

1-1 By: West, Eltife S.B. No. 1193
 1-2 (In the Senate - Filed March 10, 2015; March 17, 2015, read
 1-3 first time and referred to Committee on Business and Commerce;
 1-4 April 21, 2015, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the deregulation of hair braiding.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section 1601.002, Occupations Code, is amended
 1-22 to read as follows:
 1-23 Sec. 1601.002. DEFINITION OF BARBERING. In this chapter,
 1-24 "barbering," "practicing barbering," or the "practice of
 1-25 barbering" means:
 1-26 (1) performing or offering or attempting to perform
 1-27 for compensation or the promise of compensation any of the
 1-28 following services:
 1-29 (A) treating a person's mustache or beard by
 1-30 arranging, beautifying, coloring, processing, shaving, styling, or
 1-31 trimming;
 1-32 (B) treating a person's hair by:
 1-33 (i) arranging, beautifying, bleaching,
 1-34 cleansing, coloring, curling, dressing, dyeing, processing,
 1-35 shampooing, shaping, singeing, straightening, styling, tinting, or
 1-36 waving;
 1-37 (ii) providing a necessary service that is
 1-38 preparatory or ancillary to a service under Subparagraph (i),
 1-39 including bobbing, clipping, cutting, or trimming; or
 1-40 (iii) cutting the person's hair as a
 1-41 separate and independent service for which a charge is directly or
 1-42 indirectly made separately from a charge for any other service;
 1-43 (C) cleansing, stimulating, or massaging a
 1-44 person's scalp, face, neck, arms, or shoulders:
 1-45 (i) by hand or by using a device, apparatus,
 1-46 or appliance; and
 1-47 (ii) with or without the use of any cosmetic
 1-48 preparation, antiseptic, tonic, lotion, or cream;
 1-49 (D) beautifying a person's face, neck, arms, or
 1-50 shoulders using a cosmetic preparation, antiseptic, tonic, lotion,
 1-51 powder, oil, clay, cream, or appliance;
 1-52 (E) treating a person's nails by:
 1-53 (i) cutting, trimming, polishing, tinting,
 1-54 coloring, cleansing, manicuring, or pedicuring; or
 1-55 (ii) attaching false nails;
 1-56 (F) massaging, cleansing, treating, or
 1-57 beautifying a person's hands;
 1-58 (G) administering facial treatments;
 1-59 (H) weaving a person's hair by using any method
 1-60 to attach commercial hair to a person's hair or scalp;
 1-61 (I) shampooing or conditioning a person's hair;

2-1 or
2-2 (J) servicing in any manner listed in Paragraph
2-3 (B) a person's wig, toupee, or artificial hairpiece on a person's
2-4 head or on a block after the initial retail sale; ~~or~~

2-5 [~~(K) braiding a person's hair, trimming hair~~
2-6 ~~extensions only as applicable to the braiding process, and~~
2-7 ~~attaching commercial hair only by braiding and without the use of~~
2-8 ~~chemicals or adhesives,]~~

2-9 (2) advertising or representing to the public in any
2-10 manner that a person is a barber or is authorized to practice
2-11 barbering; or

2-12 (3) advertising or representing to the public in any
2-13 manner that a location or place of business is a barbershop,
2-14 specialty shop, or barber school.

2-15 SECTION 2. Section 1601.003, Occupations Code, is amended
2-16 to read as follows:

2-17 Sec. 1601.003. APPLICATION OF CHAPTER. This chapter does
2-18 not apply to a person who:

2-19 (1) does not represent or advertise to the public
2-20 directly or indirectly that the person is authorized by the
2-21 department to practice barbering; and

2-22 (2) is:
2-23 (A) a physician or registered nurse licensed in
2-24 this state and operating within the scope of the person's license;

2-25 (B) a commissioned or authorized medical or
2-26 surgical officer of the United States armed forces;

2-27 (C) a person regulated under Chapter 1602, if the
2-28 person practices within the scope of a permit, license, or
2-29 certificate issued by the department under that chapter; ~~or~~

2-30 (D) an inmate in the institutional division of
2-31 the Texas Department of Criminal Justice who performs barbering
2-32 during the person's incarceration; or

2-33 (E) a person who performs only natural hair
2-34 braiding, including braiding a person's hair, trimming hair
2-35 extensions only as applicable to the braiding process, and
2-36 attaching commercial hair by braiding and without the use of
2-37 chemicals or adhesives.

2-38 SECTION 3. Section 1601.254(c), Occupations Code, is
2-39 amended to read as follows:

2-40 (c) The commission shall adopt rules for the licensing of
2-41 specialty instructors to teach specialty courses in the practice of
2-42 barbering as defined by Sections 1601.002(1)(C)-(H) ~~and (K)~~.

2-43 SECTION 4. Section 1601.265(a), Occupations Code, is
2-44 amended to read as follows:

2-45 (a) The department shall issue a license or certificate to
2-46 an applicant for a license or certificate issued under Section
2-47 1601.253, 1601.256, or 1601.258 ~~, or 1601.259~~ if the applicant:

2-48 (1) submits an application on a form prescribed by the
2-49 department;

2-50 (2) pays the application fee; and

2-51 (3) provides proof that the applicant holds a current
2-52 license to engage in the same or a similar activity issued by
2-53 another jurisdiction that has license requirements substantially
2-54 equivalent to those of this state.

2-55 SECTION 5. Section 1601.304(a), Occupations Code, is
2-56 amended to read as follows:

2-57 (a) A person who holds a specialty shop permit may maintain
2-58 an establishment in which only barbering as defined by Section
2-59 1601.002(1)(E), (F), or (H) ~~, or (K)~~ is performed.

2-60 SECTION 6. Section 1602.002(a), Occupations Code, is
2-61 amended to read as follows:

2-62 (a) In this chapter, "cosmetology" means the practice of
2-63 performing or offering to perform for compensation any of the
2-64 following services:

2-65 (1) treating a person's hair by:

2-66 (A) providing any method of treatment as a
2-67 primary service, including arranging, beautifying, bleaching,
2-68 cleansing, coloring, cutting, dressing, dyeing, processing,
2-69 shampooing, shaping, singeing, straightening, styling, tinting, or

3-1 waving;

3-2 (B) providing a necessary service that is

3-3 preparatory or ancillary to a service under Paragraph (A),

3-4 including bobbing, clipping, cutting, or trimming a person's hair

3-5 or shaving a person's neck with a safety razor; or

3-6 (C) cutting the person's hair as a separate and

3-7 independent service for which a charge is directly or indirectly

3-8 made separately from charges for any other service;

3-9 (2) [~~braiding a person's hair,~~

3-10 [~~3~~] shampooing and conditioning a person's hair;

3-11 (3) [~~4~~] servicing a person's wig or artificial

3-12 hairpiece on a person's head or on a block after the initial retail

3-13 sale and servicing in any manner listed in Subdivision (1);

3-14 (4) [~~5~~] treating a person's mustache or beard by

3-15 arranging, beautifying, coloring, processing, styling, trimming,

3-16 or shaving with a safety razor;

3-17 (5) [~~6~~] cleansing, stimulating, or massaging a

3-18 person's scalp, face, neck, or arms:

3-19 (A) by hand or by using a device, apparatus, or

3-20 appliance; and

3-21 (B) with or without the use of any cosmetic

3-22 preparation, antiseptic, tonic, lotion, or cream;

3-23 (6) [~~7~~] beautifying a person's face, neck, or arms

3-24 using a cosmetic preparation, antiseptic, tonic, lotion, powder,

3-25 oil, clay, cream, or appliance;

3-26 (7) [~~8~~] administering facial treatments;

3-27 (8) [~~9~~] removing superfluous hair from a person's

3-28 body using depilatories, preparations, or tweezing techniques;

3-29 (9) [~~10~~] treating a person's nails by:

3-30 (A) cutting, trimming, polishing, tinting,

3-31 coloring, cleansing, or manicuring; or

3-32 (B) attaching false nails;

3-33 (10) [~~11~~] massaging, cleansing, treating, or

3-34 beautifying a person's hands or feet;

3-35 (11) [~~12~~] applying semipermanent, thread-like

3-36 extensions composed of single fibers to a person's eyelashes; or

3-37 (12) [~~13~~] weaving a person's hair.

3-38 SECTION 7. Section 1602.003(b), Occupations Code, is

3-39 amended to read as follows:

3-40 (b) This chapter does not apply to a person who:

3-41 (1) provides a service in an emergency;

3-42 (2) is licensed in this state to practice medicine,

3-43 dentistry, podiatry, chiropractic, or nursing and is operating

3-44 within the scope of the person's license;

3-45 (3) is in the business of or receives compensation for

3-46 makeup applications only;

3-47 (4) acts as a barber under Chapter 1601, if the person

3-48 does not hold the person out as a cosmetologist;

3-49 (5) provides a cosmetic service as a volunteer or an

3-50 employee performing regular duties at a licensed nursing or

3-51 convalescent custodial or personal care home to a patient residing

3-52 in the home;

3-53 (6) owns, operates, or manages a licensed nursing or

3-54 convalescent custodial or personal care home that allows a person

3-55 with an operator license to perform cosmetic services for patients

3-56 residing in the home on an occasional but not daily basis; ~~or~~

3-57 (7) provides an incidental cosmetic service, or owns,

3-58 operates, or manages the location where that service is provided,

3-59 if the primary purpose of the service is to enable or assist the

3-60 recipient of the service to participate as the subject of:

3-61 (A) a photographic sitting at a fashion

3-62 photography studio;

3-63 (B) a television appearance; or

3-64 (C) the filming of a motion picture; or

3-65 (8) performs only natural hair braiding, including

3-66 braiding a person's hair, trimming hair extensions only as

3-67 applicable to the braiding process, and attaching commercial hair

3-68 by braiding and without the use of chemicals or adhesives.

3-69 SECTION 8. Section 1602.255(c), Occupations Code, is

4-1 amended to read as follows:

4-2 (c) The commission shall adopt rules for the licensing of
4-3 specialty instructors to teach specialty courses in the practice of
4-4 cosmetology defined in Sections 1602.002(a)(6), (8), (9), and (11)
4-5 [~~1602.002(a)(7), (9), (10), and (12)~~].

4-6 SECTION 9. Section 1602.256(a), Occupations Code, is
4-7 amended to read as follows:

4-8 (a) A person holding a manicurist specialty license may
4-9 perform only the practice of cosmetology defined in Section
4-10 1602.002(a)(9) or (10) [~~1602.002(a)(10) or (11)~~].

4-11 SECTION 10. Section 1602.257(a), Occupations Code, is
4-12 amended to read as follows:

4-13 (a) A person holding an esthetician specialty license may
4-14 perform only the practice of cosmetology defined in Sections
4-15 1602.002(a)(5), (6) [~~1602.002(a)(6)~~], (7), (8), [~~(9)~~] and (11)
4-16 [~~(12)~~].

4-17 SECTION 11. Section 1602.2571(a), Occupations Code, is
4-18 amended to read as follows:

4-19 (a) A person holding a specialty license in eyelash
4-20 extension application may perform only the practice of cosmetology
4-21 defined in Section 1602.002(a)(11) [~~1602.002(a)(12)~~].

4-22 SECTION 12. Section 1602.259(a), Occupations Code, is
4-23 amended to read as follows:

4-24 (a) A person holding a hair weaving specialty certificate
4-25 may perform only the practice of cosmetology defined in Sections
4-26 1602.002(a)(2) [~~(3)~~] and (12) [~~(13)~~].

4-27 SECTION 13. Section 1602.260(a), Occupations Code, is
4-28 amended to read as follows:

4-29 (a) A person holding a wig specialty certificate may perform
4-30 only the practice of cosmetology defined in Section 1602.002(a)(3)
4-31 [~~1602.002(a)(4)~~].

4-32 SECTION 14. Section 1602.261(a), Occupations Code, is
4-33 amended to read as follows:

4-34 (a) A person holding a manicurist/esthetician specialty
4-35 license may perform only the practice of cosmetology defined in
4-36 Sections 1602.002(a)(5) [~~1602.002(a)(6)~~] through (10) [~~(11)~~].

4-37 SECTION 15. Section 1602.267(a), Occupations Code, is
4-38 amended to read as follows:

4-39 (a) A person holding a shampoo apprentice permit may perform
4-40 only the practice of cosmetology defined by Section 1602.002(a)(2)
4-41 [~~1602.002(3)~~].

4-42 SECTION 16. Section 1602.305(a), Occupations Code, is
4-43 amended to read as follows:

4-44 (a) A person holding a specialty shop license may maintain
4-45 an establishment in which only the practice of cosmetology as
4-46 defined in Section 1602.002(a)(3), (6), (8), (9), or (11)
4-47 [~~1602.002(a)(2), (4), (7), (9), (10), or (12)~~] is performed.

4-48 SECTION 17. Section 1603.352(a), Occupations Code, is
4-49 amended to read as follows:

4-50 (a) A person who holds a license, certificate, or permit
4-51 issued under this chapter, Chapter 1601, or Chapter 1602 and who
4-52 performs a barbering service described by Section 1601.002(1)(E) or
4-53 (F) or a cosmetology service described by Section 1602.002(a)(9) or
4-54 (10) [~~1602.002(a)(10) or (11)~~] shall, before performing the
4-55 service, clean, disinfect, and sterilize with an autoclave or dry
4-56 heat sterilizer or sanitize with an ultraviolet sanitizer, in
4-57 accordance with the sterilizer or sanitizer manufacturer's
4-58 instructions, each metal instrument, including metal nail
4-59 clippers, cuticle pushers, cuticle nippers, and other metal
4-60 instruments, used to perform the service.

4-61 SECTION 18. Sections 1601.259 and 1602.258, Occupations
4-62 Code, are repealed.

4-63 SECTION 19. (a) The Texas Department of Licensing and
4-64 Regulation shall issue a refund of fees to a person holding a barber
4-65 or cosmetology hair braiding specialty certificate, hair braiding
4-66 instructor license, or hair braiding specialty shop license
4-67 immediately before the effective date of this Act.

4-68 (b) The Texas Department of Licensing and Regulation shall
4-69 prorate fees on a monthly basis so that each license or certificate

5-1 holder described by Subsection (a) of this section receives a
5-2 refund for the amount of the fee that is allocable to the number of
5-3 months from the month in which this Act takes effect until the month
5-4 in which the license or certificate was scheduled to expire.

5-5 SECTION 20. This Act takes effect immediately if it
5-6 receives a vote of two-thirds of all the members elected to each
5-7 house, as provided by Section 39, Article III, Texas Constitution.
5-8 If this Act does not receive the vote necessary for immediate
5-9 effect, this Act takes effect September 1, 2015.

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