By:  Schwertner S.B. No. 1120

(In the Senate - Filed February 22, 2023; March 9, 2023, read first time and referred to Committee on Business & Commerce; March 31, 2023, reported favorably by the following vote: Yeas 11, Nays 0; March 31, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Birdwell             X

Campbell             X

Creighton            X

Johnson              X

Kolkhorst            X

Menéndez             X

Middleton            X

Nichols              X

Zaffirini            X

A BILL TO BE ENTITLED

AN ACT

relating to certain prohibited practices by a barber or cosmetologist.

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

SECTION 1.  Subchapter E-1, Chapter 1603, Occupations Code, is amended by adding Section 1603.2110 to read as follows:

Sec. 1603.2110.  PROHIBITED PRACTICES. (a) Except as provided by Subsection (b), a person performing a barbering or cosmetology service within the scope of a license or permit issued under this subchapter may not:

(1)  make an incision into the dermis layer of a person's skin, including for purposes of injecting a medication or other substance; or

(2)  use a prescription medical device approved by the United States Food and Drug Administration.

(b)  A person holding a license or permit issued under this subchapter may perform an act described by Subsection (a) as part of a barbering or cosmetology service if the person is licensed to perform that act in this state or is otherwise authorized by law to perform that act. In a disciplinary action by the commission related to an act in violation of Subsection (a), the license or permit holder has the burden of proving by a preponderance of the evidence that the person is licensed or otherwise authorized to perform the act.

(c)  This section does not affect the authority of another state agency regulating a profession to enforce any law related to that profession.

SECTION 2.  Section 1603.2110, Occupations Code, as added by this Act, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.

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