

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for .B. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S. .B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of barbers and cosmetologists.

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

4 SECTION 1. Section 1601.001(a), Occupations Code, is  
5 amended by adding Subdivision (1-a) to read as follows:

6 (1-a) "Barber school" means a place that holds a  
7 permit issued under Subchapter H to teach the practice of barbering  
8 and may be privately or publicly funded. The term includes a barber  
9 college.

10 SECTION 2. Section 1601.253, Occupations Code, is amended  
11 by adding Subsection (c) to read as follows:

12 (c) The commission shall adopt rules for the issuance of a  
13 Class A barber certificate to a person who holds an operator license  
14 under Chapter 1602. The department shall issue the certificate to  
15 an applicant who:

16 (1) holds an active operator license under Chapter  
17 1602;

18 (2) completes at least 300 hours of instruction in  
19 barbering that includes barber history and shaving through a  
20 commission-approved training program in a barber school;

21 (3) passes the examination required under Subsection  
22 (a); and

23 (4) submits to the department:

24 (A) an application on a form prescribed by the

1 department; and

2 (B) the required fee.

3 SECTION 3. Section 1601.254, Occupations Code, is amended  
4 to read as follows:

5 Sec. 1601.254. ELIGIBILITY FOR BARBER INSTRUCTOR LICENSE  
6 ~~[TEACHER'S CERTIFICATE]~~. (a) A person holding a barber instructor  
7 license may perform any act of barbering and may instruct a person  
8 in any act of barbering.

9 (b) To be eligible for a barber instructor license, an [An]  
10 applicant [for a teacher's certificate] must:

11 (1) be at least 18 years of age;

12 (2) have a high school diploma or a high school  
13 equivalency certificate;

14 (3) hold a current [be a] Class A barber certificate;

15 (4) [~~2~~] have completed:

16 (A) a course consisting of 750 hours of  
17 instruction in barber courses and methods of teaching in a barber  
18 school; or

19 (B) at least one year of work experience as a  
20 licensed Class A barber and:

21 (i) have completed 500 hours of instruction  
22 in barber courses and methods of teaching in a commission-approved  
23 training program;

24 (ii) have completed 15 semester hours in  
25 education courses from an accredited college or university within  
26 the 10 years preceding the date of the application; or

27 (iii) have obtained a degree in education

1 from an accredited college or university; and

2 (5) pass the required examination [~~five years'~~  
3 ~~experience as a practicing barber in a barbershop, two years of~~  
4 ~~which occurred in the two years preceding the application date; and~~

5 [~~(3) submit the required examination fee with the~~  
6 ~~application].~~

7 [~~(b) An applicant must submit a new application and fee for~~  
8 ~~each examination taken by the applicant. Fees paid are not~~  
9 ~~refundable.~~

10 [~~(c) The department shall issue a teacher's certificate to~~  
11 ~~an applicant who:~~

12 [~~(1) passes the appropriate examination; and~~

13 [~~(2) pays the required certificate fee.]~~

14 SECTION 4. Subchapter F, Chapter 1601, Occupations Code, is  
15 amended by adding Sections 1601.261, 1601.262, and 1601.263 to read  
16 as follows:

17 Sec. 1601.261. ELIGIBILITY FOR SHAMPOO APPRENTICE PERMIT.

18 (a) A person holding a shampoo apprentice permit may perform only  
19 barbering as defined by Section 1601.002(1)(I).

20 (b) The department shall issue a shampoo apprentice permit  
21 to an applicant who is at least 16 years of age.

22 (c) A shampoo apprentice permit expires on the second  
23 anniversary of the date of issuance and may not be renewed.

24 (d) The commission shall adopt rules as necessary to  
25 administer this section. The commission may not require an  
26 applicant to:

27 (1) complete any hours of instruction at a barber

1 training program as a prerequisite for the issuance of a shampoo  
2 apprentice permit; or

3 (2) pay a fee for a shampoo apprentice permit.

4 (e) A facility licensed under this chapter may employ a  
5 person who holds a shampoo apprentice permit to perform shampooing  
6 or conditioning services and shall pay the person at least the  
7 federal minimum wage as provided by Section 6, Fair Labor Standards  
8 Act of 1938 (29 U.S.C. Section 206).

9 Sec. 1601.262. ELIGIBILITY FOR BARBER

10 TECHNICIAN/MANICURIST SPECIALTY LICENSE. (a) A person holding a  
11 barber technician/manicurist specialty license may perform only  
12 barbering as defined by Sections 1601.002(1)(C) through (G).

13 (b) To be eligible for a barber technician/manicurist  
14 specialty license, an applicant must:

15 (1) submit an application on a form prescribed by the  
16 department;

17 (2) pay the required fee; and

18 (3) either:

19 (A) hold both an active barber technician license  
20 and an active manicurist license; or

21 (B) meet the requirements of Subsection (c).

22 (c) An applicant who qualifies under Subsection (b)(3)(B)  
23 must:

24 (1) be at least 17 years of age and have completed the  
25 seventh grade or its equivalent; and

26 (2) have completed:

27 (A) 900 hours of instruction in a barber

1 technician/manicurist curriculum in a commission-approved training  
2 program; or

3 (B) 600 hours of instruction in a manicure  
4 curriculum and 300 hours of instruction in a barber technician  
5 curriculum in a commission-approved training program.

6 Sec. 1601.263. ELIGIBILITY FOR BARBER TECHNICIAN/HAIR  
7 WEAVING SPECIALTY LICENSE. (a) A person holding a barber  
8 technician/hair weaving specialty license may perform only  
9 barbering as defined by Sections 1601.002(1)(C), (D), (G), and (H).

10 (b) To be eligible for a barber technician/hair weaving  
11 specialty license, an applicant must:

12 (1) submit an application on a form prescribed by the  
13 department;

14 (2) pay the required fee; and

15 (3) either:

16 (A) hold both an active barber technician license  
17 and an active hair weaving specialty certificate of registration;  
18 or

19 (B) meet the requirements of Subsection (c).

20 (c) An applicant who qualifies under Subsection (b)(3)(B)  
21 must:

22 (1) be at least 17 years of age and have completed the  
23 seventh grade or its equivalent; and

24 (2) have completed:

25 (A) 600 hours of instruction in a barber  
26 technician/hair weaving curriculum in a commission-approved  
27 training program; or

1                   (B) 300 hours of instruction in a hair weaving  
2 curriculum and 300 hours of instruction in a barber technician  
3 curriculum in a commission-approved training program.

4           SECTION 5. Section 1601.352, Occupations Code, is amended  
5 to read as follows:

6           Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT. [~~(a)~~]  
7 An applicant for a barber school permit must:

8                   (1) provide to the department adequate proof of  
9 financial responsibility;

10                   (2) submit an application on a form prescribed by the  
11 department;

12                   (3) satisfy the facility and equipment requirements of  
13 Section 1601.353; and

14                   (4) pay the required fee [~~demonstrate to the~~  
15 ~~department that the school meets the requirements of this~~  
16 ~~subchapter for issuance of a permit].~~

17           ~~[(b) Before issuing a barber school permit, the department~~  
18 ~~must determine that the applicant is financially sound and capable~~  
19 ~~of fulfilling the applicant's commitments for training.]~~

20           SECTION 6. Section 1601.353, Occupations Code, is amended  
21 to read as follows:

22           Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. [~~(a)~~]  
23 The department may [~~not~~] approve an application for a permit for a  
24 barber school if [~~that provides training leading to issuance of a~~  
25 ~~Class A barber certificate unless~~] the school [~~has~~]:

26                   (1) is located in:

27                           (A) a municipality with a population of more than

1 50,000 that has a building of permanent construction containing at  
2 least 2,000 [~~2,800~~] square feet of floor space, including classroom  
3 and practical areas, covered in [~~divided into at least:~~

- 4                    [~~(A) a senior department;~~
- 5                    [~~(B) a junior department;~~
- 6                    [~~(C) a class theory room;~~
- 7                    [~~(D) a supply room;~~
- 8                    [~~(E) an office space; and~~
- 9                    [~~(F) separate restrooms for male and female~~
- 10 ~~students;~~

11                    [~~(2)~~] a hard-surface floor-covering of tile or other  
12 suitable material; or

13                    (B) a municipality with a population of 50,000 or  
14 less that has a building of permanent construction containing at  
15 least 1,000 square feet of floor space, including classroom and  
16 practical areas, covered in a hard-surface floor-covering of tile  
17 or other suitable material;

18                    (2) has the following equipment:

19                    (A) [~~(3)~~] at least 10 student workstations that  
20 include a chair that reclines, a back bar, and a wall mirror [~~20~~  
21 ~~modern barber chairs, including a cabinet and mirror for each~~  
22 ~~chair];~~

23                    (B) [~~(4)~~] a sink behind every two workstations  
24 [~~barber chairs];~~

25                    (C) [~~(5)~~] a liquid sterilizer for each  
26 workstation [~~barber chair];~~

27                    (D) [~~(6)~~] an adequate number of latherers,

1 ~~vibrators, and hair dryers for student use,~~  
2           ~~[(7)]~~ adequate lighting for each room;  
3           (E) [(8)] at least 10 ~~[20]~~ classroom chairs and  
4 other materials necessary to teach the required subjects; and  
5           (F) access to permanent restrooms and ~~[, a~~  
6 ~~blackboard, anatomical charts of the head, neck, and face, and one~~  
7 ~~barber chair in the class theory room,~~  
8           ~~[(9) at least one medical dictionary and a standard~~  
9 ~~work on human anatomy,~~  
10           ~~[(10)]~~ adequate drinking fountain facilities~~[, with~~  
11 ~~at least one for each floor]; and~~  
12           (3) meets any other requirement set by the commission  
13           ~~[(11) at least one fire extinguisher].~~  
14           ~~[(b) An applicant for a barber school permit must submit to~~  
15 ~~the department:~~  
16           ~~[(1) a detailed drawing and chart of the proposed~~  
17 ~~physical layout of the school, showing the departments, floor~~  
18 ~~space, equipment, lights, and outlets,~~  
19           ~~[(2) photographs of the proposed site for the school,~~  
20 ~~including the interior and exterior of the building, rooms, and~~  
21 ~~departments,~~  
22           ~~[(3) a detailed copy of the training program,~~  
23           ~~[(4) a copy of the catalogue and promotional~~  
24 ~~literature of the school,~~  
25           ~~[(5) a copy of the building lease or proposed building~~  
26 ~~lease if the building is not owned by the school,~~  
27           ~~[(6) a sworn statement showing the ownership of the~~



1 ~~school, and~~

2 ~~[(7) the required permit fee.]~~

3 SECTION 7. Section 1601.402(b), Occupations Code, is  
4 amended to read as follows:

5 (b) A Class A barber, barber technician, instructor  
6 ~~[teacher]~~, manicurist, or other licensed specialist must renew the  
7 person's certificate or license on or before the expiration date.

8 SECTION 8. Section 1601.405(a), Occupations Code, is  
9 amended to read as follows:

10 (a) The department may not require a Class A barber, barber  
11 technician, instructor ~~[teacher]~~, or manicurist who is serving on  
12 active duty in the United States armed forces to renew the person's  
13 certificate or license.

14 SECTION 9. Section 1601.560, Occupations Code, is amended  
15 to read as follows:

16 Sec. 1601.560. INSTRUCTOR-TO-STUDENT RATIO ~~[QUALIFIED~~  
17 ~~INSTRUCTOR]~~. (a) A ~~[In addition to the teacher required by Section~~  
18 ~~1601.355(b), a]~~ barber school must ~~[that provides training leading~~  
19 ~~to issuance of a Class A barber certificate shall]~~ have at least one  
20 ~~[qualified]~~ instructor ~~[, holding a Class A certificate,]~~ for every  
21 25 students on the school's premises. ~~[A teacher may serve as an~~  
22 ~~instructor in practical work in addition to holding a position as a~~  
23 ~~theory teacher.]~~

24 (b) A barber school must have at least one instructor for  
25 every three student instructors on the school's premises ~~[may not~~  
26 ~~enroll more than one student teacher for each certified teacher who~~  
27 ~~teaches at the school]~~. A student instructor ~~[teacher]~~ shall

1 concentrate on developing teaching skills and may not be booked  
2 with customers.

3 SECTION 10. Section 1601.602, Occupations Code, is amended  
4 to read as follows:

5 Sec. 1601.602. REVOCATION OF STUDENT INSTRUCTOR'S  
6 [~~TEACHER'S~~] BARBER CERTIFICATE. A violation of Section 1601.560(b)  
7 by a student instructor [~~teacher~~] is a ground for the revocation of  
8 the [~~person's~~] student instructor's [~~teacher~~] barber certificate  
9 [~~license~~].

10 SECTION 11. Section 1602.002(a), Occupations Code, is  
11 amended to read as follows:

12 (a) In this chapter, "cosmetology" means the practice of  
13 performing or offering to perform for compensation any of the  
14 following services:

15 (1) treating a person's hair by:

16 (A) providing any method of treatment as a  
17 primary service, including arranging, beautifying, bleaching,  
18 cleansing, coloring, cutting, dressing, dyeing, processing,  
19 shampooing, shaping, singeing, straightening, styling, tinting, or  
20 waving;

21 (B) providing a necessary service that is  
22 preparatory or ancillary to a service under Paragraph (A),  
23 including bobbing, clipping, cutting, or trimming; or

24 (C) cutting the person's hair as a separate and  
25 independent service for which a charge is directly or indirectly  
26 made separately from charges for any other service;

27 (2) weaving or braiding a person's hair;

- 1           (3) shampooing and conditioning a person's hair;
- 2           (4) servicing a person's wig or artificial hairpiece  
3 on a person's head or on a block after the initial retail sale and  
4 servicing in any manner listed in Subdivision (1);
- 5           (5) treating a person's mustache or beard by  
6 arranging, beautifying, coloring, processing, styling, or  
7 trimming;
- 8           (6) cleansing, stimulating, or massaging a person's  
9 scalp, face, neck, or arms:
- 10           (A) by hand or by using a device, apparatus, or  
11 appliance; and
- 12           (B) with or without the use of any cosmetic  
13 preparation, antiseptic, tonic, lotion, or cream;
- 14           (7) beautifying a person's face, neck, or arms using a  
15 cosmetic preparation, antiseptic, tonic, lotion, powder, oil,  
16 clay, cream, or appliance;
- 17           (8) administering facial treatments;
- 18           (9) removing superfluous hair from a person's body  
19 using depilatories, preparations, or tweezing techniques  
20 [~~mechanical tweezers~~];
- 21           (10) treating a person's nails by:
- 22           (A) cutting, trimming, polishing, tinting,  
23 coloring, cleansing, or manicuring; or
- 24           (B) attaching false nails; or
- 25           (11) massaging, cleansing, treating, or beautifying a  
26 person's hands or feet.

27           SECTION 12. Section 1602.254, Occupations Code, is amended

1 by amending Subsection (b) and adding Subsection (c) to read as  
2 follows:

3 (b) To be eligible for an operator license, an applicant  
4 must meet the requirements of Subsection (c) or:

5 (1) be at least 17 years of age;

6 (2) have obtained a high school diploma or the  
7 equivalent of a high school diploma or have passed a valid  
8 examination administered by a certified testing agency that  
9 measures the person's ability to benefit from training; and

10 (3) have completed:

11 (A) 1,500 hours of instruction in a licensed  
12 beauty culture school; or

13 (B) 1,000 hours of instruction in beauty culture  
14 courses and 500 hours of related high school courses prescribed by  
15 the commission in a vocational cosmetology program in a public  
16 school.

17 (c) The commission shall adopt rules for the issuance of an  
18 operator license under this section to a person who holds a Class A  
19 barber certificate. The department shall issue the license to an  
20 applicant who:

21 (1) holds an active Class A barber certificate;

22 (2) completes 300 hours of instruction in cosmetology  
23 through a commission-approved training program in a cosmetology  
24 school;

25 (3) passes the examination required under Section  
26 1602.262; and

27 (4) submits to the department:

1                    (A) an application on a form prescribed by the  
2 department; and

3                    (B) the required fee.

4            SECTION 13. Section 1602.255(b), Occupations Code, is  
5 amended to read as follows:

6            (b) To be eligible for an instructor license, an applicant  
7 must:

8                    (1) be at least 18 years of age;

9                    (2) have a high school diploma [~~completed the 12th~~  
10 ~~grade~~] or a high school equivalency certificate [~~its equivalent~~];

11                    (3) hold an operator license under this chapter; [~~and~~]

12                    (4) have [~~completed~~]:

13                    (A) completed [~~a course consisting of~~] 750 hours  
14 of instruction in [~~cosmetology courses and~~] methods of teaching in:

15                                    (i) a licensed private beauty culture  
16 school; or

17                                    (ii) a vocational training program of a  
18 publicly financed postsecondary institution; [~~or~~]

19                    (B) completed at least:

20                                    (i) one year [~~two years~~] of verifiable  
21 experience as a licensed cosmetology operator; and

22                                    (ii) 500 [~~250~~] hours of instruction in  
23 cosmetology in a commission-approved training program;

24                    (C) completed 15 semester hours in education  
25 courses through an accredited college or university within the 10  
26 years before the date of application; or

27                    (D) obtained a degree in education from an

1 accredited college or university; and

2 (5) pass the examination required under Section  
3 1602.262.

4 SECTION 14. Section 1602.257, Occupations Code, is amended  
5 to read as follows:

6 Sec. 1602.257. ELIGIBILITY FOR ESTHETICIAN [~~A FACIALIST~~]  
7 SPECIALTY LICENSE. (a) A person holding an esthetician [~~a~~  
8 ~~facialist~~] specialty license may perform only the practice of  
9 cosmetology defined in Sections 1602.002(a)(6) through (9).

10 (b) To be eligible for an esthetician [~~a facialist~~]  
11 specialty license, an applicant must:

12 (1) be at least 17 years of age;

13 (2) have obtained a high school diploma or the  
14 equivalent of a high school diploma or have passed a valid  
15 examination administered by a certified testing agency that  
16 measures the person's ability to benefit from training; and

17 (3) have completed 750 hours of instruction in  
18 esthetics [~~facialist~~] specialty through a commission-approved  
19 training program.

20 SECTION 15. Subchapter F, Chapter 1602, Occupations Code,  
21 is amended by adding Section 1602.261 to read as follows:

22 Sec. 1602.261. ELIGIBILITY FOR MANICURIST/ESTHETICIAN  
23 SPECIALTY LICENSE. (a) A person holding a manicurist/esthetician  
24 specialty license may perform only the practice of cosmetology  
25 defined in Sections 1602.002(a)(6) through (11).

26 (b) To be eligible for a manicurist/esthetician specialty  
27 license, an applicant must:

1           (1) submit an application on a form prescribed by the  
2 department;

3           (2) pay the required fee; and

4           (3) either:

5                 (A) hold both an active manicurist specialty  
6 license and an active esthetician specialty license; or

7                 (B) meet the educational requirements of  
8 Subsection (c).

9           (c) An applicant who qualifies under Subsection (b)(3)(B)  
10 must:

11           (1) either:

12                 (A) have obtained a high school diploma or a high  
13 school equivalency certificate; or

14                 (B) have passed a valid examination administered  
15 by a certified testing agency that measures the person's ability to  
16 benefit from training; and

17           (2) have completed:

18                 (A) 1,200 hours of instruction in a  
19 manicure/esthetics specialty curriculum in a commission-approved  
20 training program; or

21                 (B) 600 hours of instruction in a manicure  
22 curriculum and 750 hours of instruction in an esthetics curriculum  
23 in commission-approved training programs.

24           SECTION 16. Section 1602.262, Occupations Code, is amended  
25 to read as follows:

26           Sec. 1602.262. ISSUANCE OF LICENSE OR CERTIFICATE. (a) An  
27 applicant for a [~~an operator~~] license under this chapter [~~7~~

1 ~~instructor license, manicurist specialty license, or facialist~~  
2 ~~specialty license]~~ is entitled to the license if the applicant:

- 3 (1) meets the applicable eligibility requirements;
- 4 (2) passes the applicable examination;
- 5 (3) pays the required fee; ~~and~~
- 6 (4) has not committed an act that constitutes a ground  
7 for denial of the license; and
- 8 (5) submits an application on a form prescribed by the  
9 department.

10 (b) An applicant for a specialty certificate is entitled to  
11 the certificate if the applicant:

- 12 (1) meets the eligibility requirements;
- 13 (2) pays the required fee; ~~and~~
- 14 (3) has not committed an act that constitutes a ground  
15 for denial of the certificate; and
- 16 (4) submits an application on a form prescribed by the  
17 department.

18 SECTION 17. Section 1602.267(c), Occupations Code, is  
19 amended to read as follows:

20 (c) A shampoo apprentice permit expires on the second  
21 ~~first~~ anniversary of the date of issuance and may not be renewed.

22 SECTION 18. Section 1602.303(b), Occupations Code, is  
23 amended to read as follows:

24 (b) An application for a private beauty culture school  
25 license must be accompanied by the required license fee and  
26 inspection fee and:

- 27 (1) be on a form prescribed by the department;



- 1           (2) be verified by the applicant; and
- 2           (3) contain a statement that the building:
- 3                 (A) is of permanent construction and is divided
- 4 into at least two separate areas:
- 5                     (i) one area for instruction in theory; and
- 6                     (ii) one area for clinic work;
- 7                 (B) contains a minimum of:
- 8                     (i) 2,000 [~~3,500~~] square feet of floor
- 9 space if the building is located in a municipality with a population
- 10 of more than 50,000; or
- 11                     (ii) 1,000 square feet of floor space if the
- 12 building is located in a municipality with a population of 50,000 or
- 13 less;
- 14                 (C) has access to permanent restrooms and
- 15 adequate drinking fountain facilities [~~separate restrooms for male~~
- 16 ~~and female students~~]; and
- 17                 (D) contains, or will contain before classes
- 18 begin, the equipment established by commission rule as sufficient
- 19 to properly instruct a minimum of 10 [~~50~~] students.

20           SECTION 19. Section 1602.451(a), Occupations Code, is

21 amended to read as follows:

22           (a) The holder of a private beauty culture school license

23 shall:

- 24                 (1) maintain a sanitary establishment;
- 25                 (2) maintain [~~on its staff and~~] on duty [~~during~~
- 26 ~~business hours~~] one full-time licensed instructor for each 25
- 27 students in attendance;

- 1 (3) maintain a daily record of students' attendance;
- 2 (4) establish regular class and instruction hours and  
3 grades;
- 4 (5) require a school term of not less than nine months  
5 and not less than 1,500 hours instruction for a complete course in  
6 cosmetology;
- 7 (6) require a school term of not less than 600 hours  
8 instruction for a complete course in manicuring;
- 9 (7) hold examinations before issuing diplomas;
- 10 (8) maintain a copy of the school's curriculum in a  
11 conspicuous place and verify that the curriculum is being followed;
- 12 (9) publish in the school's catalogue and enrollment  
13 contract a description of the refund policy required under Section  
14 1602.458; and
- 15 (10) provide the department with information on:
  - 16 (A) the current course completion rates of  
17 students who attend a course of instruction offered by the school;  
18 and
  - 19 (B) job placement rates and employment rates of  
20 students who complete the course of instruction.

21 SECTION 20. Section 1603.255, Occupations Code, is amended  
22 to read as follows:

23 Sec. 1603.255. EARLY EXAMINATION. The department [~~on~~  
24 ~~written request by a student,~~] may allow [~~provide~~] for the early  
25 written examination of a student who has completed the following  
26 number of [~~an applicant for a Class A barber certificate, a~~  
27 ~~teacher's certificate, or an operator license who has completed at~~

1 ~~least 1,000~~] hours of instruction in a department-approved training  
2 program:

3 (1) 1,000 hours for a student seeking a Class A barber  
4 certificate or operator license in a private barber or cosmetology  
5 school; or

6 (2) 900 hours for a student seeking a Class A barber  
7 certificate or operator license in a publicly funded barber or  
8 cosmetology school.

9 SECTION 21. Sections 1603.352(a), (b), and (c), Occupations  
10 Code, are amended to read as follows:

11 (a) A person who holds a license, certificate, or permit  
12 issued under this chapter, Chapter 1601, or Chapter 1602 and who  
13 performs a barbering service described by Section 1601.002(1)(E) or  
14 (F) or a cosmetology service described by Section 1602.002(a)(10)  
15 or (11) shall, before performing the service, clean, disinfect, and  
16 sterilize with an autoclave or [~~a~~] dry heat sterilizer or sanitize  
17 with an [~~7~~] ultraviolet sanitizer, [~~or other department-approved~~  
18 ~~sterilizer,~~] in accordance with the sterilizer or sanitizer  
19 manufacturer's instructions, each metal instrument, including  
20 metal nail clippers, cuticle pushers, cuticle nippers, and other  
21 metal instruments, used to perform the service.

22 (b) The owner or manager of a barber shop, barber school,  
23 beauty shop, specialty shop, beauty culture school, or other  
24 facility licensed under this chapter, Chapter 1601, or Chapter  
25 1602, is responsible for providing an autoclave, [~~or~~] a dry heat  
26 sterilizer, or an ultraviolet sanitizer [~~, or other~~  
27 ~~department-approved sterilizer~~] for use in the shop or school as

1 required by Subsection (a). [~~An autoclave or a dry heat,~~  
2 ~~ultraviolet, or other department-approved sterilizer used as~~  
3 ~~required by Subsection (a) must be listed with the United States~~  
4 ~~Food and Drug Administration.~~]

5 (c) Each sterilized or sanitized instrument must be stored  
6 in accordance with the manufacturer's instructions.

7 SECTION 22. Sections 1601.001(a)(5), 1601.354, 1601.355,  
8 and 1602.403(b), Occupations Code, are repealed.

9 SECTION 23. (a) The Texas Department of Licensing and  
10 Regulation shall conduct a study that analyzes the performance of  
11 barber schools under Subchapter L, Chapter 1601, Occupations Code,  
12 and beauty culture schools under Subchapter J, Chapter 1602,  
13 Occupations Code, including the payment of refunds and  
14 recommendations for improvements to the process for the payment of  
15 refunds to eligible students.

16 (b) In conducting the study, the department shall consult  
17 with:

- 18 (1) the Advisory Board on Barbering;
- 19 (2) the Advisory Board on Cosmetology;
- 20 (3) national accrediting organizations for barbers  
21 and cosmetologists;
- 22 (4) representatives of barber schools and beauty  
23 culture schools; and
- 24 (5) barbers, cosmetologists, and other interested  
25 parties.

26 (c) Not later than September 1, 2012, the department shall  
27 report the results of the study to the:

1           (1) House Committee on Licensing and Administrative  
2 Procedures; and

3           (2) Senate Committee on Business and Commerce.

4           (d) This section expires September 1, 2013.

5           SECTION 24. (a) The changes in law made by this Act apply  
6 only to an application for the issuance or renewal of a license or  
7 certificate that is filed with the Texas Department of Licensing  
8 and Regulation on or after the effective date of this Act. An  
9 application for the issuance or renewal of a license or certificate  
10 that is filed before the effective date of this Act is governed by  
11 the law in effect on the date the application was filed, and the  
12 former law is continued in effect for that purpose.

13           (b) The Texas Commission of Licensing and Regulation shall  
14 adopt rules necessary to implement the changes in law made by this  
15 Act not later than March 31, 2012.

16           SECTION 25. This Act takes effect September 1, 2011.