

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

By: Hancock

S.R. No. 856

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 86th Legislature, Regular Session, 2019, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 2847 (the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding SECTION 14.007 to the bill, adding Section 1603.208, Occupations Code, to read as follows:

SECTION 14.007. 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 registration, or permit under Chapter 1601 or 1602 or this chapter.

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

(1) set minimum standards for:

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

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

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

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

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

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

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

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

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

(1) coloring;

(2) processing;

(3) bleaching;

(4) dyeing;

(5) tinting; or

(6) using a cosmetic preparation.

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

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

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

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

(C) a photograph of the person;

(2) the following information regarding the business:

(A) Internet website address; and

(B) telephone number; and

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

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

(1) the date the service was provided;

(2) a description of the service;

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

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

(5) the following information regarding the business:

(A) Internet website address; and

(B) telephone number; and

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

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

record was generated.

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

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

Explanation: The addition is necessary to regulate companies that prearrange barbering and cosmetology services outside of certain facilities.