service;

2-41 (4) the number of the person's license, certificate of
2-42 registration, or permit, as applicable;

2-43 (5) the following information regarding the business:

2-44 (A) Internet website address; and

2-45 (B) telephone number; and

2-46 (6) the department's Internet website address and
2-47 telephone number and notice that the client may contact the
2-48 department to file a complaint against the business or person.

2-49 (h) A remote service business shall maintain each record
2-50 showing compliance with this section and the rules adopted under
2-51 this section until at least the fifth anniversary of the date the
2-52 record was generated.

2-53 (i) A remote service business shall terminate a person's
2-54 access to the business's digital network if the business or
2-55 department determines the person violated:

2-56 (1) this chapter;

2-57 (2) a rule adopted under this chapter;

2-58 (3) Chapter 1601 or 1602; or

2-59 (4) a rule adopted under Chapter 1601 or 1602.

2-60 SECTION 2. As soon as practicable after the effective date
2-61 of this Act, the Texas Commission of Licensing and Regulation shall
2-62 adopt the rules necessary to implement Section 1603.208,
2-63 Occupations Code, as added by this Act.

2-64 SECTION 3. This Act takes effect September 1, 2019.

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