

BILL ANALYSIS

Senate Research Center
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S.B. 378
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

By law, estheticians and cosmetologists can only perform injections, including Botox, under the authority of a physician. Enforcement of this statute lies with the Texas Medical Board (TMB), not the Texas Department of Licensing and Regulation (TDLR). Estheticians and cosmetologists are having "Botox parties" and administering unauthorized injections to friends and family. TMB has disciplinary authority over the physicians who were supposed to be authorizing the injections, but current statute is silent on both TMB and TDLR's authority to pursue the licensed esthetician or cosmetologist who made the violation.

S.B. 378 seeks to correct this regulatory oversight by prohibiting estheticians and cosmetologists from administering injections and using prescription medical devices. It also clarifies that TDLR has disciplinary authority over the barbers and cosmetologists in violation.

This bill ensures that only qualified medical professionals are providing these treatments. This can help prevent potential harm and adverse effects that can occur from unlicensed and unauthorized administration of injections. By clarifying the regulatory oversight, this bill helps prevent physicians from facing disciplinary action for actions they did not directly take and ensures that estheticians and cosmetologists in violation are held accountable.

As proposed, S.B. 378 amends current law relating to certain prohibited practices by a barber or cosmetologist.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E-1, Chapter 1603, Occupations Code, by adding Section 1603.2110, as follows:

Sec. 1603.2110. PROHIBITED MEDICAL PRACTICES. (a) Prohibits a person performing a barbering or cosmetology service within the scope of a license or permit issued under Subchapter E-1 (Individual Practitioner Licenses; Student Permit; Practice), except as provided by Subsection (b), from making an incision into the dermis layer of a person's skin, including for purposes of injecting a medication or other substance, or using a device, as defined by Section 551.003 (Definitions).

(b) Authorizes a person holding a license or permit issued under this subchapter to 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. Provides that in a disciplinary action by the Texas Department of Licensing and Regulation 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) Provides that this section does not affect the authority of another state agency regulating a profession to enforce any law related to that profession.

SECTION 2. Makes application of Section 1603.2110, Occupations Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2025.