

BILL ANALYSIS

Senate Research Center

C.S.S.B. 2696
By: Campbell
Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent tragic reports in the news, such as the death of Jennifer Cleveland, have underscored the need for legislative intervention in the med spa industry. Current medical delegation laws allow any individual to be delegated the authority to perform cosmetic procedures. S.B. 2696 addresses this significant regulatory gap in Texas regarding advanced cosmetic procedures by establishing a mandatory licensing framework to ensure practitioner competency and enhance public safety.

Currently, there are no licensing requirements for the cosmetic injection of prescription substances, non-surgical procedures that penetrate the dermis, or the use of numerous FDA-approved cosmetic devices.

S.B. 2696 requires licensure through the Texas Department of Licensing and Regulation (TDLR), establishing a proficiency standard and facilitating lawful entry into the field while reducing risks associated with unregulated practice. The bill limits license holders' scope of practice, prohibiting them from performing medical diagnoses or treatments, and mandates compliance with written protocols established under physician oversight. This approach balances public safety with occupational access, aligning with Texas's broader goals for professional oversight.

Key Provisions:

1. Adds Section 207 to Subtitle C, Title 3, Occupations Code, creating a new occupational license for advanced cosmetic procedures.
2. Individuals already licensed to practice health care and acting within their scope of practice are exempt from the new licensing requirement.
3. Defines "advanced cosmetic procedure" to include cosmetic injections, procedures that pierce or damage the dermis, and the use of certain cosmetic medical devices.
4. Directs the Texas Commission of Licensing and Regulation to approve the training curriculum and adopt rules, forms, and fees necessary to implement the licensing program.
5. Tasks TDLR to develop and administer the required licensing examination.
6. Limits license holders to performing only advanced cosmetic procedures and prohibits them from diagnosing or treating any illness, disease, or injury.
7. Requires license holders to provide written disclosure to clients regarding the scope and limitations of their license.
8. Authorizes license holders to perform procedures under the written protocol of a consulting physician without requiring on-site supervision.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2696 amends current law relating to the regulation of the performance of cosmetic injections, requires an occupational certificate, and authorizes fees.

RULEMAKING AUTHORITY

Rulemaking is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 9, Occupations Code, by adding Chapter 1604, as follows:

CHAPTER 1604. COSMETIC INJECTOR CERTIFICATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1604.001. DEFINITIONS. Defines "cosmetic injection," "department," and "physician."

Sec. 1604.002. APPLICABILITY. Provides that this chapter does not apply to certain professionals.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 1604.051. GENERAL POWERS AND DUTIES. Requires the Texas Department of Licensing and Regulation (TDLR) to enforce this chapter.

SUBCHAPTER C. COSMETIC INJECTOR CERTIFICATE

Sec. 1604.101. CERTIFICATE REQUIRED. (a) Prohibits a person from performing or offering to perform a cosmetic injection unless the person holds a certificate issued under this chapter.

(b) Provides that a physician is authorized to delegate the performance of a cosmetic injection only to a person who holds a certificate issued under this chapter.

Sec. 1604.102. CERTIFICATE APPLICATION. (a) Requires an applicant for a certificate under this chapter to apply to TDLR on a form and in the manner prescribed by TDLR, accompanied by:

(1) evidence that the applicant has:

(A) completed training from a provider TDLR approves under Section 1604.151; and

(B) performed at least 50 cosmetic injection procedures under the direct supervision of certain persons; and

(2) a certificate fee in the amount set by TDLR.

(b) Requires an applicant to provide evidence of the cosmetic injection procedures required under Subsection (a)(1)(B) by submitting a record of procedures on a cosmetic injection log sheet that is certified by the supervising physician or certificate holder and submitted through TDLR's Internet website.

Sec. 1604.103. CERTIFICATE TERM; RENEWAL. (a) Provides that a certificate issued under this chapter expires on the second anniversary of the date the certificate is issued.

(b) Authorizes the holder of a certificate issued under this chapter to renew the certificate by submitting to TDLR, before the expiration of the certificate, a renewal application on the form prescribed by TDLR, accompanied by evidence that the certificate holder has completed at least eight hours of continuing education from a provider TDLR approves under Section 1604.152 and a renewal fee in the amount set by TDLR.

Sec. 1604.104. CRIMINAL BACKGROUND CHECK. Requires TDLR to conduct a criminal history record information check on each applicant who submits an application for a certificate under this chapter. Authorizes TDLR, as permitted by law, to examine

any criminal conviction, guilty plea, or deferred adjudication of the applicant and obtain criminal history record information for the applicant.

Sec. 1604.105. ISSUANCE OF CERTIFICATE WITHOUT TRAINING. (a) Requires TDLR, notwithstanding Section 1604.102, to issue a certificate under this chapter to an applicant who, not later than September 1, 2026, submits documentation acceptable to TDLR demonstrating that the applicant has at least two years of continuous experience performing cosmetic injections under the delegation of a licensed physician in this state before September 1, 2025.

(b) Requires TDLR to post on TDLR's Internet website the documentation required for a certificate under this section.

(c) Provides that this section expires June 1, 2027.

SUBCHAPTER D. TRAINING AND CONTINUING EDUCATION

Sec. 1604.151. COSMETIC INJECTION TRAINING. (a) Requires TDLR to approve one or more providers of a course consisting of 40 hours of foundational training in the performance of cosmetic injections that satisfies the requirements of Section 1604.102.

(b) Requires that the course described by Subsection (a) include instruction in certain subjects.

(c) Requires that each course include a hands-on practical component evaluated by an instructor approved by TDLR.

Sec. 1604.152. CONTINUING EDUCATION. Requires TDLR to approve one or more providers of continuing education in the performance of cosmetic injections that satisfies the requirement of Section 1604.103.

SUBCHAPTER E. PRACTICE BY CERTIFICATE HOLDER

Sec. 1604.201. AUTHORIZED ACTIVITIES. Provides that a certificate issued under this chapter authorizes the certificate holder to perform only cosmetic procedures and does not authorize the certificate holder to diagnose, treat, or offer to treat any client for any illness, disease, or injury of the human body.

SECTION 2. (a) Requires the Texas Commission of Licensing and Regulation (TCLR), not later than December 1, 2025, to adopt the rules, forms, and fees necessary to administer Chapter 1604, Occupations Code, as added by this Act.

(b) Requires TDLR, not later than March 1, 2026, to approve the training required under Section 1604.151, Occupations Code, as added by this Act.

SECTION 3. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2025.

(b) Effective date, Section 1604.101, Occupations Code, as added by this Act: September 1, 2026.