

OCCUPATIONS CODE

TITLE 9. REGULATION OF BARBERS, COSMETOLOGISTS, AND RELATED
OCCUPATIONS

CHAPTER 1603. REGULATION OF BARBERING AND COSMETOLOGY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1603.001. GENERAL DEFINITIONS. In this chapter:

(1) "Advisory board" means the Barbering and Cosmetology Advisory Board.

(2) "Commission" means the Texas Commission of Licensing and Regulation.

(3) "Department" means the Texas Department of Licensing and Regulation.

(4) "Establishment" means a place:

(A) in which barbering or cosmetology is practiced; and

(B) that is required to hold a license issued under Subchapter E-2.

(5) "Executive director" means the executive director of the department.

(6) "Manager" means the person who controls or directs the business of an establishment or directs the work of a person employed in an establishment.

(7) "School" means a public secondary school, public postsecondary school, or private postsecondary school:

(A) in which barbering or cosmetology is taught; and

(B) that is required to hold a license issued under Subchapter E-3.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.01, eff. September 1, 2021.

Sec. 1603.0011. PRACTICE OF BARBERING OR COSMETOLOGY.

(a) The practices of barbering and cosmetology consist of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

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

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming a person's hair or shaving a person's neck with a safety razor; or

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

(2) treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

(3) cleansing, stimulating, or massaging a person's scalp, face, neck, shoulders, or arms:

(A) by hand or by using a device, apparatus, or appliance; and

(B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

(4) beautifying a person's face, neck, shoulders, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

(5) administering facial treatments;

(6) removing superfluous hair from a person's body using depilatories, preparations or chemicals, tweezers, or other devices or appliances of any kind or description;

(7) treating a person's nails by:

(A) cutting, trimming, polishing, tinting, coloring, cleansing, manicuring, or pedicuring; or

(B) attaching false nails;

(8) massaging, cleansing, treating, or beautifying a person's hands or feet; or

(9) weaving a person's hair by using any method to attach commercial hair to a person's hair or scalp.

(b) In addition to the services described by Subsection (a), the practice of barbering includes performing or offering to perform for compensation the service of shaving a person's face, neck, mustache, or beard with a razor of any type.

(c) In addition to the services described by Subsection (a), the practice of cosmetology includes performing or offering to perform for compensation the service of applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes.

(d) Advertising or representing to the public in any manner that a person is licensed to perform a barbering or cosmetology service under this chapter, or that a location or place of business is an establishment or school, constitutes the practice of barbering or cosmetology.

(e) In this section, "safety razor" means a razor that is fitted with a guard close to the cutting edge of the razor that is intended to:

- (1) prevent the razor from cutting too deeply; and
- (2) reduce the risk and incidence of accidental cuts.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.02, eff. September 1, 2021.

Sec. 1603.0012. SERVICES NOT CONSTITUTING BARBERING OR COSMETOLOGY. Barbering and cosmetology do not include:

(1) threading, which involves removing unwanted hair from a person by using a piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair; or

(2) servicing a person's wig, toupee, or artificial hairpiece on a person's head or on a block after the initial retail sale in any manner described by Section 1603.0011(a)(1).

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.02, eff. September 1, 2021.

Sec. 1603.0013. APPLICATION OF CHAPTER. This chapter does

not apply to a person who:

(1) does not represent or advertise to the public directly or indirectly that the person is authorized by the department to practice barbering or cosmetology and the person is:

(A) licensed in this state to practice medicine, dentistry, podiatry, chiropractic, or nursing and operating within the scope of the person's license;

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

(C) an inmate in the institutional division of the Texas Department of Criminal Justice who performs barbering or cosmetology during the person's incarceration;

(2) provides a service in an emergency;

(3) is in the business of or receives compensation for makeup applications only;

(4) provides a cosmetic service as a volunteer or an employee performing regular duties at a licensed nursing or convalescent custodial or personal care home to a patient residing in the home;

(5) owns, operates, or manages a licensed nursing or convalescent custodial or personal care home that allows a person with an operator license to perform cosmetic services for patients residing in the home on an occasional but not daily basis;

(6) provides an incidental cosmetic service, or owns, operates, or manages the location where that service is provided, if the primary purpose of the service is to enable or assist the recipient of the service to participate as the subject of:

(A) a photographic sitting at a permanent establishment that charges a fee exclusively for a photographic sitting;

(B) a television appearance; or

(C) the filming of a motion picture; or

(7) performs only natural hair braiding, including braiding a person's hair, trimming hair extensions only as applicable to the braiding process, and attaching commercial hair by braiding and without the use of chemicals or adhesives.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.02,

eff. September 1, 2021.

Sec. 1603.002. REGULATION OF BARBERING AND COSMETOLOGY BY DEPARTMENT OF LICENSING AND REGULATION. The department shall administer this chapter. This chapter does not limit the department's or commission's general powers under Chapter 51.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.03, eff. September 1, 2021.

SUBCHAPTER B. BARBERING AND COSMETOLOGY ADVISORY BOARD

Sec. 1603.051. ADVISORY BOARD; MEMBERSHIP. The Barbering and Cosmetology Advisory Board consists of nine members appointed by the presiding officer of the commission, with the commission's approval, as follows:

(1) four members who each hold an individual practitioner license under Subchapter E-1, including:

(A) at least one holder of a Class A barber license; and

(B) at least one holder of a cosmetology operator license;

(2) two members who each hold an establishment license;

(3) two members who each hold a school license; and

(4) one member who represents the public.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.04, eff. September 1, 2021.

Sec. 1603.052. DUTIES OF ADVISORY BOARD. (a) The advisory board shall advise the commission and the department on:

(1) education and curricula for applicants;

- (2) the content of examinations;
- (3) proposed rules and standards on technical issues related to barbering and cosmetology; and
- (4) other issues affecting barbering and cosmetology.

(b) The advisory board shall respond to questions from the commission and the department regarding barbering and cosmetology. Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.04, eff. September 1, 2021.

Sec. 1603.053. TERMS; VACANCY. (a) Members of the advisory board serve staggered six-year terms, with the terms of three members expiring January 31 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement to fill the unexpired term. Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.04, eff. September 1, 2021.

Sec. 1603.054. PRESIDING OFFICER. The presiding officer of the commission shall appoint one of the advisory board members to serve as the presiding officer of the advisory board for a term of two years.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.04, eff. September 1, 2021.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1603.101. RULES. The commission shall adopt rules consistent with this chapter for the administration of this chapter and the operations of the department in regulating barbering and cosmetology.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.05, eff. September 1, 2021.

Sec. 1603.102. SANITATION RULES. The commission shall establish sanitation rules to prevent the spread of an infectious or contagious disease.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Sec. 1603.103. INSPECTION OF SCHOOLS BEFORE OPERATION.

(a) Until the department determines, by inspection, that the person has established the school in compliance with this chapter, a person may not operate a school licensed under this chapter.

(b) A school that is not approved by the department on initial inspection may be reinspected.

(c) The department may charge the school a fee for each inspection. The commission shall by rule set the amount of the fee.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1049 (H.B. 2106), Sec. 15, eff. June 15, 2007.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.06, eff. September 1, 2021.

Sec. 1603.104. INSPECTIONS. (a) The department may enter and inspect at any time during business hours:

(1) the place of business of any person regulated under this chapter; or

(2) any place in which the department has reasonable cause to believe that a license or permit holder is practicing in violation of this chapter or in violation of a rule or order of the commission or executive director.

(b) Repealed by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.33(2), eff. September 1, 2021.

(c) Repealed by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.33(2), eff. September 1, 2021.

(c-1) Repealed by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.33(2), eff. September 1, 2021.

(d) An inspector who discovers a violation of this chapter or of a rule or order of the commission or executive director shall provide written notice of the violation to the license or permit holder on a form prescribed by the department.

(e) Repealed by Acts 2017, 85th Leg., R.S., Ch. 496 (H.B. [2739](#)), Sec. 4, eff. September 1, 2017.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. [411](#)), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1049 (H.B. [2106](#)), Sec. 16, eff. June 15, 2007.

Acts 2017, 85th Leg., R.S., Ch. 496 (H.B. [2739](#)), Sec. 4, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1144 (H.B. [2847](#)), Sec. 14.006, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.07, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.08, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.33(2), eff. September 1, 2021.

Sec. 1603.1045. CONTRACT TO PERFORM INSPECTIONS. The department may contract with a person to perform for the department inspections of a school or establishment.

Added by Acts 2007, 80th Leg., R.S., Ch. 1049 (H.B. [2106](#)), Sec. 17, eff. June 15, 2007.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.09, eff. September 1, 2021.

Sec. 1603.105. RETENTION OF STUDENT RECORDS. The department may not retain student records, including student transcripts, beyond the time required by state law.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. [411](#)), Sec. 1.01, eff. September 1, 2005.

Sec. 1603.106. CERTAIN BUILDING AND FACILITY STANDARDS PROHIBITED. The commission may not establish building or facility standards for a school that are not related to health and safety, including a requirement that a building or facility of the school have a specific:

- (1) square footage of floor space;
- (2) number of chairs; or
- (3) number of sinks.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.10, eff. September 1, 2021.

SUBCHAPTER D. PUBLIC PARTICIPATION AND COMPLAINT PROCEDURES

Sec. 1603.151. NOTIFICATION OF PUBLIC INTEREST INFORMATION AND PARTICIPATION. The commission by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department regarding barbering and cosmetology. The department may provide for that notice:

- (1) on each registration form, application, or written contract for services of a person regulated under this chapter;
- (2) on a sign prominently displayed in the place of business of each person regulated under this chapter; or
- (3) in a bill for service provided by a person regulated under this chapter.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.11, eff. September 1, 2021.

Sec. 1603.152. COMPLAINT JURISDICTION; NOTIFICATION. If the department determines that it lacks jurisdiction to resolve the complaint, the department shall notify the complainant in writing that the department is closing the complaint because it lacks jurisdiction.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Sec. 1603.154. INFORMAL SETTLEMENT CONFERENCE. The department shall establish guidelines for an informal settlement conference related to a complaint filed with the department.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

SUBCHAPTER E. GENERAL LICENSE AND PERMIT
PROVISIONS

Sec. 1603.2001. RULES FOR ISSUANCE OF LICENSE OR PERMIT.

(a) The commission by rule shall establish requirements for the issuance of:

(1) a license for an individual practitioner, establishment, or school; and

(2) a student permit.

(b) Requirements established by the commission under Subsection (a) for an individual practitioner may include requirements regarding an applicant's:

(1) minimum age;

(2) education level; and

(3) completed hours of instruction.

(c) In establishing a requirement under this section for the issuance of a license, the commission shall consider whether the requirement is the least restrictive requirement possible to ensure public safety without creating a barrier to entry into the licensed occupation.

(d) Requirements established under this section:

(1) for an individual practitioner specialty license may not be more stringent than requirements for a Class A barber license or a cosmetology operator license; and

(2) for a specialty establishment license may not be more stringent than requirements for an establishment license.

(e) The commission shall establish standardized requirements within license categories.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.13, eff. September 1, 2021.

Sec. 1603.201. APPLICATION FORM. An application for a license or permit under this chapter must be made on a form prescribed by the department.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.14, eff. September 1, 2021.

Sec. 1603.202. DUPLICATE LICENSE OR PERMIT. The department shall issue a duplicate license or permit to an applicant who:

(1) submits an application for a duplicate license or permit to the department; and

(2) pays the required fee.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.14, eff. September 1, 2021.

Sec. 1603.2025. TEMPORARY LICENSE. (a) The department may issue a temporary license.

(b) The commission by rule may establish requirements for the issuance of a temporary license.

(c) A temporary license expires on the 60th day after the date the license is issued. A temporary license may not be renewed.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.15, eff. September 1, 2021.

Sec. 1603.203. PROVISIONAL LICENSE. (a) The department may issue a provisional license to an applicant currently licensed in another jurisdiction who seeks a license in this state and who:

(1) has been licensed in good standing in the

profession for which the person seeks the license for at least two years in another jurisdiction, including a foreign country, that has requirements substantially equivalent to the requirements of this chapter; and

(2) has passed a national or other examination recognized by the department relating to the practice of that profession.

(b) A provisional license is valid until the date the department approves or denies the provisional license holder's application. The department shall issue a license to the provisional license holder if:

(1) the provisional license holder is eligible to hold a license under this chapter; or

(2) the provisional license holder passes the part of the examination that relates to the applicant's knowledge and understanding of the laws and rules relating to the practice of the profession in this state and:

(A) the department verifies that the provisional license holder meets the education and experience requirements for the license; and

(B) the provisional license holder satisfies any other license requirements.

(c) The department must approve or deny a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued. The department may extend the 180-day period if the results of an examination have not been received by the department before the end of that period.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.16, eff. September 1, 2021.

Sec. 1603.204. SUBSTANTIALLY EQUIVALENT LICENSE. (a) A person who holds a license to practice barbering or cosmetology from another state or country that has standards or work experience

requirements that are substantially equivalent to the requirements of this chapter may apply for a license to perform the same acts of barbering or cosmetology in this state that the person practiced in the other state or country.

(b) The person must:

(1) submit an application for the license to the department; and

(2) pay fees in an amount prescribed by the commission, including any applicable license fee.

(c) A person issued a license under this section:

(1) may perform the acts of barbering or cosmetology authorized by the license; and

(2) is subject to the renewal procedures and fees provided in this chapter for the performance of those acts of barbering or cosmetology.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.16, eff. September 1, 2021.

Sec. 1603.208. DIGITALLY PREARRANGED REMOTE SERVICES.

(a) In this section:

(1) "Digital network" means any online-enabled application, Internet website, or system offered or used by a remote service business that allows a client to arrange for a digitally prearranged remote service.

(2) "Digitally prearranged remote service" means a barbering or cosmetology service performed for compensation by a person holding a license under Subchapter E-1 that is:

(A) prearranged through a digital network; and

(B) performed at a location other than an establishment licensed under Subchapter E-2.

(3) "Remote service business" means a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a client to schedule a digitally prearranged remote service with a person holding a license under Subchapter

E-1.

(b) The commission shall adopt rules to administer this section, including rules that:

(1) set minimum standards for:

(A) the operation of a remote service business;

and

(B) the sanitation requirements for performing a digitally prearranged remote service;

(2) determine activities within the scope of barbering and cosmetology that may be performed as a digitally prearranged remote service; and

(3) establish procedures for inspecting and auditing the records of a remote service business and of a person who performs a digitally prearranged remote service.

(c) Sections [1603.2108](#) and [1603.2109](#) do not apply to a digitally prearranged remote service scheduled through a remote service business.

(d) A person who holds a license to practice barbering or cosmetology and who performs a digitally prearranged remote service shall:

(1) comply with this section and the rules adopted under this section; and

(2) practice within the scope of the person's license.

(e) A remote service business may not offer a barbering or cosmetology service that requires treating or removing a person's hair by:

(1) coloring;

(2) processing;

(3) bleaching;

(4) dyeing;

(5) tinting; or

(6) using a cosmetic preparation.

(f) Before a person licensed to practice barbering or cosmetology performs a digitally prearranged remote service for a client requesting the service, a remote service business must provide through the entity's digital network:

(1) the following information regarding the person who

will perform the service:

- (A) the person's first and last name;
 - (B) the person's license number; and
 - (C) a photograph of the person;
- (2) the following information regarding the business:
- (A) Internet website address; and
 - (B) telephone number; and
- (3) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.

(g) Within a reasonable time after completion of a digitally prearranged remote service, the remote service business shall issue to the client who requested the service a receipt that includes:

- (1) the date the service was provided;
- (2) a description of the service;
- (3) the first and last name of the person who performed the service;
- (4) the person's license number;
- (5) the following information regarding the business:
 - (A) Internet website address; and
 - (B) telephone number; and
- (6) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.

(h) A remote service business shall maintain each record showing compliance with this section and the rules adopted under this section until at least the fifth anniversary of the date the record was generated.

(i) A remote service business shall terminate a person's access to the business's digital network if the business or department determines the person violated:

- (1) this chapter; or
- (2) a rule adopted under this chapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 1144 (H.B. [2847](#)), Sec. 14.007, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.17,

eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.18,
eff. September 1, 2021.

Sec. 1603.209. INFECTIOUS AND CONTAGIOUS DISEASES. (a) A person holding a license or permit issued under Subchapter E-1 may not perform any practice of barbering or cosmetology if the person knows the person is suffering from an infectious or contagious disease for which the person is not entitled to protection under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(b) A person holding an establishment or school license may not employ a person to perform any practice of barbering or cosmetology or to instruct in the practice of barbering or cosmetology if the license holder knows that the person is suffering from an infectious or contagious disease for which the person is not entitled to protection under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.19,
eff. September 1, 2021.

SUBCHAPTER E-1. INDIVIDUAL PRACTITIONER LICENSES; STUDENT PERMIT;
PRACTICE

Sec. 1603.2101. INDIVIDUAL PRACTITIONER LICENSE OR STUDENT PERMIT REQUIRED; USE OF CERTAIN TERMS WITHOUT LICENSE PROHIBITED.

(a) A person may not perform or offer or attempt to perform any act of barbering or cosmetology unless the person holds a license or permit issued under this subchapter to perform that act.

(b) Unless the person holds an appropriate license issued under this subchapter, a person may not directly or indirectly use or cause to be used as a professional or business identification, title, name, representation, asset, or means of advantage or benefit:

- (1) the term "barber" or "barbering";
- (2) the term "cosmetologist" or "cosmetology"; or
- (3) any combination, variation, or abbreviation of the

terms listed in Subdivisions (1) and (2).

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2102. ISSUANCE OF INDIVIDUAL PRACTITIONER LICENSE. The department shall issue an individual practitioner license to an applicant who:

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

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2103. INDIVIDUAL PRACTITIONER LICENSES. (a) A person holding:

- (1) a Class A barber license may perform any barbering service;
- (2) a cosmetology operator license may perform any cosmetology service;
- (3) a manicurist license may perform any service described by Section 1603.0011(a)(7) or (8);
- (4) an esthetician license may perform any service described by Section 1603.0011(a)(3), (4), (5), or (6) or (c);
- (5) a manicurist/esthetician license may perform any service described by Section 1603.0011(a)(3), (4), (5), (6), (7), or (8) or (c);
- (6) a hair weaving specialist license may perform any service described by Section 1603.0011(a)(9);
- (7) a hair weaving specialist/esthetician license may perform any service described by Section 1603.0011(a)(3), (4), (5), (6), or (9) or (c); and
- (8) an eyelash extension specialist license may perform any service described by Section 1603.0011(c).

(b) The commission by rule shall provide for the issuance of:

(1) a Class A barber license to a person who holds a cosmetology operator license; and

(2) a cosmetology operator license to a person who holds a Class A barber license.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2104. WAIVER OF CERTAIN LICENSE REQUIREMENTS.

(a) The department may waive any requirement for a license issued under this subchapter for an applicant holding a license from another jurisdiction that has license requirements substantially equivalent to those of this state.

(b) The department shall issue a license to an applicant under Subsection (a) if the applicant:

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

(2) pays the application fee; and

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

(c) The department may not require a personal interview as part of the application process under this section.

(d) A license issued under this section may be renewed as provided by Subchapter G.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2105. STUDENT PERMIT. (a) A student enrolled in a school licensed under Subchapter E-3 must hold a permit stating the student's name and the name of the school.

(b) The department shall issue a student permit to an applicant who submits an application to the department for a student permit accompanied by the required fee.

(c) A separate application is required for each

enrollment. The application fee applies only to the first enrollment. The department may not charge the application fee for any later enrollment.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2106. TRANSFER OF LICENSE OR PERMIT PROHIBITED. A license or permit issued under this subchapter is not transferable.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2107. DISPLAY OF LICENSE OR PERMIT. (a) The holder of a license issued under this subchapter shall:

(1) display the original license and an attached photograph of the license holder in a conspicuous place near the license holder's work chair in the establishment in which the holder is working; or

(2) make available at the reception desk of the establishment in which the holder is working, in the manner prescribed by the department:

(A) the original license and an attached photograph of the license holder; or

(B) a digital image of the license and photograph of the license holder.

(b) The holder of a student permit issued under this subchapter shall display the permit in a reasonable manner at the school in which the permit holder is enrolled.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2108. LOCATION OF PRACTICE. A person holding a license or permit issued under this subchapter may practice barbering or cosmetology only at a licensed establishment or school.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2109. SERVICE AT UNLICENSED LOCATION. (a) In this section, "licensed facility" means:

- (1) an establishment licensed under Subchapter E-2; or
- (2) a school licensed under Subchapter E-3.

(b) A person holding a license under this subchapter may perform a service within the scope of the license at a location other than a licensed facility for a client:

(1) who, because of illness or physical or mental incapacitation, is unable to receive the service at a licensed facility; or

(2) in preparation for and at the location of a special event, including a wedding.

(c) An appointment for a service performed under this section must be made through a licensed facility.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

SUBCHAPTER E-2. ESTABLISHMENT LICENSES; OPERATION

Sec. 1603.2201. LICENSE REQUIRED. (a) A person may not own, operate, or manage an establishment in which an act of barbering or cosmetology is practiced unless the person holds a license issued under this subchapter to operate the establishment.

(b) A person may not lease space on the premises of a licensed establishment to engage in the practice of barbering or cosmetology as an independent contractor unless the person holds a license issued under Subchapter E-1.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2202. ISSUANCE OF LICENSE. The department shall issue the applicable establishment license under this subchapter to an applicant if:

- (1) the applicant:
 - (A) owns or rents the establishment;
 - (B) verifies the application;

(C) complies with the application requirements of this chapter;

(D) pays the required inspection and license fees; and

(E) has not committed an act that constitutes a ground for denial of a license; and

(2) the establishment:

(A) meets the commission's minimum health standards for an establishment; and

(B) complies with all commission rules.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2203. ESTABLISHMENT LICENSES. (a) An establishment licensed as:

(1) an establishment may provide any barbering or cosmetology service;

(2) a manicurist specialty establishment may provide any service described by Section 1603.0011(a)(7) or (8);

(3) an esthetician specialty establishment may provide any service described by Section 1603.0011(a)(3), (4), (5), or (6) or (c);

(4) a manicurist/esthetician specialty establishment may provide any service described by Section 1603.0011(a)(3), (4), (5), (6), (7), or (8) or (c);

(5) a hair weaving specialty establishment may provide any service described by Section 1603.0011(a)(9);

(6) an eyelash extension specialty establishment may provide any service described by Section 1603.0011(c);

(7) a mini-establishment may provide any barbering or cosmetology service; and

(8) a mobile establishment may provide any barbering or cosmetology service.

(b) In this section:

(1) "Mini-establishment" includes a room or suite of rooms that is one of a number of connected establishments in a single premises that open onto a common hallway or another

configuration of operations as authorized by the department in which a person practices under a license issued under Subchapter E-1.

(2) "Mobile establishment" means a facility that is readily movable and where barbering, cosmetology, or both are practiced other than at a fixed location.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2204. TRANSFER OF LICENSE PROHIBITED. A license issued under this subchapter is not transferable.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2205. USE OF ESTABLISHMENT AS SLEEPING QUARTERS PROHIBITED. (a) An owner or manager of a licensed establishment may not permit a person to sleep in a room used as part of the establishment.

(b) A person may not perform an act for which a license is required in a room in an establishment that is used as sleeping quarters.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

SUBCHAPTER E-3. SCHOOL LICENSES; OPERATION

Sec. 1603.2301. LICENSE REQUIRED. A person may not operate a school for instruction in the practice of barbering or cosmetology unless the person holds a license issued under this subchapter to operate the school.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2302. ISSUANCE OF LICENSE. The department shall issue a license under this subchapter to an applicant who, as applicable:

(1) submits an application on a form prescribed by the

department;

(2) pays the required fee;

(3) provides to the department adequate proof of financial responsibility;

(4) meets the health and safety standards established by the commission; and

(5) satisfies any other requirements of this chapter or commission rule.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2303. SCHOOL LICENSES; INSTRUCTORS; ENFORCEMENT.

(a) The holder of a public secondary school license, public postsecondary school license, or private postsecondary school license:

(1) may provide instruction in the barbering or cosmetology services for which the license holder has been approved by the department; and

(2) may only employ to provide the instruction described by Subdivision (1) a person who holds a license issued under Subchapter E-1 to perform the acts of barbering or cosmetology for which the person will provide instruction.

(b) The department may take any disciplinary or other enforcement action against a person who violates Subsection (a)(2).

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2304. CHANGE OF SCHOOL OWNERSHIP OR LOCATION.

(a) If a licensed school changes ownership:

(1) the outgoing owner shall notify the department of the change not later than the 10th day before the date the change takes effect; and

(2) the new owner shall obtain a license under this subchapter in accordance with commission rule.

(b) A school may not change the location of the school unless the school obtains approval from the department before the change by showing that the proposed location meets the requirements

of this chapter and commission rules.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2305. SIGNS REQUIRED. The holder of a school license shall place a sign on the front outside portion of the school's building in a prominent place that reads "SCHOOL--STUDENT PRACTITIONERS" in:

- (1) at least 10-inch block letters; or
- (2) a manner prescribed by the department.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2306. INFORMATION PROVIDED TO PROSPECTIVE STUDENT. The holder of a school license shall provide to each prospective student, as applicable:

- (1) a course outline;
- (2) a schedule of the tuition and other fees assessed;
- (3) the school's refund policy required under Section [1603.3602](#);
- (4) the school's grading policy and rules relating to incomplete grades;
- (5) the school's rules of operation and conduct, including rules relating to absences;
- (6) the department's name, mailing address, and telephone number for the purpose of directing complaints to the department; and
- (7) the current job placement rates and employment rates of students who complete a course of instruction.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2307. COURSE LENGTH AND CURRICULUM CONTENT.

(a) A school shall design course length and curriculum content to reasonably ensure that a student develops the job skills and knowledge necessary for employment.

(b) A school must submit to the department for approval the

course length and curriculum content for each course offered by the school. The school may not implement a course length and curriculum content without the approval of the department.

(c) Before issuing or renewing a license under this subchapter, the department must require the school to account for each course length and curriculum content.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2308. REQUIRED COURSES. (a) A school shall instruct students in the theory and practice of subjects necessary and beneficial to the practice of barbering and cosmetology.

(b) The commission by rule shall establish the subjects in which students shall receive instruction.

(c) A school may not increase, decrease, or withhold for any reason the number of hours earned by a student.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2309. DAILY ATTENDANCE RECORDS. (a) A school shall maintain an attendance record showing the students' daily attendance.

(b) The department may inspect a school's attendance records at any time.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2310. INSTRUCTOR-TO-STUDENT RATIO. A licensed school must have at least one instructor for every 25 students on the school's premises.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2311. REPORTS TO DEPARTMENT. (a) A licensed school shall maintain a monthly progress report regarding each student attending the school. The report must certify the daily attendance record of each student and the number of hours earned by

each student during the previous month.

(b) On a student's completion of a prescribed course of instruction, the school shall notify the department that the student has completed the required number of hours and is eligible to take the appropriate examination.

(c) The holder of a school license shall provide to the department on request:

(1) the current course completion rates of students who attend a course of instruction offered by the school; and

(2) job placement rates and employment rates of students who complete a course of instruction.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2312. ADDITIONAL DUTIES OF LICENSE HOLDER. The holder of a school license shall:

(1) maintain a sanitary premises;

(2) establish regular class and instruction hours and grades;

(3) hold examinations before issuing diplomas; and

(4) maintain a copy of the school's curriculum in a conspicuous place and verify that the curriculum is being followed.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2313. TRANSFER OF HOURS OF INSTRUCTION. (a) A student at a licensed school may transfer completed hours of instruction to another licensed school in this state.

(b) In order for the hours of instruction to be transferred, a transcript showing the completed courses and number of hours certified by the school in which the instruction was given must be submitted to the department.

(c) In evaluating a student's transcript, the department shall determine whether the agreed tuition has been paid. If the tuition has not been paid, the department shall notify the student that the student's transcript cannot be certified to the school to which the student seeks a transfer until proof is provided that the

tuition has been paid.

(d) On evaluation and approval, the department shall certify in writing to the student and to the school to which the student seeks a transfer that:

(1) the stated courses and hours have been successfully completed; and

(2) the student is not required to repeat the hours of instruction.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

Sec. 1603.2314. IDENTIFICATION OF AND WORK PERFORMED BY STUDENT. (a) Each licensed school shall maintain in a conspicuous place a list of the names and identifying pictures of the students who are enrolled in the school's courses.

(b) A school may not receive compensation for work done by a student unless the student has completed 10 percent of the required number of hours for a license under Subchapter E-1.

(c) If a school violates this section, the license of the school may be revoked or suspended.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.20, eff. September 1, 2021.

SUBCHAPTER F. EXAMINATION REQUIREMENTS

Sec. 1603.252. GENERAL EXAMINATION REQUIREMENTS. (a) The department may accept, approve, develop, or contract for the examinations required by this chapter, including the administration of the examinations.

(b) The executive director shall determine uniform standards for acceptable performance on an examination for a license under Subchapter E-1.

(c) The examination must include a written examination as provided by Section 1603.253 and may include a practical examination as provided by Section 1603.256.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 841 (H.B. 2698), Sec. 1, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.21, eff. September 1, 2021.

Sec. 1603.253. WRITTEN EXAMINATION. The department shall select an examination for each written examination required under this chapter. The written examination must be:

(1) validated by an independent testing professional;
or

(2) purchased from a national testing service.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.22, eff. September 1, 2021.

Sec. 1603.255. EARLY EXAMINATION. The commission by rule may allow for the early written examination of a student.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1241 (S.B. 1170), Sec. 24, eff. September 1, 2011.

Acts 2019, 86th Leg., R.S., Ch. 1144 (H.B. 2847), Sec. 14.008, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.22, eff. September 1, 2021.

Sec. 1603.256. PRACTICAL EXAMINATION. (a) The commission may require a practical examination as it considers necessary for a license issued under Subchapter E-1.

(b) The department shall prescribe the method and content of any practical examination.

(c) The following persons may administer a practical examination:

(1) the department;

(2) a person with whom the department contracts under Section 1603.252;

(3) a licensed school that is approved by the department to administer the examination under Section 1603.252; or

(4) the Windham School District.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 62 (H.B. 2095), Sec. 22, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 841 (H.B. 2698), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1144 (H.B. 2847), Sec. 14.009, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.23, eff. September 1, 2021.

SUBCHAPTER G. LICENSE RENEWAL

Sec. 1603.3001. LICENSE TERMS. (a) Except as provided by Subsection (b), a license other than a temporary license expires on the second anniversary of the date the license is issued.

(b) A school license expires on the first anniversary of the date the license is issued.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.24, eff. September 1, 2021.

Sec. 1603.3002. RENEWAL RULES. (a) The commission by rule may establish requirements for the renewal of a license issued under this chapter, including continuing education requirements.

(b) The commission may establish separate requirements for:

(1) the initial renewal of a license; and

(2) subsequent renewals of a license.

(c) Before establishing continuing education requirements under this section, the commission must consider the potential impact of continuing education with respect to:

- (1) identifying and assisting trafficked persons; and
- (2) providing license holders with opportunities to acquire new skills.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.24, eff. September 1, 2021.

Sec. 1603.3003. ISSUANCE OF RENEWAL LICENSE. The department shall issue a renewal license on receipt of:

- (1) a renewal application in the form prescribed by the department; and

- (2) any renewal fee.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.24, eff. September 1, 2021.

Sec. 1603.3004. RENEWAL WHILE IN ARMED FORCES. (a) The department may not require the holder of a license issued under Subchapter E-1 who is serving on active duty in the United States armed forces to renew the person's license.

(b) The department shall issue a renewal license on application and payment of the required renewal fee not later than the 90th day after the date the person is released or discharged from active duty in the United States armed forces.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.24, eff. September 1, 2021.

Sec. 1603.301. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE PENALTY. The department may deny a person's request to renew a license issued under this chapter if the person has not paid an administrative penalty imposed under Subchapter F, Chapter [51](#). This section does not apply if:

- (1) the person's time to pay or request a hearing has not expired under Section [51.304](#);

- (2) the person has requested a hearing under Section [51.304](#), but the person's time to pay has not expired under Section [51.307](#); or

- (3) the penalty is stayed.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. [411](#)), Sec. 1.01, eff.

September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.24, eff. September 1, 2021.

SUBCHAPTER H. PRACTICE PROVISIONS APPLICABLE TO MORE THAN ONE
LICENSE TYPE

Sec. 1603.351. MINIMUM CURRICULUM FOR SCHOOLS; DISTANCE EDUCATION. (a) The commission shall prescribe the minimum curriculum, including the subjects and the number of hours in each subject, taught by a licensed school.

(a-1) Notwithstanding any other law, the commission may adopt rules to:

(1) authorize a licensed school to account for any hours of instruction completed under this chapter on the basis of clock hours or credit hours; and

(2) establish standards for determining the equivalency and conversion of clock hours to credit hours and credit hours to clock hours.

(b) The commission may adopt rules allowing distance education only for the theory portion of the curriculum taught by a licensed school.

(c) Distance education does not satisfy the requirements of the practical portion of the curriculum taught by a licensed school.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 62 (H.B. 2095), Sec. 23, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 495 (H.B. 2738), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 967 (S.B. 2065), Sec. 10.018, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.26, eff. September 1, 2021.

Sec. 1603.352. STERILIZATION REQUIREMENTS FOR CERTAIN SERVICES. (a) A person who holds a license or permit issued under this chapter and who performs a service described by Section [1603.0011\(a\)\(7\)](#) or (8) shall, before performing the service, clean, disinfect, and sterilize with an autoclave or dry heat sterilizer or sanitize with an ultraviolet sanitizer, in accordance with the sterilizer or sanitizer manufacturer's instructions, each metal instrument, including metal nail clippers, cuticle pushers, cuticle nippers, and other metal instruments, used to perform the service.

(b) The owner or manager of a licensed establishment or school is responsible for providing an autoclave, a dry heat sterilizer, or an ultraviolet sanitizer for use in the establishment or school as required by Subsection (a).

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

(d) This section does not apply to:

- (1) single-use instruments; or
- (2) nonmetal nail files, buffer blocks, pumice stones, nail brushes, or other similar instruments.

(e) The commission may adopt rules to administer this section.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. [411](#)), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1049 (H.B. [2106](#)), Sec. 19, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1241 (S.B. [1170](#)), Sec. 25, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 413 (H.B. [2717](#)), Sec. 17, eff. June 10, 2015.

Acts 2017, 85th Leg., R.S., Ch. 920 (S.B. [1503](#)), Sec. 14, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 967 (S.B. [2065](#)), Sec. 10.019, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.27,

eff. September 1, 2021.

Sec. 1603.353. EMPLOYMENT OF LICENSE HOLDER. (a) A licensed school may not employ a person holding a license issued under Subchapter E-1 solely to perform the practices of barbering or cosmetology for which the person is licensed.

(b) A person holding a license for an establishment may not employ or lease to a person to practice barbering or cosmetology at the establishment unless the person holds a license issued under Subchapter E-1.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.28, eff. September 1, 2021.

Sec. 1603.354. NECESSARY EQUIPMENT. The owner, operator, or manager of a licensed establishment or school shall equip the establishment or school with the facilities, supplies, appliances, furnishings, and materials necessary to enable a person employed on the premises to comply with this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.28, eff. September 1, 2021.

Sec. 1603.355. DISPLAY OF LICENSE. A licensed school or establishment shall display the license in a conspicuous place in the school or establishment for which the license is issued.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.28, eff. September 1, 2021.

Sec. 1603.356. DISPLAY OF HUMAN TRAFFICKING INFORMATION. (a) A licensed school or establishment shall display a sign approved by or acceptable to the commission or the department concerning services and assistance available to victims of human trafficking.

(b) The sign required by this section must:

(1) be in English, Spanish, Vietnamese, and any other language required by commission rule; and

(2) include a toll-free telephone number of a nationally recognized information and referral hotline for victims

of human trafficking.

(c) The commission by rule shall establish requirements regarding the posting of signs under this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.28, eff. September 1, 2021.

Sec. 1603.357. DISPLAY OF SANITATION RULES. A licensed school or establishment shall display a copy of the commission's sanitation rules.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.28, eff. September 1, 2021.

Sec. 1603.358. OPERATION OF ESTABLISHMENT AND SCHOOL ON SINGLE PREMISES. A person may not operate an establishment on the same premises as a school unless the facilities are separated by walls of permanent construction without an opening between the facilities.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.28, eff. September 1, 2021.

SUBCHAPTER H-1. FINANCIAL PROVISIONS APPLICABLE TO PRIVATE
POSTSECONDARY SCHOOLS

Sec. 1603.3601. CANCELLATION AND SETTLEMENT POLICY. The holder of a private postsecondary school license shall maintain a cancellation and settlement policy that provides a full refund of money paid by a student if the student:

(1) cancels the enrollment agreement or contract not later than midnight of the third day after the date the agreement or contract is signed by the student, excluding Saturdays, Sundays, and legal holidays; or

(2) entered into the enrollment agreement or contract because of a misrepresentation made:

(A) in the advertising or promotional materials of the school; or

(B) by an owner or representative of the school.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.29,

eff. September 1, 2021.

Sec. 1603.3602. REFUND POLICY. (a) The holder of a private postsecondary school license shall maintain a refund policy to provide for the refund of any unused parts of tuition, fees, and other charges paid by a student who, at the expiration of the cancellation period established under Section [1603.3601](#):

- (1) fails to enter the course of training;
- (2) withdraws from the course of training; or
- (3) is terminated from the course of training before completion of the course.

(b) The refund policy must provide that:

(1) the refund is based on the period of the student's enrollment, computed on the basis of course time expressed in scheduled hours, as specified by an enrollment agreement, contract, or other document acceptable to the department;

(2) the effective date of the termination for refund purposes is the earliest of:

(A) the last date of attendance, if the student is terminated by the school;

(B) the date the license holder receives the student's written notice of withdrawal; or

(C) 10 school days after the last date of attendance; and

(3) the school may retain not more than \$100 if:

(A) tuition is collected before the course of training begins; and

(B) the student does not begin the course of training before the cancellation period established under Section [1603.3601](#) expires.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.29, eff. September 1, 2021.

Sec. 1603.3603. WITHDRAWAL OR TERMINATION OF STUDENT.

(a) If a student at a private postsecondary school begins a course of training that is scheduled to run not more than 12 months and, during the last 50 percent of the course, withdraws from the course

or is terminated by the school, the school:

(1) may retain 100 percent of the tuition and fees paid by the student; and

(2) is not obligated to refund any additional outstanding tuition.

(b) If a student at a private postsecondary school begins a course of training that is scheduled to run not more than 12 months and, before the last 50 percent of the course, withdraws from the course or is terminated by the school, the school shall refund:

(1) 90 percent of any outstanding tuition for a withdrawal or termination that occurs during the first week or first 10 percent of the course, whichever period is shorter;

(2) 80 percent of any outstanding tuition for a withdrawal or termination that occurs after the first week or first 10 percent of the course, whichever period is shorter, but within the first three weeks of the course;

(3) 75 percent of any outstanding tuition for a withdrawal or termination that occurs after the first three weeks of the course but not later than the completion of the first 25 percent of the course; and

(4) 50 percent of any outstanding tuition for a withdrawal or termination that occurs not later than the completion of the first 50 percent of the course.

(c) A refund owed under this section must be paid not later than the 30th day after the date the student becomes eligible for the refund.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.29, eff. September 1, 2021.

Sec. 1603.3604. INTEREST ON REFUND. (a) If tuition is not refunded within the period required by Section 1603.3603, the private postsecondary school shall pay interest on the amount of the refund for the period beginning the first day after the date the refund period expires and ending the day preceding the date the refund is made.

(b) If tuition is refunded to a lending institution, the interest shall be paid to that institution and applied against the

student's loan.

(c) The commissioner of education shall annually set the interest rate at a rate sufficient to deter a school from retaining money paid by a student.

(d) The department may exempt a school from the payment of interest if the school makes a good faith effort to refund the tuition but is unable to locate the student. The school shall provide to the department on request documentation of the effort to locate the student.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.29, eff. September 1, 2021.

Sec. 1603.3605. REENTRY OF STUDENT AFTER WITHDRAWAL. If a student voluntarily withdraws or is terminated after completing 50 percent of the course at a private postsecondary school, the school shall allow the student to reenter at any time during the 48-month period following the date of withdrawal or termination unless the student presents a danger to the other students or staff of the school.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.29, eff. September 1, 2021.

Sec. 1603.3606. EFFECT OF STUDENT WITHDRAWAL. (a) A private postsecondary school shall record a grade of incomplete for a student who withdraws but is not entitled to a refund under Section 1603.3603 if the student:

(1) requests the grade at the time the student withdraws; and

(2) withdraws for an appropriate reason unrelated to the student's academic status.

(b) A student who receives a grade of incomplete may reenroll in the program during the 48-month period following the date the student withdraws and complete the subjects without payment of additional tuition.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.29, eff. September 1, 2021.

Sec. 1603.3607. EFFECT OF PRIVATE POSTSECONDARY SCHOOL CLOSURE. (a) If a private postsecondary school closes, the department shall attempt to arrange for students enrolled in the closed school to attend another private postsecondary school.

(b) If a student from a closed school is placed in another private postsecondary school, the expense incurred by the school in providing training directly related to educating the student, including the applicable tuition for the period for which the student paid tuition, shall be paid from the barbering and cosmetology school tuition protection account.

(c) If a student from a closed private postsecondary school cannot be placed in another private postsecondary school, the student's tuition and fees shall be refunded as provided by Section [1603.3602](#). If a student from a closed private postsecondary school does not accept a place that is available and reasonable in another private postsecondary school, the student's tuition and fees shall be refunded as provided by Section [1603.3603](#). A refund under this subsection shall be paid from the barbering and cosmetology school tuition protection account. The amount of the refund may not exceed \$35,000.

(d) If another private postsecondary school assumes responsibility for the closed school's students and there are no significant changes in the quality of the training, the student from the closed school is not entitled to a refund under Subsection (c).

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. [1560](#)), Sec. 3.29, eff. September 1, 2021.

Sec. 1603.3608. BARBERING AND COSMETOLOGY SCHOOL TUITION PROTECTION ACCOUNT. (a) If on January 1 of any year the amount in the barbering and cosmetology school tuition protection account is less than \$225,000, the department shall collect a fee from each private postsecondary school during that year by applying a percentage to the school's renewal fee at a rate that will bring the balance of the account to \$225,000.

(b) The department shall administer claims made against the account.

(c) The comptroller shall invest the account in the same manner as other state funds.

(d) Sufficient money from the account shall be appropriated to the department for the purpose described by Section 1603.3607.

(e) Attorney's fees, court costs, or damages may not be paid from the account.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.29, eff. September 1, 2021.

Sec. 1603.3609. RULES. The commission by rule may:

(1) adjust any tuition reimbursement limit established under this subchapter; and

(2) adopt procedures regarding the collection of fees from private postsecondary schools under Section 1603.3608.

Added by Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.29, eff. September 1, 2021.

SUBCHAPTER I. DENIAL AND DISCIPLINARY PROCEDURES

Sec. 1603.401. DENIAL, SUSPENSION, OR REVOCATION. The department may deny an application for issuance or renewal of, or may suspend or revoke, a license or permit if the applicant or person holding the license or permit:

(1) engages in gross malpractice;

(2) knowingly continues to practice while having an infectious or contagious disease;

(3) knowingly makes a false or deceptive statement in advertising;

(4) advertises, practices, or attempts to practice under another person's name or trade name;

(5) engages in fraud or deceit in obtaining a license or permit; or

(6) engages in an act that violates this chapter or Chapter 51 or a rule or order adopted or issued under this chapter or Chapter 51.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.30, eff. September 1, 2021.

SUBCHAPTER J. OTHER ENFORCEMENT PROVISIONS

Sec. 1603.453. APPEAL BOND NOT REQUIRED. The department is not required to give an appeal bond in a cause arising under this chapter.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.32, eff. September 1, 2021.

Sec. 1603.454. ENFORCEMENT BY ATTORNEY GENERAL. The attorney general shall represent the department in an action to enforce this chapter.

Added by Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 1.01, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 3.32, eff. September 1, 2021.