

Notice: This document contains the draft rule text that was presented to and voted on by the Commission of Licensing and Regulation at its meeting on December 6, 2022. The official rule text will be published in the *Texas Register* on December 23, 2022. If there are any discrepancies, the official rule text will control.

Chapter 83. Barbers and Cosmetologists

Proposed Rules

Proposal Filed: September 12, 2022 – Published in the Texas Register: September 23, 2022

Deadline for Public Comment: October 24, 2022

Underlined text is new language.

~~[Strikethrough text]~~ is deleted language.

[Double-underlined text] is recommended proposed new language from published rules.

~~[Double-strikethrough text]~~ is recommended proposed deleted language from published rules.

§83.1. Authority.

These rules are promulgated under the authority of the Texas Occupations Code, Chapters 51 [~~1602~~] and 1603, and House Bill 1560, Article 3, 87th Legislature, Regular Session (2021).

§83.2. Transition Provisions.

(a) Hair weaving specialty certificate. A person who holds a current and unexpired hair weaving specialty certificate issued under Texas Occupations Code, Chapter 1602, and this chapter, as those chapters existed on August 31, 2021, may perform the services described by Texas Occupations Code §1603.0011(a)(9) until the expiration of the existing certificate or until a replacement license is issued under this chapter by the department.

(b) Barbering specialty licenses. Notwithstanding §83.20 of this chapter, a person who holds a current and unexpired license to practice the following barbering specialties may perform the following services until the expiration of the existing license or until a replacement license is issued under this chapter by the department. The department will assess the applicable renewal fee based upon the replacement license type for which each barbering specialty is eligible under this chapter.

(1) Barber technician license. A person holding a barber technician license issued under Texas Occupations Code, Chapter 1601, and 16 Texas Administrative Code, Chapter 82, as those chapters existed on August 31, 2021, may perform any services described by Texas Occupations Code §1603.0011(a)(3)-(6) or (c), and is eligible for an esthetician license issued under this chapter.

(2) Manicurist license. A person holding a manicurist license issued under Texas Occupations Code, Chapter 1601, and 16 Texas Administrative Code, Chapter 82, as those chapters existed on August 31, 2021, may perform any services described by Texas Occupations Code §1603.0011(a)(7)-(8), and is eligible for a manicurist license issued under this chapter.

(3) Barber technician/manicurist specialty license. A person holding a barber technician/manicurist specialty license issued under Texas Occupations Code, Chapter 1601, and 16 Texas Administrative Code, Chapter 82, as those chapters existed on August

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31, 2021, may perform any services described by Texas Occupations Code §1603.0011(a)(3)-(8) or (c), and is eligible for a manicurist/esthetician license issued under this chapter.

(4) Barber technician/hair weaving specialty license. A person holding a barber technician/hair weaving specialty license issued under Texas Occupations Code, Chapter 1601, and 16 Texas Administrative Code, Chapter 82, as those chapters existed on August 31, 2021, may perform any services described by Texas Occupations Code §1603.0011(a)(3)-(6), (a)(9), or (c), and is eligible for a hair weaving specialist/esthetician license issued under this chapter.

(5) Hair weaving specialty certificate of registration. A person holding a hair weaving specialty certificate of registration issued Texas Occupations Code, Chapter 1601, and 16 Texas Administrative Code, Chapter 82, as those chapters existed on August 31, 2021, may perform any services described by Texas Occupations Code §1603.0011(a)(9), and is eligible for a hair weaving license issued under this chapter.

(c) Instruction by licensed individual. A person who holds a current and unexpired license, certificate, or registration issued under Texas Occupations Code, Chapters 1601 and 1602, and 16 Texas Administrative Code, Chapters 82 and 83, as those chapters existed on August 31, 2021, may provide instruction and be employed as an instructor for the acts of barbering or cosmetology for which the person holds the appropriate license, certificate, or registration.

(d) Barber schools exempt. Notwithstanding §83.72 of this chapter, a person or entity who holds a current and unexpired barber school permit issued under Texas Occupations Code, Chapter 1601, and 16 Texas Administrative Code, Chapter 82, as those chapters existed on August 31, 2021, is exempt from the requirement in §83.72(u) for the school to have a classroom separated from the laboratory area by walls extending to the ceiling. This exemption remains in effect until the school's license or permit expires beyond the 18 months allowed for late renewal, or until the school premises is expanded or relocated. The school is eligible for a private or public school license issued under this chapter.

(e) Department approval of school instruction. On or after September 1, 2023, a person or entity who holds a current and unexpired school license or permit issued under Texas Occupations Code, Chapter 1601 or 1602, and 16 Texas Administrative Code, Chapter 82 or 83, as those chapters existed on August 31, 2021, may apply for approval by the department to provide instruction in any barbering or cosmetology service described by Texas Occupations Code §1603.0011. The department must assess the applicable renewal fee for a school license issued under this chapter.

(1) Before September 1, 2023:

(A) Barber schools may apply for approval by the department to provide instruction in barbering services; and

(B) Beauty culture schools may apply for approval by the department to provide

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instruction in cosmetology services.

(2) On or after September 1, 2023, all schools may apply for approval by the department to provide instruction in any barbering or cosmetology service.

(f) Establishment licenses and permits. Notwithstanding §83.22 of this chapter, a person or entity holding any of the following establishment licenses may provide the following services until the expiration of their existing license or until they are issued a replacement license under this chapter by the department. The department will assess the applicable renewal fee based upon the license type for which the licensee is eligible under this chapter.

(1) Barbershop permit. A person or entity holding a barbershop permit issued under Texas Occupations Code, Chapter 1601, and 16 Texas Administrative Code, Chapter 82, as those chapters existed on August 31, 2021, may provide any services described by Texas Occupations Code §1603.0011(a)-(c), and is eligible for a full-service establishment license issued under this chapter.

(2) Beauty shop license. A person or entity holding a beauty shop license issued under Texas Occupations Code, Chapter 1602, and 16 Texas Administrative Code, Chapter 83, as those chapters existed on August 31, 2021, may provide any services described by Texas Occupations Code §1603.0011(a)-(c), and is eligible for a full-service establishment license issued under this chapter.

(3) Dual shop license. A person or entity holding a dual shop license issued under Texas Occupations Code, Chapter 1603, and 16 Texas Administrative Code, Chapter 82 or 83, as those chapters existed on August 31, 2021, may provide any services described by Texas Occupations Code §1603.0011(a)-(c), and is eligible for a full-service establishment license issued under this chapter.

(4) Manicurist specialty shop permit. A person or entity holding a barber manicurist specialty shop permit issued under Texas Occupations Code, Chapter 1601, and 16 Texas Administrative Code, Chapter 82, as those chapters existed on August 31, 2021, may provide any services described by Texas Occupations Code §1603.0011(a)(7) or (8), and is eligible for a manicurist specialty establishment license issued under this chapter.

(5) Hair weaving specialty shop permit. A person or entity holding a barber hair weaving specialty shop permit issued under Texas Occupations Code, Chapter 1601, and 16 Texas Administrative Code, Chapter 82, as those chapters existed on August 31, 2021, may provide any services described by Texas Occupations Code §1603.0011(a)(9), and is eligible for a hair weaving specialty establishment license issued under this chapter.

(6) Mini or mobile license. A person or entity holding a mini or mobile license, issued under Texas Occupations Code, Chapter 1603, and 16 Texas Administrative Code, Chapter 82 or 83, as those chapters existed on August 31, 2021, may provide any services described by Texas Occupations Code §1603.0011(a)-(c). The license holder is eligible for a mini or

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mobile establishment license, as appropriate, issued under this chapter.

(g) In this chapter, a reference to a license issued under the Act also refers to the corresponding license type issued under Texas Occupations Code, Chapter 1601 or 1602, and 16 Texas Administrative Code, Chapter 82 or 83, as those chapters existed on August 31, 2021, as identified in this section.

§83.10. Definitions.

The following words and terms, when used in this chapter, [shall] have the following meanings, unless the context clearly indicates otherwise.

(1) Act--Texas Occupations Code Chapter [~~Chapters 1602 and~~] 1603.

~~(2) Barbering--The services described by §1603.0011(a) and (b) of the Act. [(2) Beauty Culture School--A cosmetology school, public or private that is subject to regulation under the Act.]~~

(3) Board--The Barbering and Cosmetology Advisory Board [~~Advisory Board on Cosmetology~~].

(4) Class A Barber--A person who holds a class A barber license and who is authorized to perform any barbering service under Texas Occupations Code §1603.0011(a) and (b).

~~[(4) Booth rental license--A license issued or renewed to an applicant the same time the applicant is issued one of the following license types: operator, manicurist, esthetician, esthetician/manicurist, eyelash extension specialist, hair weaver, wig specialist, instructor, or specialty instructor, which allows the holder to lease space on the premises of a beauty shop, specialty shop, mini-salon, dual shop, or mini-dual shop to engage in the practice of cosmetology as an independent contractor.]~~

~~[(5) Department--The Texas Department of Licensing and Regulation.]~~

(5) [(6)] Commission--The Texas Commission of Licensing and Regulation.

(6) [(7)] Common Area--An area within an [a cosmetology] establishment or school which contains equipment and facilities available for use by all persons who practice barbering or cosmetology on the premises under a license [~~certificate~~] or permit issued under this chapter or Texas Occupations Code, Chapter 1603.

(7) Cosmetology--The services described by §1603.0011(a) and (c) of the Act.

(8) Department--The Texas Department of Licensing and Regulation.

~~[(8) Cosmetology establishment--A beauty salon, specialty salon, mini-salon, dual shop,~~

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~~mini-dual shop, mobile shop, or beauty culture school, public or private, that is subject to regulation under the Act.]~~

(9) Digital Network--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.

(10) Digitally Prearranged Remote Service--A barbering or cosmetology service performed for compensation by a person holding a license [~~certificate of registration, or permit~~] under [~~Texas Occupations Code, Chapter 1601, or 1602, or~~] this chapter that is:

(A) prearranged through a digital network; and

(B) performed at a location other than an establishment [~~a place of business that is licensed or permitted under Texas Occupations Code, Chapter 1601, 1602, or 1603~~].

(11) Distance Education--A formal instructional process in which the student and teacher are separated by physical distance and a variety of communication technologies are used to deliver instruction in theory to the student. Courses taught by distance education do not satisfy the requirements of the practical portion of the course curriculum standards.

(12) Establishment--A place licensed under Subchapter E-2 of the Act where barbering or cosmetology is practiced. This term includes mini-establishments and mobile establishments, but does not include public or private schools.

~~[(12) Dual Shop--A shop owned, operated, or managed by a person holding a dual barber and beauty shop license issued under Texas Occupations Code, Chapter 1603.]~~

~~[(13) Eyelash Extension Application--The process of applying and removing a semi-permanent, thread-like, natural or synthetic single fiber to an eyelash, including cleansing of the eye area and lashes prior to applying and after removing extensions.]~~

~~[(14) Eyelash Extension Specialist--A person who holds a specialty license and who is authorized to practice the service defined in Texas Occupations Code §1602.002(a)(10).]~~

(13) [(15)] Esthetician--A person who holds a specialty license and who is authorized to practice the services defined in Texas Occupations Code §1603.0011(a)(3)-(6), and (c) [§1602.002(a)(4) -- (7) and (10)]. The term esthetician in this chapter includes the term facialist.

(14) [(16)] Esthetician/Manicurist--A person who holds a specialty license and who is authorized to practice the [An esthetician/manicurist may perform only those] services defined in Texas Occupations Code §1603.0011(a)(3)-(8), and (c) [§1602.002(a)(4) -- (10)]. An esthetician/manicurist may also be known as a “manicurist/esthetician.”

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(15) Executive Director--The executive director of the Texas Department of Licensing and Regulation.

(16) Eyelash Extension Application--The process of applying and removing a semi-permanent, thread-like, natural or synthetic single fiber to an eyelash, including cleansing of the eye area and lashes prior to applying and after removing extensions.

(17) Eyelash Extension Specialist--A person who holds a specialty license and who is authorized to practice the service defined in Texas Occupations Code §1603.0011(c).

(18) Full-service Establishment--An establishment authorized to perform all services defined as barbering or all services defined as cosmetology under the Act.

(19) [(47)] Guest Presenter--A person who possesses subject matter knowledge in specific curriculum topics and who has the teaching ability necessary to impart the information to cosmetology students. Instruction is limited to the presenter's area of expertise and an [a licensed] instructor must be present during the classroom session in order for students to earn hours.

(20) [(48)] Hair weaving specialist [weaver]--A person who holds a hair weaving specialty license [certificate] and who is authorized to practice the services [may perform only the practice of cosmetology] defined in Texas Occupations Code §1603.0011(a)(9) [~~§1602.002(a)(11)~~].

(21) Hair weaving specialist/esthetician--A person who holds a hair weaving specialist/esthetician specialty license and who is authorized to practice the services defined in Texas Occupations Code §1603.0011(a)(3)-(6), (9), and (c). A hair weaving specialist/esthetician may also be known as an “esthetician/hair weaving specialist.”

(22) [(49)] Instructor--An individual who holds a license issued by the department under Subchapter E-1 of the Act to perform the acts of barbering or cosmetology for which the person will provide instruction at a school licensed under this chapter [authorized by the department to perform or offer instruction in any act or practice of cosmetology under Texas Occupations Code, §1602.002].

(23) [(20)] Law and Rules Book--A publication prepared and issued in a format prescribed by the department containing Texas Occupations Code Chapter [,- Chapters 1602 and] 1603, and 16 Texas Administrative Code Chapter 83.

(24) [(21)] License--A [~~department issued~~] permit, certificate, approval, registration, or other similar permission issued by the department [required] under Texas Occupations Code, Chapter 1601, 1602, or 1603. The term does not include a student permit.

(25) [(22)] License by substantial equivalence--A process that permits a barbering or

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cosmetology license holder from another jurisdiction or foreign country to obtain a Texas barbering or cosmetology license without repeating barbering or cosmetology education or examination license requirements.

(26) [(23)] Manicurist--A person who holds a manicurist specialty license and who is authorized to practice the [may perform only those] services defined in Texas Occupations Code §1603.0011(a)(7)-(8) [§1602.002(a)(8) and (9)].

(27) [(24)] Mini-Establishment [Mini-Salon]--A barbering or cosmetology establishment in which a person practices barbering or cosmetology under a license [~~certificate or permit~~] issued under this chapter and which consists of 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 common area.

~~[(25) Mini Dual Shop--A shop owned, operated, or managed by a person meeting the requirements of both a mini barbershop and mini beauty shop license under Texas Occupations Code §1603.207.]~~

(28) [(26)] Mini-Establishment [Mini-Salon] Licensee--A person or entity that holds a license for a mini-establishment [mini salon or mini dual shop]. The mini-establishment [mini salon] licensee must [shall] be responsible for all requirements under the Act and this chapter [rules under Texas Occupations Code, Chapters 1601, 1602, and 1603, and 16 TAC Chapters 82 and 83] for the mini-establishment [mini salon or mini dual shop].

(29) [(27)] Mobile Establishment [Mobile Shop]--An establishment or specialty establishment [A beauty salon, specialty salon, or dual shop] that is operated in a self-contained, self-supporting, enclosed mobile unit.

(30) [(28)] Operator--A person who holds a cosmetology operator license and who is authorized to [An individual authorized by the department to] perform any [act or practice of] cosmetology service under Texas Occupations Code §1603.0011(a) and (c) [~~§1602.002~~].

(31) Practitioner--A person holding any individual practitioner license issued under Subchapter E-1 of the Act to perform barbering or cosmetology services.

(32) [(29)] Preparation--A substance used to beautify a person's face, neck or arms or to temporarily remove superfluous hair from a person's body including but not limited to antiseptics, tonics, lotions, powders, oils, clays, creams, sugars, waxes and/or chemicals.

(33) Private School--A private postsecondary school licensed under Subchapter E-3 of the Act that offers instruction in any barbering or cosmetology service.

(34) [(30)] Provisional license--A license that allows a person to practice barbering or cosmetology in Texas pending the department's approval or denial of that person's

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application for licensure by substantial equivalence.

(35) Public School--A public secondary or postsecondary school licensed under Subchapter E-3 of the Act that offers instruction in any barbering or cosmetology service.

(36) [(31)] Remote Service Business--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 [~~certificate of registration, or permit~~] under Subchapter E-1 of the Act [~~Texas Occupations Code, Chapters 1601, 1602, or 1603~~].

(37) Safety Razor--A razor that is fitted with a guard close to the cutting edge of the razor that is intended to prevent the razor from cutting too deeply and reduces the risk and incidence of accidental cuts.

(38) School--A public school or private school licensed under Subchapter E-3 of the Act that offers instruction in any barbering or cosmetology service.

(39) [(32)] Self-Contained--Containing within itself all that is necessary to be able to operate without connecting to outside utilities such as water and electricity.

~~[(33) Safety Razor--A razor that is fitted with a guard close to the cutting edge of the razor that is intended to prevent the razor from cutting too deeply and reduces the risk and incidence of accidental cuts.]~~

(40) [(34)] Special Event--An event of cultural, social, or religious significance justifying off-site provision of barbering or cosmetology services, including [includes] weddings, quinceaneras, pageants, proms, debutante balls, birthday parties, religious and cultural ceremonies, and on-stage performances.

(41) Specialty Establishment--An establishment in which only services defined in Texas Occupations Code §1603.0011(a)(3)-(9) and (c) are performed. Specialty establishments may only perform the services for which the establishment is licensed.

(42) [(35)] Specialty Instructor--An individual acting as an instructor who holds a practitioner license that is not class A barber or cosmetology operator [authorized by the department to perform or offer instruction in an act or practice of cosmetology limited to Texas Occupations Code, §1602.002(a)(2), (4), (5), (6), (7), (8), (9), (10), and (11)].

~~[(36) Specialty Salon or Specialty Shop--A cosmetology establishment in which only the practice of cosmetology as defined in Texas Occupations Code, §1602.002(a)(2), (4), (5), (6), (7), (8), (9), (10), or (11) is performed. Specialty salons may only perform the act or practice of cosmetology in which the salon is licensed.]~~

(43) [(37)] Student Permit--A permit issued by the department under this chapter to a student enrolled in a [cosmetology] school which states the student's name and the name

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of the school.

(44) [~~(38)~~] Tweezing Technique--Any type of temporary hair removal procedure involving the extraction of hair from the hair follicle by use of, but not limited to, an instrument, appliance or implement made of metal, plastic, or other material.

(45) [~~(39)~~] Weaving--The process of attaching, by any method, commercial hair (hair pieces, hair extensions) to a client's hair and/or scalp. Weaving is also known as hair integration or hair intensification.

(46) [~~(40)~~] Wet disinfectant soaking container--A container with a cover to prevent contamination of the disinfectant solution and of a sufficient size such that the objects to be disinfected may be completely immersed in the disinfectant solution.

~~[(41) Wig Specialist—A person who holds a wig specialty certificate and who may perform only the practice of cosmetology defined in Texas Occupations Code §1602.002(a)(2).]~~

§83.20. License Requirements--Individuals (before September 1, 2023).

(a) To be eligible for an operator license, an applicant must:

(1) submit a completed application in the manner prescribed by the department [~~on a department-approved form~~];

(2) pay the applicable fee required under §83.80;

(3) be at least 17 years of age;

(4) have obtained a high school diploma, or the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training;

(5) have completed the following hours of cosmetology instruction at a licensed beauty culture school either:

(A) 1,000 hours of instruction in a beauty culture school; or

(B) [~~1,000 hours of instruction in beauty culture courses and 500 hours of related high school courses prescribed by the department in a vocational or career and technical cosmetology program in a public school; or (C)~~] 300 hours of instruction in cosmetology through a commission-approved training program in a beauty culture school and hold an active Class A barber certificate; and

(6) pass a written and practical examination required under §83.21.

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

- (1) submit a completed application on a department-approved form;
- (2) pay the required fee under §83.80;
- (3) be at least 17 years of age;
- (4) have obtained a high school diploma, or the equivalent of a high school diploma, or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training;
- (5) have completed the following hours of cosmetology instruction at a licensed beauty culture school:
 - (A) for an esthetician specialty license, 750 hours of instruction;
 - (B) for a manicurist specialty license, 600 hours of instruction;
 - (C) for an esthetician/manicurist specialty license; either:
 - (i) 1,200 hours of esthetician/manicure specialty instruction or, for applications received by the department on or after August 1, 2023, 800 hours of esthetician/manicure instruction; or
 - (ii) 750 hours of esthetician instruction; and
 - (iii) 600 hours of manicure instruction; and
- (6) pass a written and practical examination required under §83.21.

(c) A person who holds both an active esthetician license and an active manicurist license is eligible for an esthetician/manicurist specialty license by submitting a completed application in the manner prescribed by the department [~~on a department-approved form~~] and paying the required fee under §83.80.

(d) To be eligible for an eyelash extension specialty license, an applicant must:

- (1) submit a completed application on a department-approved form;
- (2) pay the fee required under §83.80;
- (3) be at least 17 years of age;

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

(A) have satisfactorily completed 320 hours of instruction in a department-approved eyelash extension application training program; and

(B) pass a written and practical examination required under §83.21.

(e) To be eligible for a hair weaving specialty certificate, ~~[or wig specialty certificate]~~ an applicant must:

(1) submit a completed application on a department-approved form;

(2) pay the fee required under §83.80;

(3) be at least 17 years of age;

(4) have completed the following hours of cosmetology instruction at a beauty culture school:

~~[(A) for a hair weaving specialty certificate, 300 hours of instruction completed in not less than eight weeks from date of enrollment;~~

~~[(B) for a wig specialty certificate, 300 hours of instruction completed in not less than eight weeks from date of enrollment;] and~~

(5) pass a written and practical examination required under §83.21.

~~[(f) To be eligible for an instructor or specialty instructor license an applicant must:]~~

~~[(1) submit a completed application on a department approved form;]~~

~~[(2) pay the fee required under §83.80;]~~

~~[(3) be at least 18 years of age;]~~

~~[(4) have a high school diploma or a high school equivalency certificate;]~~

~~[(5) either hold an active operator license under this chapter for an instructor license or hold an active esthetician, manicure, esthetician/manicure or eyelash extension license for an instructor specialty license; and]~~

~~[(A) have completed a course consisting of 750 hours of instruction in methods of teaching in a licensed private beauty culture school or a vocational training program]~~

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~~of a publicly financed postsecondary institution; or]~~

~~[(B) either have at least one year of verifiable work experience as a licensed operator for an instructor license or have at least one year of verifiable licensed experience in the specialty in which the applicant is seeking licensure for a specialty instructor license; and]~~

~~[(i) have completed 500 hours of instruction in cosmetology in a commission approved training program; or]~~

~~[(ii) have completed 15 semester hours in education courses through an accredited college or university within the 10 years before the date of application; or]~~

~~[(iii) have obtained a degree in education from an accredited college or university; and]~~

~~[(6) pass a written and practical examination required under §83.21.]~~

(f) ~~[(g)]~~ To be eligible for a student permit, an applicant must:

(1) submit a completed application in the manner prescribed by the department ~~[on a department approved form]; and~~

(2) pay the fee required under §83.80.

(g) This section and §82.20 provide the minimum requirements for practitioner license applications received by the department before September 1, 2023. For practitioner license applications received on or after September 1, 2023, §83.200 provides the minimum requirements.

~~[(h) A license application is valid for one year from the date it is filed with the department.]~~

~~[(i) To operate a remote service business an individual must be licensed to practice cosmetology and must:]~~

~~[(1) in a manner prescribed by the department, notify the department of the intent to operate a remote service business;]~~

~~[(2) provide a permanent mailing address; and]~~

~~[(3) verify that the remote service business complies with the requirements of the Act and this chapter.]~~

~~[(j) The 86th Texas Legislature enacted changes to Chapter 1602, Occupations Code, reducing the number of hours required for a Cosmetology Operator License from 1,500 to 1,000 hours. See~~

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~~House Bill 2847, 86th Legislature, Regulation Session (2019), Article 14. The purpose of this transition rule is to provide guidance on how to implement the transition from 1,500 to 1,000 hours.]~~

~~[(1) Beginning January 1, 2020, the department may allow students enrolled on or after January 1, 2020 in a 1,500-hour program to transfer hours towards a 1,000-hour program if the hours meet the required technical standards. A student enrolling in cosmetology school on or after January 1, 2020 may request to transfer completed hours of a 1,500-hour program towards an approved 1,000-hour program or to transfer to another school.]~~

~~[(2) Upon request of a student enrolled on or after January 1, 2020, the school must apply hours earned towards a 1,000-hour program if the school has an approved 1,000-hour program or allow the student to transfer to another school. This rule expires on December 1, 2020.]~~

§83.21. License Requirements—Examinations.

(a) ~~[(a)]~~ To be eligible for a department examination, an examinee must:

(1) submit a completed license application in the manner prescribed by the department ~~[on a department-approved form];~~

(2) pay the applicable license fee under §83.80; and

(3) have completed the number of hours required under this chapter and the Act.

(b) A student enrolled in a 1,000-hour program is eligible to take the written examination when the department receives proof of the student's completion of 900 ~~[operator]~~ hours.

(c) Applicants must pass the written examination before being eligible to take the practical examination.

(d) When appearing for an examination, the examinee must ~~[shall]~~ bring the instruments necessary to give a practical demonstration of the barbering or cosmetology services ~~[or a practical demonstration of the services]~~ distinctive to the license for which the examinee is applying ~~[his or her specialty]~~.

(e) All barbering and cosmetology ~~[department]~~ examinations consist of a written and practical part. A passing grade ~~[of 70]~~ on each part is needed to satisfy the examination requirement.

(f) To be admitted to an examination, the examinee must present a current, valid government-issued photo identification, which includes the applicant's full name and date of birth.

(g) Examinees are required to wear closed toe shoes for the practical examination.

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(h) Models used in an examination must be at least 16 years of age. The department may require proof of parental approval for models under 18 years of age.

§83.22. License Requirements—Establishments. [~~Beauty Salons, Specialty Salons, Mini-Salons, Dual Shops, Mini-Dual Shops, Mobile Shops, and Booth Rentals (Independent Contractors)~~]

(a) To be eligible for an establishment [~~a beauty salon, specialty salon, dual shop, mobile shop, mini-salon, mini-dual shop, or booth rental~~] license, an applicant must:

- (1) obtain the current law and rules book;
- (2) comply with the requirements of the Act and this chapter;
- (3) submit a completed and verified application in the manner prescribed by the department [~~on a department approved form~~]; [~~and~~]
- (4) pay the fee required under §83.80; [-]
- (5) own or rent the establishment; and
- (6) have not committed an act that constitutes a ground for denial of a license.

(b) In addition to the requirements of subsection (a), the establishment must:

- (1) meet this chapter's minimum health and safety standards for an establishment; and
- (2) comply with all requirements of this chapter.

~~[(b) In addition to the requirements of subsection (a), an applicant for a dual shop or mini-dual shop must also comply with Texas Occupations Code, Chapters 1601, 1602, and 1603 and 16 TAC Chapters 82 and 83 for obtaining a beauty salon license and a barbershop permit.]~~

(c) In addition to the requirements of subsection (a) and (b), a mobile establishment [~~shop~~] license applicant must:

- (1) provide a permanent physical address from which the mobile establishment unit is dispatched and to which the mobile establishment unit is returned when not in use;
- (2) provide a permanent mailing address where correspondence from the department may be received; and
- (3) verify that the mobile establishment [~~shop~~] complies with the requirements of the Act and this chapter.

~~[(d) To operate a remote service business, a beauty salon, specialty salon, dual shop, mobile shop,~~

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~~mini salon, or mini dual shop must:]~~

~~[(1) in a manner prescribed by the department, notify the department of the intent to operate a remote service business;]~~

~~[(2) provide a permanent mailing address; and]~~

~~[(3) verify that the remote service business complies with the requirements of the Act and this chapter.]~~

§83.23. License Requirements--~~[Beauty Culture]~~ Schools.

(a) To be eligible for a ~~[beauty culture]~~ school license, an applicant must:

(1) obtain the current law and rules book;

(2) comply with the requirements of the Act and this chapter;

(3) submit a completed application in the manner prescribed by the department ~~[on a department approved form];~~

(4) pay any applicable fees required under §83.40 and §83.80;

(5) meet the health and safety standards of this chapter; and

~~[(4) one of the following:]~~

~~[(A) for a private beauty culture school, pay the applicable license and inspection fees required under §83.80 and any required fee under §83.40; or]~~

~~[(B) for a public beauty culture school, pay the applicable inspection fee required under §83.80; and]~~

~~[(5) for a private beauty culture school, provide a current financial statement prepared by a certified public accountant. If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application.]~~

(6) for a private school, provide a current financial statement prepared by a certified public accountant in the format prescribed by the department. If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application. The applicant must demonstrate that it has the financial resources to ensure continuity of operation of the school, provide a quality educational program, and fulfill its obligations to students for at least 12 months, without relying on student tuition.

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(b) A ~~[beauty culture]~~ school must be inspected and approved by the department prior to the operation of the school.

(c) Private ~~[beauty culture]~~ schools ~~[offering instruction for persons seeking a license or certificate]~~ must have and maintain ~~[the following]~~:

(1) a building of permanent construction that must include two separate areas, one area for instruction in theory and one area for clinic work, and that must also include access to permanent restrooms and adequate drinking water~~[fountain facilities]~~;

(2) adequate space, equipment, and instructional materials to provide quality classroom training to the number of students enrolled;

(3) proof of ownership of building or proof of a lease for the first 12 months of operation; and

(4) a copy of the certificate of approval for the curriculum standards approved by the department for each course offered.

(d) Public ~~[beauty culture]~~ schools must have and maintain ~~[the following]~~:

(1) adequate ~~[Adequate]~~ space to provide quality classroom training for the number of students enrolled including ~~[an office, dispensary,]~~ classroom and laboratory space;

(2) adequate equipment and instructional materials required by the department; and

(3) a copy of the certificate of approval for the curriculum standards approved by the department for each course offered.

(e) A school ~~[beauty culture schools offering instruction for persons seeking a license or certificate]~~ must comply with all health and safety standards established by this chapter.

§83.24. Inactive Status.

(a) To change a license to inactive status, an applicant must:

(1) submit a completed application in the manner prescribed by the department not later than the expiration date of the license; and

(2) pay fee required under §83.80 ~~[on a department approved form]~~.

(b) A person whose license is on inactive status may not practice any act of barbering or cosmetology authorized by that license.

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(c) A license on inactive status must be renewed in accordance with §83.26; however, continuing education is not required for renewal of a license on inactive status.

(d) To change from an inactive license to an active license, an applicant must:

(1) submit a completed application in the manner prescribed by the department [~~on a department-approved form~~];

(2) pay the fee required under §83.80; and

(3) complete the continuing education that is required for the renewal of an active license during the preceding license period. Continuing education hours used to satisfy the requirement for changing from an inactive license status to an active license status may not also be used [~~utilized~~] for a future renewal of an active license.

§83.25. License Requirements--Continuing Education.

(a) Terms used in this section have the meanings assigned by Chapter 59 [~~of this title~~] (relating to Continuing Education Requirements), unless the context indicates otherwise.

(b) To renew a practitioner [~~an operator~~] license, [~~or an esthetician, manicurist, esthetician/manicurist or eyelash extension specialty license, or a hair weaving, or wig specialty certificate,~~] a licensee must complete at least [~~a total of~~] 4 hours of continuing education through department-approved courses. The continuing education hours must include the following:

(1) 1 hour in sanitation [~~Sanitation~~] required under the Act and this chapter; [~~and~~]

(2) for renewals on or after September 1, 2025, 1 hour on human trafficking prevention, which at a minimum must include information on:

(A) activities commonly associated with human trafficking;

(B) recognition of potential victims of human trafficking; and

(C) methods for assisting victims of human trafficking, including how to report human trafficking; and

[~~(2) 3 hours in any topics listed in subsection (i).~~]

(3) the remaining hours in any topics listed in subsection (h).

(c) Continuing education hours required under §83.25(b)(3) and taught before September 1, 2025, [~~§83.25(b)(2)~~] must include information on human trafficking prevention. At [~~as required by Texas Occupations Code Chapter 1602, §1602.354(e) and at~~] a minimum, these courses must include information on:

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- (1) activities commonly associated with human trafficking;
- (2) recognition of potential victims of human trafficking; and
- (3) methods for assisting victims of human trafficking, including how to report human trafficking.

~~[(d) To renew an instructor license, or an esthetician instructor, manicure instructor, esthetician/manicure instructor or eyelash extension instructor specialty license, a licensee must complete a total of 4 hours of continuing education through department approved courses. The continuing education hours must include the following:]~~

~~[(1) 1 hour in Sanitation required under the Act and this chapter; and]~~

~~[(2) 3 hours in methods of teaching in accordance with §83.120.]~~

~~[(e) Continuing education hours required under §83.25(e)(2) must include information on human trafficking as required by Texas Occupations Code Chapter 1602, §1602.354(e) and at a minimum must include information on:]~~

~~[(1) activities commonly associated with human trafficking;]~~

~~[(2) recognition of potential victims of human trafficking; and]~~

~~[(3) methods for assisting victims of human trafficking, including how to report human trafficking.]~~

~~(d) [(f)]~~ For a timely or a late renewal, a licensee must complete the required continuing education hours within the two-year period immediately preceding the renewal date.

(e) A licensee may not receive continuing education hours for attending the same course more than once.

(f) A licensee will receive continuing education hours for only those courses that are registered with the department, under Chapter 59 and procedures prescribed by the department.

~~[(g) A licensee may receive continuing education hours in accordance with the following:]~~

~~[(1) A licensee may not receive continuing education hours for attending the same course more than once.]~~

~~[(2) A licensee will receive continuing education hours for only those courses that are registered with the department, under procedures prescribed by the department.]~~

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(g) ~~(h)~~ A licensee must ~~shall~~ retain a copy of the certificate of completion for a course for two years after the date of completion. In conducting any inspection or investigation of the licensee, the department may examine the licensee's records to determine compliance with this subsection.

(h) ~~(i)~~ To be approved under Chapter 59 ~~[of this title]~~, a provider's course must be dedicated to instruction in one or more of the following topics:

- (1) sanitation ~~[Sanitation]~~ required under the Act and this chapter;
- (2) the Act and this chapter, addressing topics other than sanitation ~~[Sanitation]~~;
- (3) the topics listed in the curriculum standards ~~[listed]~~ in §83.120 or §83.202;
- (4) mental health awareness, which may include topics on mental health, mental illness, suicide prevention, and opportunities to provide clients referrals or other assistance;
- (5) human trafficking prevention which at a minimum must include information on:
 - (A) activities commonly associated with human trafficking;
 - (B) recognition of potential victims of human trafficking; and
 - (C) methods for assisting victims of human trafficking, including how to report human trafficking.

(i) ~~(j)~~ A registered course may be offered until the expiration of the course registration or until the provider ceases to hold an active provider registration, whichever occurs first.

(j) ~~(k)~~ A provider must ~~shall~~ pay to the department a continuing education record fee of \$5 for each licensee who completes a course for continuing education credit. A provider's failure to pay the record fee for courses completed may result in disciplinary action against the provider, up to and including revocation of the provider's registration under Chapter 59 ~~[of this title]~~.

(k) Notwithstanding subsection (b), a licensee who has held a practitioner license for at least 15 years may satisfy the continuing education requirement for renewal by completing department-approved courses as follows:

- (1) for renewals before September 1, 2025, one hour of sanitation; or ~~[Sanitation]~~
- (2) for renewals on or after September 1, 2025:
 - (A) one hour of sanitation; and
 - (B) one hour of human trafficking prevention.

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~~[(1) Notwithstanding subsections (b) and (c) a licensee may satisfy the continuing education requirement for renewal by completing one hour of Sanitation in department-approved courses, if the licensee:]~~

~~[(1) is at least 65 years of age; and]~~

~~[(2) has held a cosmetology license for at least 15 years.]~~

(1) Barber licensees exempt from continuing education requirements until September 1, 2025. Beginning on September 1, 2025, the requirements of this section will apply to a licensee who, on August 31, 2023, held a license issued under Texas Occupations Code Chapter 1601 and Chapter 82, when that licensee files an application with the department to renew that license.

§83.26. Licensing Requirements—Renewals.

(a) To renew a license, an applicant must:

(1) comply with applicable requirements of the Act and this chapter;

(2) submit a completed application in the manner prescribed by the department ~~[on a department-approved form]~~; and

(3) pay the applicable fee required under §83.80.

(b) In addition to the requirements of subsection (a), an applicant must complete the continuing education requirements under §83.25 to renew a practitioner license ~~[or certificate listed in §83.80(b)(1)–(5)]~~.

(c) To renew and maintain continuous licensure, the renewal requirements under this section must be completed prior to the expiration of the license. A late renewal means the licensee will have an unlicensed period from the expiration date of the expired license to the issuance date of the renewed license. During the unlicensed period, a person may not perform any act of barbering or cosmetology that requires a license under this chapter.

(d) Non-receipt of a license renewal notice from the department does not exempt a person from any requirements of this chapter.

§83.28. Substantial Equivalence ~~[or Endorsement]~~ and Provisional Licensure.

(a) To be granted a license through substantial equivalence ~~[or endorsement]~~, an applicant must:

(1) submit a completed application in the manner prescribed by the department ~~[on a department-approved form]~~;

(2) furnish a certified transcript of hours from the state board, territory, or foreign country

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from which the applicant is applying;

(3) provide one of the following:

(A) if an applicant is from another state of the United States, provide documentation that licensure in another state was obtained by standards substantially equivalent to those of Texas; or

(B) if an applicant is from a territory or foreign country, provide documents verified by the department or a certified credentialing agency confirming that licensure in the territory or foreign country was obtained by standards substantially equivalent to those of Texas;

(4) furnish an active and valid license or certificate to indicate that the applicant is licensed in good standing in another jurisdiction or foreign country; ~~and~~

(5) pay the substantial equivalence fee and applicable license application fee required under §83.80; ~~and~~ [-]

(6) for applications on or after September 1, 2023, be at least 17 years of age.

(b) A person who cannot provide documentation of standards equivalent to those in Texas must pass the applicable written and practical examination for the license.

(c) A person issued a license through substantial equivalence ~~[or endorsement]~~ may perform those acts of barbering and cosmetology authorized by the license.

(d) The department may waive any license requirement ~~[-, except for an operator license,]~~ for an applicant who holds a license from another state or country that has license requirements substantially equivalent to those of Texas.

(e) The department may issue a provisional license to applicants currently licensed in another jurisdiction who file an application for a Texas ~~[cosmetology]~~ license by substantial equivalence.

(f) To be eligible for a provisional license, an applicant must:

(1) file a completed application, in the manner prescribed by the department, for a Texas barbering or cosmetology license by substantial equivalence;

(2) provide information sufficient for the department to verify the applicant's licensure in good standing for at least two years in the license type for which the person seeks the ~~[certificate or]~~ license; and

(3) have been licensed in a jurisdiction or foreign country in which the requirements for obtaining the same ~~[certificate or]~~ license are substantially equivalent to the requirements

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under the Act, including passage of a national examination or other examination recognized by the department [~~commission~~] relating to the practice of the profession.

(g) A person issued a provisional license may perform those acts of barbering or cosmetology authorized by the provisional [~~certificate or~~] license pending the department's approval or denial of an applicant's license by substantial equivalence.

(h) A provisional [~~certificate or~~] license is valid until the date the department approves or denies the application for licensure by substantial equivalence. The department must approve or deny a provisional license holder's application for a [~~certificate or~~] license by substantial equivalence not later than the 180th day after the date the provisional [~~certificate or~~] 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.

(i) The department will [~~shall~~] issue a [~~certificate or~~] license by substantial equivalence to the provisional license holder if the person is eligible to hold a [~~certificate or~~] license under the Act.

(j) An applicant for licensure by substantial equivalence is eligible for a provisional [~~certificate or~~] license only once. A person who is denied licensure by substantial equivalence and subsequently reapplies for licensure by substantial equivalence is not eligible to obtain additional provisional [~~certificates or~~] licenses to practice barbering or cosmetology in Texas.

(k) If an applicant for a class A barber or operator license has not completed the hours required under this chapter or Chapter 82, documented work experience, performed in the jurisdiction in which the person is licensed, may be substituted at the rate of 25 hours per month worked, up to a maximum of 300 hours, or the applicant must complete the balance of hours required in an approved Texas school.

§83.29. Establishment or School Relocation, Change of Ownership, Owner Death or Incompetency.

(a) Under the Act, a license is not transferable.

(b) If an establishment relocates, the licensee must apply for a new establishment license and verify that the new establishment meets the requirements of the Act and this chapter. [~~Additionally, a relocated beauty culture school must be inspected prior to operation under the Act.~~] The requirements of this subsection do not apply to mobile establishments [~~shops~~].

(c) If a school relocates, the licensee must submit a change of location application in the manner prescribed by the department and pay the applicable fee required under §83.80 of this chapter. Additionally, a relocated school must be inspected and meet the applicable requirements of the Act and this chapter prior to operation.

(d) [~~e~~] If an establishment or school changes ownership, the new owner must apply for a new [~~establishment~~] license within 30 days after the change of ownership. Additionally, a [~~beauty~~

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~~culture~~] school must be inspected but may continue to operate pending the department's inspection. A change of ownership includes the following:

- (1) For a sole proprietorship, the licensee no longer owns the establishment or school.
- (2) For a partnership or limited partnership, the partnership is dissolved.
- (3) For a corporation or limited liability company, if sold to another person or entity. A change of ownership does not include corporate officer or stockholder restructuring.
- (4) Legal incompetence or death of the owner.

§83.31. Licenses--License Terms.

(a) The following licenses have a term of two (2) years:

- (1) practitioner licenses; and
- (2) establishment licenses.

(b) School licenses have a term of one (1) year.

(c) A student permit issued under this chapter does not expire.

~~§83.31. Licenses--License Terms.~~

~~[(a) The following licenses have a term of two (2) years:]~~

- ~~[(1) operator license;]~~
- ~~[(2) specialty license—esthetician, manicurist, esthetician/manicurist, eyelash extension;]~~
- ~~[(3) specialty certificate—hair weaving, wig;]~~
- ~~[(4) instructor license;]~~
- ~~[(5) instructor specialty license—esthetician, manicurist, esthetician/manicure, eyelash extension;]~~
- ~~[(6) booth rental (independent contractor) license;]~~
- ~~[(7) beauty and specialty salon license;]~~
- ~~[(8) dual shop license;]~~

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~~[(9) mini-salon license;]~~

~~[(10) mini-dual-shop permit; and]~~

~~[(11) mobile-shop license.]~~

~~[(b) The following licenses have a term of one (1) year:]~~

~~[(1) private beauty-culture school license; and]~~

~~[(2) public secondary or postsecondary beauty-culture school license.]~~

~~[(c) A student permit issued under this chapter does not expire.]~~

§83.40. Barbering and Cosmetology [~~Private Beauty Culture~~] School Tuition Protection Account.

(a) Pursuant to Subchapter H-1 [~~§1602.463~~] of the Act, the Barbering and Cosmetology [~~Private Beauty Culture~~] School Tuition Protection Account is created to:

(1) refund tuition and fees to a student if a private [~~beauty-culture~~] school closes and the school fails to pay the refund as required by the Act; and

(2) pay the tuition costs and expenses incurred by a private [~~beauty-culture~~] school in providing training directly related to educating a student from a closed school.

(b) In each year in which the balance of the Barbering and Cosmetology [~~Private Beauty Culture~~] School Tuition Protection Account is less than \$225,000 [~~\$200,000~~] the department will determine a fee that must [~~shall~~] be paid by all private [~~beauty-culture~~] schools to the account.

(c) The necessity for assessing the fee will be determined by the department when it conducts its annual account balance review prior to December 31st. The fee that is assessed by the department will [~~shall~~] be in effect for a period of 12 months.

(d) The fee must [~~shall~~] be paid by each private [~~beauty-culture~~] school, upon annual renewal of the license during the 12-month period and must [~~shall~~] be paid in addition to the renewal fee. The renewal notice sent by the department will reflect the fee due to the account.

(e) In addition to any other fees, all new schools applying for a private [~~beauty-culture~~] school license must [~~shall~~] pay the prescribed fee to the account as determined under subsection (b) before a license will be issued.

(f) In the event a student from a closed school cannot be placed or does not accept a place in another school, a refund, calculated under the closed school's refund policy, may be paid from the Barbering and Cosmetology [~~Private Beauty Culture~~] School Tuition Protection Account and the

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total payment of a claim may not exceed \$35,000 [~~\$10,000~~]. The total amount of claims paid against a single closed school may not exceed \$100,000.

(g) The executive director may authorize payment to a student from the Barbering and Cosmetology [~~Private Beauty Culture~~] School Tuition Protection Account if:

- (1) the student makes a claim for payment on a form approved by the executive director;
- (2) a closed private [~~beauty culture~~] school has failed to pay a refund to the student within 30 days after the date the student became eligible for the refund, and the student has not been placed or accepted a place in another school with appropriate credit given to the student for tuition and fees paid to the closed school;
- (3) the executive director determines after investigation that the student is owed the refund; and
- (4) the student assigns to the department all rights of the student against the closed school to the extent of the amount paid to the student from the account.

(h) The executive director may authorize payment to a private [~~beauty culture~~] school from the Barbering and Cosmetology [~~Private Beauty Culture~~] School Tuition Protection Account if:

- (1) the school makes a claim for payment on a form approved by the executive director;
- (2) the school has incurred expenses in providing training directly related to educating a student from a closed private [~~beauty culture~~] school, including the applicable tuition for the period for which the student paid tuition;
- (3) the executive director determines after investigation that the school is entitled to payment from the account; and
- (4) the school assigns to the department all rights of the school against the closed school to the extent of the amount paid from the account.

(i) The department will [~~shall~~] pay claims on a pro rata basis from appropriated money available in the account if:

- (1) the account contains insufficient assets to pay all claims;
- (2) insufficient money has been appropriated to the department from the account to pay all claims; or
- (3) the total amount of claims against a single closed school exceeds the amount specified in Subsection (f).

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(j) The department will [~~shall~~] notify a closed private [~~beauty culture~~] school of any claim made against the closed school under this section. Before the executive director may authorize any payment from the account, the school must [~~shall~~] have 20 days from the date of notice of the claim to dispute the claim and present evidence to the executive director in opposition to the claim.

(k) If payment is made from the Barbering and Cosmetology [~~Private Beauty Culture~~] School Tuition Protection Account on a claim against a closed private [~~beauty culture~~] school:

(1) the school must [~~shall~~] reimburse the account immediately or agree in writing to reimburse the account, on a schedule to be determined by the executive director;

(2) the school must [~~shall~~] immediately pay the student any additional amount due to the student under the Act or agree in writing to pay the student on a schedule to be determined by the executive director;

(3) payments made by a school to the account under this subsection include interest accruing at the rate of eight percent a year beginning on the date the executive director pays the claim;

(4) the department must [~~shall~~] be subrogated to all rights of the claimant against the school to the extent of the amount paid to the claimant; and

(5) the department may assess administrative penalties or sanctions against the school and may deny an application for a license, certificate, or permit or an application for renewal of a license, certificate, or permit filed by the holder of the private [~~beauty culture~~] school license.

§83.50. Inspections—General.

(a) Schools and establishments must be inspected in accordance with Texas Occupations Code, Chapter 51, and the inspection rules under 16 Texas Administrative Code, Chapter 60, Subchapter H.

(b) An establishment owner, manager, or their representative must, upon request, make available to the department representative the list required by §83.71(c) of all independent contractors and all mini-establishment licensees who work in the establishment.

(c) The department will make information available to establishment and school owners and managers on best practices for risk-reduction techniques.

(d) The establishment or school owner, manager, employee, contractor, or their representative must cooperate with the inspector or investigator in the performance of the inspection or investigation.

[§83.50. Inspections—General.]

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~~[(a) Cosmetology establishments shall be inspected periodically or as a result of a complaint. These inspections will be performed to determine compliance with the requirements of the Act and this chapter, particularly those requirements relating to public safety, licensing, and sanitation. In addition, the department will make information available to cosmetology establishment owners and managers on best practices for risk reduction techniques.]~~

~~[(b) Inspections shall be performed during the normal operating hours of the cosmetology establishments. Except for initial inspections of beauty culture schools, the department may conduct inspections under the Act and this chapter without advance notice.]~~

~~[(c) The department inspector will contact the cosmetology establishment owner, manager, or their representative upon arrival at the cosmetology establishment, and before proceeding with the inspection.]~~

~~[(d) The cosmetology establishment owner, manager, or their representative shall cooperate with the inspector in the performance of the inspection.]~~

§83.51. Initial Inspections--Inspection of [Beauty Culture] Schools Before Operation.

(a) Any new or relocated [beauty culture] school must be inspected and approved by the department before it may operate. Additionally, a [beauty culture] school that has changed ownership must be inspected and approved by the department but may continue to operate prior to inspection.

(b) The [beauty culture] school owner must ~~[shall]~~ request an initial inspection from the department and pay the fee required by §83.80.

(c) Upon receipt of the owner's request and the fee, the department will ~~[shall]~~ schedule the initial inspection date and notify the owner.

(d) Schools must be inspected in accordance with Texas Occupations Code, Chapter 51, and the inspection rules under 16 Texas Administrative Code, Chapter 60, Subchapter H.

~~[(d) Upon completion of the initial inspection, the owner shall be advised in writing of the results. The inspection report will indicate whether the beauty culture school meets or does not meet the minimum requirements of the Act and this chapter.]~~

~~[(e) For beauty culture schools that do not meet the minimum requirements, the report will reflect those minimum requirements that remain to be addressed by the owner.]~~

(e) ~~[(f)]~~ A [beauty culture] school that does not meet the minimum requirements on initial inspection may be reinspected. The [beauty culture] school owner must submit the request for reinspection ~~[along with the fee required by §83.80,]~~ before the department will perform the reinspection.

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[§83.52. Periodic Inspections.]

~~[(a) Except as provided by subsection (b), each beauty salon, specialty salon, dual shop, mini-salon, or mini-dual shop shall be inspected at least once every four years. Each beauty culture school shall be inspected at least twice per year.]~~

~~[(b) At least once every two years, the department shall inspect specialty shops that hold a license, certificate or permit at which the practice described in Texas Occupations Code, §§1601.002(1)(E) or (F) or 1602.002(a)(8) or (9) are performed.]~~

~~[(c) The beauty salon, specialty salon, or dual shop owner, manager, or their representative must, upon request, make available to the department representative the list required by §83.71(c) of all independent contractors and all mini-salon licensees or mini-dual shop permittees who work in the salon or shop.]~~

~~[(d) Upon completion of the inspection, the owner shall be advised in writing of the results. The inspection report will indicate whether the inspection was approved or not approved, and will describe any violations identified during the inspection.]~~

~~[(e) For inspections that are not approved, the inspection report will identify violations that must be corrected by the owner. The report will also indicate the corrective modifications required to address the violations, in accordance with §83.54. Additionally, the department may assess administrative penalties and/or administrative sanctions for violations, in accordance with §83.90.]~~

~~[(f) Based on the results of the periodic inspection, a cosmetology establishment found out of compliance may be re-inspected.]~~

[§83.54 Corrective Modifications Following Inspection]

~~[(a) When corrective modifications to achieve compliance are required:]~~

~~[(1) the department shall provide the owner a list of required corrective modification(s);]~~

~~[(2) within 10 days after receiving the list of required corrective modifications, the owner shall complete all corrective modifications and provide verification, in a manner prescribed by the department, of the corrective modifications, within thirty (30) days of completion; and]~~

~~[(3) the department may grant an extension, consistent with established procedures, if satisfactory evidence is presented showing that the time period specified is inadequate to perform the necessary corrections.]~~

~~[(b) When corrective modifications to achieve compliance involve violations of sanitation rules or violations relating to unlicensed practice, those violations may be referred to the department's~~

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~~enforcement division for further action. The cosmetology establishment will be contacted by the department to arrange final resolution of these violations. Additionally, the department may assess administrative penalties and/or administrative sanctions for violations, or for failure to complete corrective modifications timely, or provide written verification to the department timely, in accordance with §83.90.]~~

§83.65. Barbering and Cosmetology Advisory Board.

(a) The purpose of the Barbering and Cosmetology Advisory Board is to advise the Commission and 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 board is composed of nine persons as specified in the Act. Board members will serve staggered six-year terms.

~~§83.65. Advisory Board on Cosmetology.]~~

~~[(a) The purpose of the Advisory Board on Cosmetology is to advise the Commission and department on adopting rules, setting fees, and enforcing and administering the Act, as applicable.]~~

~~[(b) The board is composed of nine licensees and persons specified in the Act. Board members will serve staggered six-year terms.]~~

~~[(c) Expenses can be reimbursed to board members only when the legislature has specifically appropriated money for that purpose, and only to the extent of the appropriation.]~~

~~[(d) Expense reimbursements to board members are limited to authorized expenses incurred while traveling to and from board meetings and shall be limited to those allowed by the State of Texas Travel Allowance Guide, the Texas Department of Licensing and Regulation policies governing employee travel allowances, and the General Appropriations Act.]~~

§83.70. Responsibilities of Individual Practitioners. [Individuals]

(a) For purposes of this section, "licensed facility" means the premises of an establishment or school ~~[a place of business that holds a license, certificate, or permit under Texas Occupations Code, Chapters 1601, 1602 and 1603].~~

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(b) A practitioner [~~licensee~~] is restricted to working in a licensed facility but may perform a service within the scope of the license, at a location other than a licensed facility for a customer who:

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

(2) will receive the services in preparation for and at the location of a special event; and

(3) makes the appointment for services through a licensed facility.

(c) A practitioner [~~licensee~~] performing digitally prearranged remote services may perform these services at a location other than a licensed facility if the appointment is made through a remote service business's digital network.

~~[(d) A licensee who leases space as an independent contractor on the premises of a cosmetology establishment must hold a booth rental permit.]~~

~~(d) [(e)] Specialty practitioners [~~certificate holders~~] may only perform the practice authorized by the specialty license [~~certificate~~].~~

~~(e) [(f)] All current licenses must either [~~may~~] be posted near [~~at~~] the licensee's work station in the public view or be made available [~~in a notebook~~] at the establishment [~~salon~~] reception desk.~~

~~(f) [(g)] A current photograph of the licensee at least [~~approximately~~] 1 1/2 inches by 1 1/2 inches must [~~shall~~] be attached to the front of the license [~~certificate~~] or permit, or digitally displayed along with an image of the license or permit. The photograph may not obscure any information on the license or permit.~~

~~(g) [(h)] Practitioners must [~~Licensees shall~~] notify the department in writing of any name change within thirty (30) days of the change.~~

~~(h) [(i)] Practitioners [~~Licensees~~] must notify the department within thirty (30) days following any change of address. The department may send all notices on other information required by applicable laws and rules to any licensee's last known mailing address on file with the department.~~

~~(i) [(j)] Practitioners must [~~Licensees shall~~] wear clean top and bottom outer garments and footwear while performing services authorized under the Act. Outer garments include tee shirts, blouses, sweaters, dresses, smocks, pants, jeans, shorts, and other similar clothing and do not include lingerie [~~or see-through fabric~~].~~

~~(j) [(k)] Practitioners [~~Licensees~~] are responsible for compliance with the health and safety standards of this chapter.~~

§83.71. Responsibilities of Establishments. [~~Beauty Salons, Mini-Salons, Specialty Salons, Dual Shops, Mini-Dual Shops and Booth Rentals~~]

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- (a) Each establishment must have ~~[a copy of]~~ the current law and rules book.
- (b) Each establishment is responsible for compliance with the health and safety standards of this chapter.
- (c) An establishment ~~[Beauty salons, specialty salons and dual shops]~~ may lease space to an independent contractor who is a practitioner ~~[holds a booth rental (independent contractor) license]~~. The lessor to an independent contractor practitioner must maintain a list of all renters that includes the name of renter and the ~~[cosmetology]~~ license number of the renter. The lessor must supply the department representative with a list of renters upon request.
- (d) An establishment ~~[Beauty salons, specialty salons and dual shops]~~ may lease space to mini-establishment license holders ~~[mini-salon licensees or mini-dual shop permittees]~~. The lessor must maintain a list of all mini-establishment ~~[mini-salon or mini-dual shop]~~ license numbers and expiration dates and must provide the list to a department representative upon request.
- (e) A mini-establishment license holder ~~[Mini-salon licensees and mini-dual shop permittees]~~ must maintain the name, license number, and license expiration date of each person working in the mini-establishment ~~[mini-salon or mini-dual shop]~~.
- (f) Establishments ~~[Cosmetology establishments]~~ that lease space to mini-establishments ~~[mini-salon licensees or mini-dual shop permittees]~~ must maintain all common areas.
- (g) Each establishment must ~~[salon shall]~~ comply with the following requirements:
- (1) a sink with hot and cold running water in an area where services are performed;
 - (2) an identifiable sign with the establishment's ~~[salon's]~~ name;
 - (3) a suitable receptacle for used towels/linen;
 - (4) a wet disinfectant soaking container, large enough to fully immerse tools and implements;
 - (5) a clean, dry, debris-free storage area;
 - (6) a minimum of one covered trash container; and
 - (7) if providing manicure or pedicure nail services, an autoclave, dry heat sterilizer or ultraviolet sanitizer.
- (h) In addition to the requirements of subsection (g):
- (1) full-service establishments and mini-establishments must ~~[beauty salons and mini-~~

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~~salons shall~~ provide the following equipment for each practitioner [~~licensee~~] present and providing services:

(A) one working station;

(B) one styling or barber chair ; and

(C) a sufficient number [~~amount~~] of shampoo bowls. The establishment must have at least one shampoo bowl if the establishment provides shampooing or any service that results in a permanent change to the color or structure of the hair. A mini-establishment providing these services will be in compliance with this rule if the mini-establishment has access to at least one shampoo bowl.

(2) establishments providing manicure services must [~~salons shall~~] provide the following equipment for each practitioner [~~licensee~~] present and providing services:

(A) one manicure station [~~table~~] with sufficient lighting [~~light~~];

(B) one manicure chair or stool; and

(C) one [~~professional~~] client chair for each manicure station.

(3) establishments providing esthetician services must [~~salons shall~~] provide the following equipment for each practitioner [~~licensee~~] present and providing services:

(A) one facial bed or chair; and

(B) one mirror.

(4) establishments providing combination esthetician/manicure services must [~~salons shall~~] provide the following equipment:

(A) the requirements for establishments providing manicure services [~~salon~~]; and

(B) the requirements for establishments providing esthetician services [~~salon~~].

(5) establishments providing eyelash extension services must [~~salons shall~~] provide the following equipment for each practitioner [~~licensee~~] present and providing services:

(A) one facial bed, chair, or massage table, all of which must allow [~~that allows~~] the consumer to lie completely flat;

(B) one lamp; [~~and~~]

(C) one stool or chair; and[-]

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(D) one mirror.

~~[(6) wig salons shall provide the following equipment for each licensee present and providing services:]~~

~~[(A) one mannequin table, station, or styling bar to accommodate a minimum of 10 hairpieces;]~~

~~[(B) one wig dryer; and]~~

~~[(C) two canvas wig blocks.]~~

(6) [(7)] establishments providing hair weaving services must [salons shall] provide the following equipment for each practitioner [licensee] present and providing services:

(A) one work station;

(B) one styling chair; [and]

(C) one chair dryer or handheld dryer; and

(D) [(C)] a sufficient number, no fewer than one in the entire establishment, [amount] of shampoo bowls for practitioners [licensees] providing hair weaving services.

~~[(8) Dual shops shall:]~~

~~[(A) comply with all requirements of the Act and this chapter applicable to beauty salons;]~~

~~[(B) comply with all requirements of Texas Occupations Code, Chapter 1601, and Chapter 82 of this title applicable to barbershops;]~~

~~[(C) if the shop does not currently have employed or have a contract with at least one licensed barber or one licensed cosmetologist, the owner must immediately display a prominent sign at the entrance and exit of the shop indicating that no barber or no cosmetologist is available; and]~~

~~[(D) if the shop has neither employed nor contracted with at least one licensed barber or cosmetologist for a period of 45 days or more the owner shall:]~~

~~[(i) not place any new advertisement or display any sign or symbol indicating that the shop offers barbering or cosmetology services; and]~~

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~~[(ii) remove or obscure any existing sign or symbol indicating that the shop offers barbering or cosmetology services.]~~

~~[(9) Mini-dual shops shall:]~~

~~[(A) comply with all requirements of the Act and this chapter applicable to beauty salons; and]~~

~~[(B) comply with all requirements of Texas Occupations Code, Chapter 1601, and 16 TAC Chapter 82 applicable to barbershops.]~~

(i) All practitioners ~~[booth-rental licensees]~~ acting as independent contractors must have the following items:

(1) a wet disinfectant soaking container, large enough to fully immerse tools and implements;

(2) a clean, dry, debris-free storage area;

(3) a suitable receptacle for used towels/linen; and

(4) a current law and rules book.

(j) In addition to the requirements in subsection (i), practitioners ~~[booth-rental licensees]~~ acting as independent contractors must have the following items.

(1) If practicing in a full-service establishment ~~[beauty-salon]~~, one work station and one styling or barber chair.

(2) If practicing in an establishment providing esthetician services ~~[salon]~~, one facial bed or chair and one mirror, wall-hung or handheld ~~[wall-hung or hand-held]~~.

(3) If practicing in an [a] establishment providing manicure services ~~[salon]~~, one manicure station ~~[table]~~ with sufficient lighting ~~[a light]~~, one manicure chair or stool, and one client chair, professional in appearance.

(4) If practicing in an establishment providing eyelash extension services ~~[salon]~~, one facial bed, chair, or massage table that allows the consumer to lie completely flat, one stool or chair, ~~[and]~~ one lamp, and one mirror.

(k) Practitioners ~~[Booth-rental licensees]~~ acting as independent contractors must comply with all state and federal laws relating to independent contractors.

(l) Establishments must ~~[Cosmetology establishments shall]~~ display in the establishment, in a conspicuous place clearly visible to the public, a notice that a copy of the establishment's most

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recent inspection report issued by the department is available upon request.

(m) All licensed establishments [~~facilities~~] must display in a conspicuous place clearly visible to the public a sign, acceptable to the department, regarding human trafficking information as required by Texas Occupations Code §1603.356 and this chapter [~~, Chapter 1602, §1602.408~~].

(n) An establishment must ensure that all persons performing or offering to perform barbering or cosmetology services at the establishment are properly licensed at all times. An establishment may not allow a person to perform any barbering or cosmetology service for which the person does not hold the required license.

(o) An establishment may not perform or offer to perform any barbering or cosmetology service outside the scope of the establishment's license.

(p) A person may not operate an establishment or school on the same premises, at the same time, as another establishment or school, unless the facilities are separated by walls of permanent construction without an opening between the facilities. This does not apply to mini-establishments or mobile establishments that are operated on the same premises as other establishments.

(q) Each establishment must display a copy of §§83.100-83.115. An establishment may meet this requirement by placing the law and rules book so that it is accessible to all practitioners who work in the establishment.

§83.72. Responsibilities of [~~Beauty Culture~~] Schools.

(a) Each school [~~establishment~~] must have [~~a copy of~~] the current law and rules book.

(b) Each school [~~establishment~~] is responsible for compliance with the health and safety standards of this chapter.

(c) Each school must notify [~~Notify~~] the department of any alterations to [~~of~~] a school's [~~cosmetology establishment's~~] floor plan.

(d) The certificate of curriculum approval must [~~shall~~] be posted in a conspicuous place in the school. A current syllabus and lesson plan for each course must [~~shall~~] be maintained by the school and be available for inspection.

~~[(e) Unless the context clearly indicates otherwise, when used in this section the term "student-instructor" shall mean a student permit holder who is enrolled in an instructor course of a beauty culture school.]~~

~~(e) [(f)] Schools must have at least one [licensed] instructor on duty for each 25 students in attendance, including evening classes. [A school may not enroll more than three student instructors for each licensed instructor teaching in the school. The student instructor shall at all times work under the direct supervision of the licensed instructor and may not service clients, but will~~

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~~concentrate on teaching skills.] An [A-licensed]~~ instructor must be physically present during all practical curriculum standard activities, and physically present or participating through distance education for theory curriculum standard activities. No credit for instructional hours can be granted to a ~~[cosmetology]~~ student unless such hours are accrued under the supervision of an [a-licensed] instructor.

(f) [(g)] Schools offering distance education must:

- (1) obtain department approval before offering a course;
- (2) provide students with the educational materials necessary to fulfill course requirements; and
- (3) comply with the curriculum standards in §83.120(c) [§83.120(d)] and §83.202(e) by limiting distance education to instruction in theory.

(g) [(h)] Schools must maintain one album to display each student permit, including affixed picture, of each enrolled student. The permits must [shall] be displayed in alphabetical order by last name, then alphabetical order by first name, and, if more than one student has the same name, by student permit number.

(h) [(i)] Schools may use a time clock to track student hours and maintain a daily record of attendance or schools may use credit hours.

(i) [(j)] Schools using time clocks must ensure compliance with the following requirements and [shall] post a sign at the time clock that states the following department requirements:

- (1) Each student must personally clock in/out ~~[for himself/herself]~~.
- (2) No credit may [shall] be given for any times written in, except in a documented case of time clock failure or other situations approved by the department.
- (3) If a student is in or out of the facility for lunch, the student [he/she] must clock out.
- (4) Students leaving the facility for any reason, including smoking breaks, must clock out, except when an instructional area on a campus is located outside the approved facility, that area is approved by the department and students are under the supervision of an [a-licensed] instructor.

(j) [(k)] Students are prohibited from preparing hour reports or supporting documents. Only [Student instructors may prepare hour reports and supporting documents however only] school owners and school designees, including ~~[licensed]~~ instructors, may electronically submit information to the department in accordance with this chapter. No student permit holder ~~;~~ including student instructors, may electronically submit information to the department under this chapter.

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(k) [(4)] A school must properly account for the hours granted to each student. A school may [shall] not engage in any act directly or indirectly that grants or approves student credit that is not accrued in accordance with this chapter. A school must maintain and have available for a department and/or student inspection the following documents for a period of the student's enrollment through 48 months after the student completes the curriculum standards, withdraws, or is terminated:

(1) daily record of attendance;

(2) the following documents if a time clock is used:

(A) time clock record(s);

(B) time clock failure and repair record(s); and

(C) field trip records in accordance with §83.120(e)(5); and

(3) all other relevant documents that account for a student's credit under this chapter.

(l) [(m)] Schools using time clocks must [shall], at least one time per month submit to the department an electronic record of each student's accrued clock hours in a manner and format prescribed by the department. A school's initial submission of clock hours must [shall] include all hours accrued at the school. Delayed data submission(s) are permitted only upon department approval, and the department will [shall] prescribe the period of time for which a school may delay the electronic submission of data, to be determined on a case-by-case [~~ease-by-case~~] basis. Upon department approval, a school may submit data required under this subsection in an alternate manner and format as determined by the department, if the school demonstrates that the requirements of this subsection would cause a substantial hardship to the school.

(m) [(n)] Schools using credit hours must [shall], at the end of the course or module or if the student drops or withdraws, submit to the department an electronic record of each student's accrued credit hours in a manner and format prescribed by the department.

(n) [(o)] Schools changing from clock hours to credit hours or from credit hours to clock hours must apply with the department for approval, on a department approved form, prior to making any changes.

(o) [(p)] Successful completion of 1 credit hour is equal to 37.5 clock hours. This equivalency will be used for conversion between clock hours to credit hours or credit hours to clock hours and the department must periodically assess this equivalency conversion to ensure it is an acceptable industry standard.

(p) [(q)] Except for a documented leave of absence, schools must [shall] electronically submit a student's withdrawal or termination to the department within 10 calendar days after the withdrawal or termination. Except for a documented leave of absence, a school must [shall] terminate a student

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who does not attend class for 30 consecutive days.

~~[(r) Public schools shall electronically submit a student's accrual of 500 hours in math, lab science, and English.]~~

(q) ~~[(s)]~~ All areas of a school or campus are acceptable as instructional areas for a public ~~[cosmetology]~~ school, provided that the instructor is teaching barbering or cosmetology curricula required under §83.120.

(r) ~~[(t)]~~ A private ~~[cosmetology]~~ school or public post-secondary school may provide barbering and cosmetology instruction to public high school students by contracting with the school district and complying with Texas Education Agency law and rules. A public high school student receiving instruction under such contract is considered to be a public high school student enrolled in a public school barbering and cosmetology program for purposes of the Act and department rules.

(s) ~~[(u)]~~ Schools may establish school rules of operation and conduct, including rules relating to absences and clothing, that do not conflict with this chapter.

(t) ~~[(v)]~~ Schools must ensure that guest presenters possess the necessary knowledge and teaching ability to present a curriculum standard topic and that an ~~[a licensed]~~ instructor is present during the guest presenter's classroom teaching.

(u) ~~[(w) Beauty culture schools]~~ Schools must have a classroom separated from the laboratory area by walls extending to the ceiling and equipped with the following equipment ~~[to properly instruct students enrolled at the school]~~:

- (1) if using a time clock to track student hours, one day/date formatted computer time clock;
- (2) desks and chairs or table space for each student in attendance;
- (3) multi-media equipment;
- (4) ~~[a dispensary containing]~~ a sink with hot and cold running water and secure space for storage and dispensing of supplies and equipment;
- (5) a suitable receptacle for used towels/linens;
- (6) covered trash cans in lab area; ~~[and]~~
- (7) wet disinfectant soaking container, large enough to fully immerse tools and implements;
[-]
- (8) for each student, equipment that is:

(A) sufficient to enable the student to perform the services associated with the

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curriculum standards for which the student is enrolled;

(B) in good working condition; and

(C) of adequate design to permit effective instruction;

(9) [(8)] if [H] offering the class A barber or operator curriculum standards, the following equipment [~~must be~~] available in adequate number for student use:

(A) shampoo bowl and shampoo chair;

(B) hair drying equipment or professional hand-held hair dryers;

(C) cold wave rods;

(D) thermal iron (electric or non-electric);

(E) styling station covered with a non-porous material that can be cleaned and disinfected, with mirror and styling or barber chair (swivel or hydraulic);

(F) mannequin with sufficient hair [~~, with table or attached to styling station~~];

(G) professional hand clippers;

(H) manicure station [~~table~~] and stool;

(I) facial [~~chair or~~] bed or a chair that reclines;

[(J) lighted magnifying glass;]

(J) [(K)] dry sanitizer; and

(K) [(L)] wet disinfectant soaking containers, large enough to fully immerse tools and implements; [-]

(10) [(9)]-if-[H] offering the esthetician curriculum standards, the following equipment [~~must be~~] available in adequate number for student use:

(A) facial [~~chair or~~] bed or a chair that reclines;

(B) lighted magnifying glass;

(C) woods lamp;

(D) dry sanitizer;

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- (E) steamer machine;
- (F) brush machine for cleaning;
- (G) vacuum machine;
- (H) high frequency machine for disinfection, product penetration, stimulation;
- (I) galvanic machine for eliminating encrustations, product penetration;
- ~~[(J) paraffin bath and paraffin wax;]~~
- (J) ~~[(K)]~~ mannequin head; and
- (K) ~~[(L)]~~ wet disinfectant soaking containers, large enough to fully immerse tools and implements.

(11) ~~[(10)]~~ if ~~[(H)]~~ offering the manicure curriculum standards, the following equipment ~~[(must be)]~~ available in adequate number for student use:

- (A) an autoclave, dry-heat sterilizer or ultra-violet sanitizer;
- (B) ~~[(complete)]~~ manicure station ~~[(table)]~~ with sufficient lighting ~~[(light)]~~;
- (C) client chair;
- (D) student stool or chair;
- (E) whirlpool foot spa or foot basin;
- (F) electric nail file;
- (G) UV light curing system;
- (H) paraffin bath and paraffin wax; and
- (I) ~~[(air brush system; and~~
- ~~[(J)]~~ wet disinfectant soaking containers; ~~[-]~~

(12) ~~[(11)]~~ if ~~[(H)]~~ offering the esthetician/manicure curriculum standards, the equipment required for the esthetician curriculum standards as listed in paragraph (10) ~~[(9)]~~; and the equipment required for the manicure curriculum standards as listed in paragraph (11) ~~[(10)]~~; ~~[(including a wax warmer and paraffin warmer for each service,)]~~ in adequate number

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for student use; and [-]

(13) [~~(12)~~] if [~~if~~] offering the eyelash extension curriculum standards,[-] the following equipment [~~must be~~] available in adequate number for student use:

- (A) facial bed, facial chair, or massage table, all of which must allow [~~that allows~~] the consumer to lie completely flat;
- (B) stool or chair;
- (C) lamp;
- (D) mannequin head;
- (E) wet disinfectant soaking containers; and
- (F) dry sanitizer.

(v) [~~(x)~~] Schools must [~~Cosmetology schools shall~~] display in the school, in a conspicuous place clearly visible to the public:

- (1) a notice that a copy of the school's most recent inspection report issued by the department is available upon request; [~~and~~]
- (2) a sign, acceptable to the department, regarding human trafficking information as required by Texas Occupations Code §1603.356 and this chapter; and [~~Chapter 1602, §1602.408.~~]
- (3) a sign that reads “SCHOOL--STUDENT PRACTITIONERS” in at least 10-inch block letters, visible from the outside of each client entrance to the licensed school.

(w) A school may not award credit or provide instruction for, and a student may not earn, more than 184 hours or equivalent credit hours per calendar month.

(x) Each school must display a copy of §§83.100-83.115. A school may meet this requirement by placing the law and rules book so that it is accessible to all students and all staff who work in the school.

§83.73. Responsibilities of Students.

- (a) Students are responsible for compliance with the health and safety standards of this chapter.
- (b) Students may [~~shall~~] not engage in any act that constitutes dishonesty or misrepresentation related [~~of or relating~~] to a student's hours accrued under this chapter.

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§83.74. Responsibilities--Withdrawal, Termination, Transfer, School Closure.

(a) A student desiring to transfer from one school to another must withdraw from the first school prior to the transfer. Enrollment in two or more schools [~~of cosmetology~~] at the same time is prohibited.

(b) A student transferring to a school who desires to claim credit earned must inform the school transferred to prior to enrollment of the student's [~~his/her~~] prior attendance and must furnish to that school and the department a record of credit claimed. This record may be in the form of a transcript from the prior school or an extract from records of the department.

(c) Upon withdrawal, and provided that the agreed tuition and fees have been tendered, a student is entitled to an official transcript of credit earned at the school withdrawn from. The transcript must be ready for pickup or, if mailed, postmarked within ten calendar days of the school's receipt of notice of withdrawal. A copy of the transcript must be kept in the student's file for 48 months and the copy must be made available at the request of the department.

(d) A student who withdraws from a [~~cosmetology~~] school is entitled to a refund in accordance with Texas Occupations Code, Chapter 1603 and this chapter [~~1602~~].

(e) Withdrawal or termination must [~~shall~~] be defined by the number of hours scheduled according to the enrollment agreement or contract the student has signed with the school or other document acceptable to the department and not the clock hours the student has earned during class attendance.

(f) If a school closes or ceases operation before the class credit is earned, the student is entitled to a tuition refund in accordance with Texas Occupations Code, Chapter 1603 [~~1602~~].

(g) Any student of an out-of-state private or public [~~cosmetology~~] school may submit a request to the department to transfer the completed credit to a Texas school. A transcript must be submitted on the prescribed form and certified by the school in which the instruction was given. Portions of the curricula of the department not taught in another state must be taken in an approved Texas school prior to taking the Texas examination.

(h) A student enrolled for a class A barber, operator, or specialty course may withdraw and transfer hours acquired to another [~~the operator~~] course not to exceed the amount of hours of that subject in the applicable [~~operator~~] curriculum standards. [~~Students enrolled in the operator course may withdraw and transfer up to the maximum specialty hours within the operator curriculum standards for that course.~~]

§83.77. Remote Service Business Responsibilities.

(a) A person or entity licensed under this chapter [~~licensee~~] may not operate a remote service business without first: [~~providing notice to the department in accordance with this chapter.~~]

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(1) providing, in a manner prescribed by the department, notice of the licensee's intent to operate a remote service business;

(2) providing a permanent mailing address for the remote service business; and

(3) verifying that the remote service business complies with the requirements of the Act and this chapter.

(b) Only licensed practitioners ~~[individuals]~~ may perform digitally prearranged remote services.

(c) A remote service business must comply with the requirements of the Act, this chapter, and all health and safety requirements, as applicable.

(d) 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.

(e) A remote service business may offer only the following barbering or cosmetology services:

(1) haircutting, hairstyling, ~~[wigs, artificial hairpieces,]~~ or weaving a person's hair by thread and needle or attaching by clamps or glue;

(2) arranging, beautifying, shaving ~~[with a safety razor]~~, styling, or trimming a person's mustache or beard;

(3) beautifying a person's face, neck, or arms using~~[-]~~ antiseptic, tonic, lotion, powder, oil, clay, or cream;

(4) removing superfluous hair on the face using tweezers;

(5) massaging, cleansing, and treating a person's hands or feet for polish change manicures and pedicures, and non-whirlpool foot basin pedicures only; and

(6) applying semi-permanent, thread-like extensions composed of single fibers to a person's

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eyelashes.

(f) A remote service business may not offer portable whirlpool foot spa pedicures.

(g) A licensed practitioner [~~individual~~] performing digitally prearranged remote services must practice within the scope of the practitioner's [~~individual's~~] license and may only provide the services specifically authorized by this section.

(h) A remote service business must [~~shall~~] provide through the entity's digital network prior to any digitally prearranged remote service being performed:

(1) the following information regarding the practitioner [~~licensee~~] who will perform the service:

(A) the person's first and last name;

(B) the person's license number [~~certificate of registration, or permit number, as applicable~~]; and

(C) a photograph of the person who will be performing the remote services;

(2) the following information regarding the business:

(A) internet [~~Internet~~] website address; and

(B) telephone number; and

(3) the department's internet [~~Internet~~] website address and telephone number and notice that the client may contact the department to file a complaint against the remote service business or practitioner [~~licensed individual~~] performing the service.

(i) A remote service business must [~~shall~~] maintain records and information showing compliance with this chapter and the Act until at least the fifth anniversary of the date the record was generated.

(j) A practitioner [~~licensee~~] who provides [a] digitally prearranged remote services is responsible for the services provided.

(k) A remote service business must [~~shall~~] terminate a practitioner's [~~licensee's~~] access to the business's digital network if the remote service business or department determine there has been a violation of:

(1) this chapter; or

(2) the Act.

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(l) Before a practitioner [~~licensee~~] provides a digitally prearranged remote service, the remote service business and the practitioner [~~licensee~~] must ensure that all implements and supplies have been cleaned, disinfected, and sanitized or sterilized with department-approved disinfectants and in accordance with the requirements of the Act and this chapter.

(m) A remote service business and a practitioner [~~licensee~~] performing remote services must ensure compliance with all safety and sanitation [~~sanitations~~] requirements related to the digitally prearranged remote services being provided and in accordance with the Act and this chapter.

(n) A remote service business must [~~shall~~] maintain accurate records and information showing compliance with this chapter and the Act and must make these records available to the department upon request.

§83.78. Responsibilities of Mobile Establishment. [~~Shop~~]

(a) A mobile establishment must [~~shop shall~~] comply with all health and safety requirements and all other requirements of the Act and this chapter for establishments or specialty establishments [~~beauty salons or specialty salons~~], as applicable, except as modified by this section or as otherwise indicated.

(b) A mobile establishment [~~shop~~] license holder must [~~shall~~] maintain a permanent physical address as required by §83.22(c). The mobile establishment must [~~shop shall~~] notify the department in writing of any change in [~~physical or~~] mailing address within 10 calendar days of the change.

(c) Records of the following must [~~shall~~] be kept within the mobile establishment unit and made available for inspection by department personnel: appointments; itineraries, if the establishment [~~shop~~] submits itineraries to the department as provided by subsection (d); license numbers of employees and independent contractors; and vehicle identification numbers of the mobile establishment [~~shop~~]. Records of appointments and itineraries must [~~shall~~] be kept for a period of at least one year from the date the record is made.

(d) A mobile establishment must [~~shop shall~~] either:

(1) have a Global Positioning System (GPS) tracking device that enables the department to track the location of the mobile establishment [~~shop~~] over the internet [~~Internet~~] and meet the following requirements:

(A) the device must [~~shall~~] be on board and functioning at all times the mobile establishment [~~shop~~] is in operation or open for business; and

(B) the mobile establishment must [~~shop shall~~] provide the department with all information necessary to track the establishment [~~shop~~] over the internet [~~Internet~~];
or

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(2) submit to the department, in a manner specified by the department, a weekly itinerary showing the dates, exact locations, and times of service to be provided. The license holder must ~~[shall]~~ submit the itinerary not less than 7 calendar days prior to the beginning of service described in the itinerary and must ~~[shall]~~ submit to the department any changes in the itinerary not less than 24 hours prior to the change. A mobile establishment must ~~[shop shall]~~ follow the itinerary in providing service and notify the department of any changes.

(e) Furniture must ~~[shall]~~ be anchored to the mobile establishment unit.

(f) All chemicals in the mobile establishment must ~~[shop shall]~~ be stored in cabinets secured with safety catches and must ~~[shall]~~ be stored separate and apart from other articles or equipment in the establishment ~~[shop]~~.

(g) A mobile establishment must ~~[shop shall]~~ display on both sides of the exterior of the mobile establishment ~~[shop]~~, the mobile establishment's ~~[shop's]~~ license number and a sign stating the name of the establishment ~~[shop]~~.

(h) A mobile establishment must ~~[shop shall]~~ have a water heater that provides fresh, hot water continuously and on demand.

(i) A mobile establishment unit must ~~[shall]~~ have a fresh water tank holding a sufficient amount of fresh water to perform the day's business. If a mobile establishment unit's fresh water supply is depleted, operation must cease until the supply is replenished.

(j) A mobile establishment must ~~[shop shall]~~ have a functioning restroom available for use on the premises where the mobile establishment is located when providing services ~~[within its perimeter, including a self-contained, flush toilet with holding tank]~~.

(k) No services may be performed outside the mobile establishment ~~[shop]~~ or while the mobile establishment ~~[shop]~~ is in motion.

(l) A mobile establishment ~~[shop]~~ may not be used as a residence or for any other purpose besides providing barbering or cosmetology services.

§83.80. Fees (before September 1, 2023).

(a) Application fees.

(1) Operator License--\$50

(2) Specialty License--Esthetician, Manicurist, Esthetician/Manicurist, Eyelash Extension, Hair Weaving--\$50

~~[(3) Specialty Certificate--Hair Weaving--\$50]~~

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(3) [~~(4)~~] Student Permit--\$25

~~[(5) Instructor License--\$60]~~

~~[(6) Instructor Specialty License--Esthetician, Manicurist, Esthetician/Manicure, Eyelash Extension--\$60]~~

(4) [~~(7)~~] Beauty and specialty salon--\$106

(5) [~~(8)~~] Mini-Salon License--\$60

~~[(9) Booth Rental (Independent Contractor) License--No fee]~~

(6) [~~(10)~~] Beauty Culture School--\$300

~~[(11) Dual Shop--\$130]~~

~~[(12) Mini Dual Shop Permit--\$60]~~

(7) [~~(13)~~] Mobile Shop--\$106

(b) Renewal fees.

(1) Operator License--\$50

(2) Specialty License--Esthetician, Manicurist, Esthetician/Manicurist, Eyelash Extension, Hair Weaving--\$50

~~[(3) Specialty Certificate--Hair Weaving--\$50]~~

~~[(4) Instructor License--\$50]~~

~~[(5) Instructor Specialty License--Esthetician, Manicurist, Esthetician/Manicure, Eyelash Extension--\$50]~~

(3) [~~(6)~~] Beauty and specialty salons--\$69

(4) [~~(7)~~] Mini-Salon--\$60

~~[(8) Mini Dual Shop--\$60]~~

~~[(9) Booth Rental (Independent Contractor) License--No fee]~~

(5) [~~(10)~~] Beauty Culture School--\$200

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~~[(11) Dual Shop--\$100]~~

~~(6) [(12)] Mobile Shop--\$69~~

(c) Substantial equivalence or Endorsement Fee--\$50

(d) Inactive License Status

(1) Renewal of license on inactive status--renewal fees as stated in §83.80(b).

(2) Change from inactive status to active status--\$25.

(e) Revised or Duplicate License ~~[Revised/Duplicate License/Certificate/Permit/Registration]~~--\$25

(f) Law and Rules book--\$14

(g) School (public and private) Inspection Fees ~~[(for each occurrence)]~~--\$200

(h) Verification of license ~~[, permit, or certificate]~~ to other states--\$15

(i) Student transcript fee--\$5

(j) Late renewals fees for licenses under this chapter are provided under §60.83 ~~[of this title]~~ (relating to Late Renewal Fees).

(k) All fees are nonrefundable, except as otherwise provided by law or commission rule.

(l) Law and rule book fee is included in the application and renewal fees for student, individual, school, and establishment licenses ~~[, certificates,]~~ and permits.

(m) This section and §82.80 provide the fees that are required before September 1, 2023. Section 83.201 provides the fees that are required on or after September 1, 2023.

§83.90. Administrative Sanctions and Penalties.

A person that violates Texas Occupations Code, Chapter ~~[Chapters 1602 or]~~ 1603, a rule, or an order of the Executive Director or Commission relating to Chapter ~~[Chapters 1602 or]~~ 1603, will ~~[shall]~~ be subject to the imposition of administrative sanctions and/or administrative penalties in accordance with Texas Occupations Code, Chapters 51 and ~~[, 1602, or]~~ 1603, and 16 Texas Administrative Code, Chapter 60 ~~[of this title]~~ (relating to the Texas Department of Licensing and Regulation).

§83.100. Health and Safety Definitions.

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The following words and terms, when used in this chapter, [shall] have the following meanings, unless the context clearly indicates otherwise.

(1) Chlorine bleach solutions--A chemical used to destroy bacteria and to disinfect implements and non-porous surfaces; solution should be mixed fresh at least once per day. As used in this chapter, chlorine bleach solutions fall into three categories based on concentration and exposure time:

(A) Low level disinfection (100 - 200 ppm)--Add two teaspoons household (5.25%) bleach to one gallon water. Soak 10 minutes minimum.

(B) High level disinfection (1,000 ppm)--Add one-third (1/3) cup household (5.25%) bleach to one gallon water. Soak 20 minutes minimum.

(C) Blood and body fluid cleanup and disinfection (5,000 ppm)--Add one and three-quarters (1 3/4) cups household (5.25%) bleach to one gallon water. Also referred to as a 10% bleach solution.

(2) Clean or cleansing--Washing with liquid soap and water, detergent, antiseptics, or other adequate methods to remove all visible debris or residue. Cleansing is not disinfection.

(3) Disinfect or disinfection--The use of chemicals to destroy pathogens on implements and other [hard,] non-porous surfaces to render an item safe for handling, use, and disposal.

(4) Disinfectant--In this chapter, one of the following department-approved chemicals:

(A) an EPA-registered bactericidal, fungicidal, and virucidal disinfectant used in accordance with the manufacturer's instructions; or

(B) a chlorine bleach solution used in accordance with this chapter.

(5) EPA-registered bactericidal, fungicidal, and virucidal disinfectant--When used according to manufacturer's instructions, a chemical that is a low-level disinfectant used to destroy bacteria and to disinfect implements and non-porous surfaces.

(6) Multi-use items--Items constructed of hard materials with smooth surfaces such as metal, glass, or plastic typically for use on more than one client. The term includes but is not limited to such items as clippers, scissors, combs, nippers, tweezers, and some nails files.

(7) Single-use items--Porous items made or constructed of cloth, wood, or other absorbent materials having rough surfaces usually intended for single use including but not limited to such items as tissues, orangewood sticks, cotton balls, thread, surgical tape, extension pads, some buffer blocks, and gauze.

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(8) Sterilize or sterilization--To eliminate all forms of bacteria or other microorganisms by use of an autoclave or dry heat sterilizer.

(9) Sanitize or sanitization--To reduce the number of microorganisms to a safe level by use of an ultraviolet sanitizer.

§83.101. Health and Safety Standards--Department-Approved Disinfectants.

(a) EPA-registered bactericidal, fungicidal, and virucidal disinfectants must [~~shall~~] be used as follows:

(1) Implements and surfaces must [~~shall~~] first be thoroughly cleaned of all visible debris prior to disinfection. EPA-registered bactericidal, fungicidal, and virucidal disinfectants become inactivated and ineffective when visibly contaminated with debris, hair, dirt and particulates.

(2) Some disinfectants may be sprayed on the instruments, tools, or equipment to be disinfected.

(3) Disinfectants in which implements are to be immersed must [~~shall~~] be prepared fresh daily or more often if solution becomes diluted or soiled.

(4) In all cases the disinfectant must [~~shall~~] be used in accordance with the manufacturers' instructions for disinfecting [~~recommendation~~] or other guidance in this rule.

(5) These chemicals are harsh and may affect the long-term [~~long term~~] use of scissors and other sharp objects. Therefore, the department recommends leaving items in solution in accordance with the manufacturers' recommendation for effective disinfection.

(b) Chlorine bleach solutions must [~~shall~~] be used as follows:

(1) Chlorine bleach at the appropriate concentration is an effective disinfectant for all purposes in an establishment [~~a salon~~].

(2) Chlorine bleach solutions must [~~shall~~] be mixed daily.

(3) Chlorine bleach must [~~shall~~] be kept in a closed covered container and not exposed to sunlight.

(4) Chlorine bleach may affect the long-term use of scissors and other sharp objects, so the department does not recommend leaving items in bleach solution beyond 2 minutes for effective disinfection (5 minutes if disinfecting for blood contamination).

(5) Chlorine bleach vapors might react with vapors from other chemicals. Therefore, chlorine bleach solution must [~~shall~~] not be placed or stored near other chemicals used in

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establishments [~~salons~~] (i.e., acrylic monomers, alcohol, or other disinfecting products) or near flame.

(6) Used or soiled chlorine bleach solution must [~~shall~~] be properly disposed of each day.

§83.102. Health and Safety Standards--General Requirements.

(a) All practitioners must [~~licensees shall~~] clean their hands with soap and water or use a hand sanitizer prior to performing any services and as necessary during the service to ensure a client health and safety. All [~~cosmetology~~] establishments, schools, and practitioners must [~~licensees shall~~] utilize clean and disinfected equipment, tools, implements, and supplies in accordance with this chapter, and must [~~shall~~] employ good hygiene habits while providing barbering or cosmetology services.

(b) A practitioner [~~licensee~~] may not perform services on a client if the practitioner [~~licensee~~] has reason to believe the client has a contagious condition such as head lice, nits, ringworm, conjunctivitis; or inflamed, infected, broken, raised or swollen skin or nail tissue; or an open wound or sore in the area to be serviced.

(c) Multi-use equipment, implements, tools or materials not addressed in this chapter must [~~shall~~] be cleaned and disinfected before use on each client. Except as otherwise provided in this chapter, chairs and dryers do not need to be disinfected prior to use for each client.

(d) Single-use equipment, implements, tools or porous items not addressed in this rule must [~~shall~~] be discarded after use on a single client.

(e) Electrical equipment that cannot be immersed in liquid must [~~shall~~] be wiped clean and disinfected prior to each use on a client.

(f) All clean and disinfected implements and materials when not in use must [~~shall~~] be stored in a clean, dry, debris-free environment including but not limited to drawers, cases, tool belts, rolling trays, or hung from hooks. They must be stored separate from soiled implements and materials. Ultraviolet electrical sanitizers are permissible for use as a dry storage container. Supplies not related to barbering or cosmetology [~~Non-cosmetology related supplies~~] must be stored in separate drawers or locations.

(g) Shampoo bowls[;] and manicure tables must [~~shall~~] be disinfected prior to use for each client.

(h) A container, large enough to fully immerse all tools and implements with liquid disinfectant must be used to disinfect combs, brushes, scissors or other equipment which may be safely immersed in a liquid disinfectant.

(i) [(h)] Floors in [~~cosmetology~~] establishments and schools must [~~shall~~] be thoroughly cleaned each day. Hair cuttings must be removed as soon as practicable [~~must be swept up and deposited in a closed receptacle after each hair cut~~].

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(j) ~~(+)~~ All trash containers must be emptied daily and kept clean by washing or using plastic liners.

(k) ~~(+)~~ Hand washing facilities, including hot and cold running water must be provided for employees.

(l) ~~(+)~~ Clean towels must ~~[shall]~~ be used on each client. Towels must be washed in hot water and chlorine bleach.

(m) ~~(+)~~ Soiled towels must ~~[shall]~~ be removed after use on each client and deposited in a suitable receptacle.

(n) ~~(+)~~ Each ~~[cosmetology]~~ establishment and school must ~~[shall]~~ keep all products used in the conduct of their business properly labeled in compliance with OSHA requirements.

(o) ~~(+)~~ Hair cutting and shampoo capes must ~~[shall]~~ be kept clean. A clean (one-use) cape must ~~[shall]~~ be used for each client or a sanitary neck strip or towel must ~~[shall]~~ be used to keep the capes from coming into direct contact with the client's neck.

§83.103. Health and Safety Standards--Hair Cutting, Styling, Shaving, and Treatment Services.

(a) Practitioners must ~~[Cosmetologists shall]~~ wash their hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client.

(b) All equipment, implements, tools and materials must ~~[shall]~~ be properly cleaned and disinfected in accordance with this rule prior to servicing each client.

(c) After each client, all non-single-use ~~[the following]~~ implements must ~~[shall]~~ be wiped with a clean paper or fabric towel and sprayed with either an EPA-registered bactericidal, fungicidal, and virucidal disinfectant, or a high-level disinfectant chlorine bleach solution. Equipment, implements, tools and materials to be cleaned and disinfected include but are not limited to combs and picks, haircutting shears, thinning shears/texturizers, razors, safety razors, edgers, guards, clippers, and perm rods.

(d) At the end of each day of use, the above items, along with any other tools, such as sectioning clips, brushes, combs ~~[comb]~~ and picks must ~~[shall]~~ be cleaned by manually scrubbing with soap and water or adequate methods, and then disinfected by one of the following methods:

(1) Complete immersion in an EPA-registered bactericidal, fungicidal, and virucidal disinfectant in accordance with manufacturer's instructions; or

(2) Complete immersion in a high-level disinfectant chlorine bleach solution.

§83.104. Health and Safety Standards--Esthetician Services.

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(a) Practitioners must [~~Cosmetologists and estheticians shall~~] wash their hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client. Gloves must [~~shall~~] be worn during any type of extraction.

(b) Equipment, implements, tools and materials must [~~shall~~] be properly cleaned and disinfected after servicing each client in accordance with [~~to~~] this rule.

(c) Facial chairs and beds, including headrest for each, must [~~shall~~] be cleaned and disinfected after providing service to each client. The chair or bed must [~~shall~~] be made of or covered in a non-porous material that can be disinfected.

(d) After each client, multiple use implements such as metal tweezers and comedone extractors must [~~shall~~] be cleaned and disinfected.

(e) The following implements are single-use items and must [~~shall~~] be discarded in a trash receptacle after use: cotton pads, cotton balls, gauze, wooden applicators, disposable gloves, tissues, thread, disposable wipes, lancets, fabric strips and other items used for a similar purpose as one or more of the items listed above.

(f) The following items that are used during services must [~~shall~~] be replaced with clean items for each client: disposable and terry cloth towels, hair caps, headbands, brushes, gowns, makeup brushes, spatulas that contact skin or products from multi-use containers, sponges and other items used for a similar purpose as one or more of the items listed above.

(g) Items subject to possible cross contamination such as creams, cosmetics, astringents, lotions, removers, waxes, moisturizers, masks, oils and other preparations must [~~shall~~] be used in a manner so as not to contaminate the remaining product. Applicators must [~~shall~~] not be re-dipped in product. Permitted procedures to avoid cross contamination are:

- (1) Disposing of the remaining product before beginning services on each client; or
- (2) Using a single-use disposable implement to apply product and disposing of such implement after use; or
- (3) Using an applicator bottle to apply the product.

§83.105. Health and Safety Standards--Temporary Hair Removal Services.

(a) Practitioners must [~~Cosmetologists and estheticians shall~~] wash their hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client.

(b) Practitioners must [~~Cosmetologists and estheticians shall~~] clean the areas of the client's body on which the service is to be administered.

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(c) Practitioners [~~Cosmetologists and estheticians~~] performing temporary hair removal services involving the use of wax, depilatories, preparations or tweezing techniques must [~~shall~~] dispose of after each use all products or single use items that have been in contact with a client's skin.

(d) All wax pots must [~~shall~~] be cleaned and disinfected in accordance with manufacturer's recommendations. No applicators may [~~shall~~] be left standing in the wax at any time and wax may not be reused under any circumstances.

(e) All multi-use items must [~~shall~~] be properly cleaned, disinfected and sterilized or sanitized prior to each service, in accordance with this chapter.

§83.106. Health and Safety Standards--Manicure and Pedicure Services.

(a) Practitioners must [~~Cosmetologists and manicurists shall~~] clean their hands with soap and water or a hand sanitizer prior to performing any services.

(b) Practitioner must [~~Cosmetologists and manicurists shall~~] clean the areas of the client's body on which the service is to be administered.

(c) All metal manicure and pedicure tools must [~~shall~~] be properly cleaned, disinfected and sterilized or sanitized prior to each service, in accordance with this chapter, regardless of the tool's multiuse for only a single client or for multiple clients.

(d) After each client, the following implements must [~~shall~~] be cleaned, disinfected and sterilized or sanitized in accordance with the rule: metal pusher and files, cuticle nipper and scissors, metal tweezers, finger and toe nail clippers, and electric drill bits.

(e) The following implements are single-use items and must [~~shall~~] be discarded after use: orangewood sticks, cotton balls, nail wipes and disposable towels.

(f) Buffer blocks, porous nail files, pedicure files, callus rasps, natural pumice and foot brush, arbor, sanding bands, sleeves, heel and toe pumice, exfoliating block (washable materials) must [~~shall~~] be cleaned by manually brushing or other adequate methods to remove all visible debris after each use, and then sprayed with an EPA-registered bactericidal, fungicidal, and virucidal disinfectant, or a [~~or a~~] high level disinfection chlorine bleach solution in accordance with this chapter. If a buffer block or porous nail file is exposed to broken skin (skin that is not intact) or unhealthy skin or nails, it must be discarded immediately after use in a trash receptacle.

(g) The following materials that are used during a manicure and pedicure must [~~shall~~] be replaced with new or clean articles for each client: terry cloth towels, finger bowls and spatulas that contact skin or skin products from multi-use containers.

§83.107. Health and Safety Standards--Electric Drill Bits.

(a) Only electric files, drills, or machines specifically designed and manufactured for use in the

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professional nail industry may be used in any [cosmetology] establishment or school for performing manicure or pedicure services. Craft, hardware, and hobby tools cannot be used under any circumstances.

(b) After each use, diamond, carbide, natural and metal bits must [~~shall~~] be cleaned by either

- (1) using a brush;
- (2) using an ultrasonic cleaner; or
- (3) immersing the bit in acetone for 5 to 10 minutes.

(c) Immediately after cleaning all visible debris, diamond, carbide, natural and metal bits must [~~shall~~] be disinfected by complete immersion in an appropriate disinfectant between clients, then sterilized in accordance with this chapter.

(d) Buffing bits and chamois must [~~shall~~] be cleaned with soap and water at the end of every day of use in addition to being cleaned or replaced between clients.

§83.108. Health and Safety Standards--Foot Spas, Foot Basins, and Spa Liners.

(a) As used in this section, "whirlpool foot spa" or "spa" is defined as any basin using circulating water, either in a self-contained unit or in a unit that is connected to other plumbing in the establishment or school.

(b) After use upon each client, each whirlpool foot spa must [~~shall~~] be cleaned and disinfected in the following sequential manner.

- (1) All water must [~~shall~~] be drained and all debris must [~~shall~~] be removed from the spa basin.
- (2) The spa basin must be cleaned with soap or detergent and water.
- (3) The spa basin must be disinfected with an EPA registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer's instructions.
- (4) The spa basin must be wiped dry with a clean towel.

(c) At the end of each day, each whirlpool foot spa must [~~shall~~] be cleaned and disinfected in the following sequential manner.

- (1) The screen and any other removable parts must [~~shall~~] be removed, all debris trapped behind the screen must [~~shall~~] be removed, and the screen and the inlet and any other removable parts must [~~shall~~] be washed with soap or detergent and water.

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- (2) Before replacing the screen, one of the following procedures must [~~shall~~] be performed:
- (A) The screen and any other removable parts must [~~shall~~] be washed with a high level disinfection chlorine bleach solution [~~of one third (1/3) cup of 5.25% chlorine bleach to one (1) gallon of water~~]; or
 - (B) The screen and any other removable parts must [~~shall~~] be totally immersed in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer's instructions.
- (3) The spa system must [~~shall~~] be flushed with soap and warm water for at least ten (10) minutes, after which the spa must [~~shall~~] be rinsed and drained.
- (d) Every other week (bi-weekly), after cleaning and disinfecting as provided in this subsection, each whirlpool foot spa must [~~shall~~] be cleaned and disinfected in the following sequential manner.
- (1) The spa basin must [~~shall~~] be filled completely with a high level disinfection chlorine bleach solution [~~water and one third (1/3) cup of 5.25% bleach for each one (1) gallon of water~~].
 - (2) The spa system must [~~shall~~] be flushed for 5 to 10 minutes with the high level disinfection chlorine bleach solution [~~and water solution~~] or an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer's instructions and allowed to sit for 6 to 10 hours.
 - (3) The spa system must [~~shall~~] be drained and flushed with water before use upon a client.
- (e) For whirlpool foot spas, a record must [~~shall~~] be made on a department-approved form of the date and time of each cleaning and disinfecting indicating whether the cleaning was a daily or bi-weekly cleaning. This record must [~~shall~~] be made at or near the time of cleaning and disinfecting and must [~~shall~~] indicate if a spa was not used during any individual work day.
- (f) As used in this section "non-whirlpool foot basin" or "foot basin" is defined as any basin, tub, footbath, sink or bowl that holds non-circulating water. After use upon each client, each non-whirlpool foot basin must [~~shall~~] be cleaned and disinfected in the following sequential manner.
- (1) All water must [~~shall~~] be drained and all debris must [~~shall~~] be removed from the foot basin.
 - (2) The inside surfaces of the foot basin must be scrubbed and cleaned of all visible residues with a clean brush, soap or detergent, and water.
 - (3) The foot basin must be disinfected with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal and virucidal activity which must be used according

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to the manufacturer's instructions.

(4) The foot basin must be rinsed, emptied, and wiped dry with a clean towel.

(g) For non-whirlpool foot basins, a record must [~~shall~~] be made on a department-approved form of the date and time of each cleaning and disinfecting. The record must [~~shall~~] be made at or near the time of cleaning and disinfecting and must [~~shall~~] indicate if the foot basin was not used during any individual work day.

(h) As used in this section "disposable spa liner" or "spa liner" is defined as a plastic liner designed to be placed within a whirlpool foot spa and discarded after a single use and which is equipped with a single "non-adhesive" heat-sealed drain tab which, when pulled, allows water to empty directly into a whirlpool foot spa drain.

(i) As used in this section "portable whirlpool jet" or "jet" is defined as a magnetic or other circulating device, designed to be placed within a whirlpool foot spa basin in order to circulate water in spas in which disposable spa liners are used.

(j) Disposable spa liners and portable whirlpool jets may be used in providing spa services to clients. When used, the following sequential procedures must [~~shall~~] be performed.

(1) After use upon a client, the heat sealed tab must [~~shall~~] be pulled allowing the water to empty directly into the [~~cosmetology~~] establishment's or school's plumbing system.

(2) The spa liner must [~~shall~~] be discarded in a covered trash receptacle.

(3) The portable whirlpool jet must [~~shall~~] be completely immersed for 5 to 10 minutes in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer's instructions.

(4) The jet must [~~shall~~] be rinsed with warm water and drained.

(5) All surfaces of the spa basin and foot rest must [~~shall~~] be wiped with EPA-registered disinfectant wipes.

(k) For disposable spa liners and whirlpool jets, a record must [~~shall~~] be made on a department-approved form indicating the time and date when the spa liner was used and discarded and when the jet was used and disinfected and must [~~shall~~] indicate if the jet was not used during a work day.

(l) Cleaning and disinfecting records for foot spas, foot basins, spa liners and jets must [~~shall~~] be made available upon request by either a client or a department representative and must [~~shall~~] be retained for inspection for at least 60 days.

(m) A foot spa, foot basin or jet for which documentation is not maintained in accordance with this section must be removed from service and not used again until it has been cleaned and

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disinfected in accordance with the requirements of this section and the records have been properly updated. When a foot spa, foot basin or jet is removed from service for any reason, the record must indicate the date of removal from service.

(n) Foot spa and foot basin chairs must [~~shall~~] be cleaned and disinfected after service is provided to each client. The chair must [~~shall~~] be made of or covered in a non-porous material that can be disinfected.

~~§83.109. Health and Safety Standards--Wig and Hairpiece Services.~~

~~[(a) Cosmetologists and wig specialists] shall wash their hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client.]~~

~~[(b) All equipment, implements, tools and materials shall be properly cleaned and disinfected in accordance with this rule prior to servicing each client.]~~

~~[(c) After each client, the following implements shall be wiped with a clean paper or fabric towel and sprayed with either an EPA registered bactericidal, fungicidal, and virucidal disinfectant, or a high level chlorine bleach solution. Equipment, implements, tools and materials to be cleaned and disinfected include but are not limited to combs and picks, haircutting shears, thinning shears/texturizers, razors, edgers, guards, perm rods and bowls or containers used to clean or color wigs or hairpieces.]~~

~~[(d) At the end of each day of use, the above items, along with any other tools, such as sectioning clips, brushes, comb and picks shall be cleaned by manually scrubbing with soap and water or adequate methods, and then disinfected by one of the following methods:]~~

~~[(1) Complete immersion in an EPA registered bactericidal, fungicidal, and virucidal disinfectant in accordance with manufacturer's instructions; or]~~

~~[(2) Complete immersion in a high level chlorine bleach solution.]~~

~~[(e) After the initial sale of a hairpiece, and prior to that hairpiece being resold, it must be properly disinfected.]~~

~~[(f) Used wigs and hairpieces shall be kept in a closed bag or container until ready to be cleaned.]~~

~~[(g) Any wig block used to service a hairpiece should be covered with a plastic bag and kept in a sanitized condition after each use. Any wig block used to service hairpieces shall be sprayed with an EPA registered disinfectant solution after each use and kept in a sanitary condition.]~~

~~[(h) Finished wigs and hairpieces shall be placed away from soiled wigs and hairpieces until ready to be returned to the client.]~~

§83.110. Health and Safety Standards--Hair Weaving Services.

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- (a) Practitioners must [~~Cosmetologists, wig specialists, and hair weavers shall~~] wash their hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client.
- (b) All equipment, implements, tools and materials must [~~shall~~] be properly cleaned and disinfected in accordance with this rule prior to servicing each client.
- (c) Hair extensions, tracks, needles, and thread must [~~shall~~] be stored in a bag or covered container until ready to use. No unrelated items may [~~shall~~] be stored in the same bag or container.
- (d) Needles, combs, and hair clips must [~~shall~~] be sprayed with a disinfectant before use.

§83.111. Health and Safety Standards--Blood and Body Fluids.

- (a) Blood can carry many pathogens. For this reason, licensees should never touch a client's open sore or wound. Powdered alum, styptic powder, or a cyanoacrylate (e.g. liquid-type bandage) may be used to contact [~~contract~~] the skin to stop minor bleeding, and should be applied to the open area with a disposable cotton-tipped instrument that is immediately discarded after application.
- (b) In the case of blood or body fluid contact on any surface area such as a table, chair, or the floor, an EPA-registered hospital grade disinfectant, a tuberculocidal disinfectant, or a blood and body fluid cleanup and disinfection chlorine [10%] bleach solution must [~~(one and three quarters (1 3/4) cups of household (5.25%) bleach to one gallon of water) shall~~] be used per manufacturer's instructions immediately to clean up all visible blood or body fluids.
- (c) If any non-porous instrument is contacted with blood or body fluid, it must [~~shall~~] be immediately cleaned and disinfected using an EPA-registered hospital grade disinfectant, a tuberculocidal disinfectant in accordance with the manufacturer's instructions, or totally immersed in a blood and body fluid cleanup and disinfection chlorine [10%] bleach solution [~~(one and three quarters (1 3/4) cups of household (5.25%) bleach to one gallon of water)]~~] for 5 minutes.
- (d) If any porous instrument contacts blood or body fluid, it must [~~shall~~] be immediately double-bagged and discarded in a closed trash container or biohazard box.

§83.112. Health and Safety Standards--Prohibited Products or Practices.

(a) Practitioners [~~Licensees~~] may not use any of the following substances or products in performing barbering or cosmetology services:

- (1) Methyl Methacrylate Liquid Monomers, (MMA) [~~a.k.a., MMA~~].
- (2) Razor-type callus shavers designed and intended to cut growths of skin such as corns and calluses, e.g., credo blades.
- (3) Alum or other astringents in stick or lump form. (Alum or other astringents in powder

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or liquid form are acceptable.)

(4) Fumigants such as formalin (formaldehyde) tablets or liquids.

(b) Possession on licensed premises of any item listed in this section is a violation under this chapter.

(c) The use of any product, preparation or procedure that comes into contact with or penetrates the dermis layer of the skin is prohibited.

§83.113. Health and Safety Standards—FDA.

(a) Practitioners may [~~Licensees shall~~] not use any product in providing a service authorized under the Act that is banned or deemed to be poisonous or unsafe by the United States Food and Drug Administration (FDA) or other local, state, or federal governmental agencies responsible for making such determinations.

(b) Possession or storage on licensed premises of any item banned or deemed to be poisonous or unsafe by the FDA or other governmental agency will [~~shall~~] be considered prima facie evidence of its use.

(c) For the purpose of performing services authorized under the Act, no practitioner may [~~licensee shall~~] buy, sell, use, or apply to any person liquid monomeric methyl methacrylate (MMA).

§83.114. Health and Safety Standards--Establishments and Schools.

(a) Establishments and schools must [~~shall~~] keep the floors, walls, ceilings, shelves, furniture, furnishings, and fixtures clean and in good repair. Any cracks, holes, or other similar disrepair not readily accessible for cleaning must [~~shall~~] be repaired or filled in to create a smooth, washable surface.

(b) All floors in areas where services under the Act are performed, including restrooms and areas where chemicals are mixed or where water may splash, must be of a material which is not porous or absorbent and is easily washable, except that anti-slip applications or plastic floor coverings may be used for safety reasons. Carpet is permitted in all other areas.

(c) Plumbing fixtures, including toilets and wash basins, must [~~shall~~] be kept clean. They must be free from cracks and similar disrepair that cannot be readily accessible for cleaning.

(d) Each establishment and school must have suitable plumbing that provides an adequate and readily available supply of hot and cold running water at all times and that is connected for drainage of sewage and potable water within the areas where work is performed and supplies dispensed.

(e) Every establishment and school must [~~shall~~] provide at least one restroom located on or near

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the licensed premises [~~of the establishment~~]. For public safety, chemical supplies may [~~shall~~] not be stored in the restroom.

(f) Food or beverages may [~~shall~~] not be prepared on licensed premises for sale. Pre-packaged food or beverages may be sold to or consumed by clients.

(g) For public health and safety, licensed premises must [~~shall~~] eliminate any strong odors through adequate ventilation, including but not limited to, exhaust fans and air filtration to exhaust chemicals and fumes away from the public area and to provide for the input of fresh air.

(h) Licensed premises may [~~shall~~] not be utilized for living or sleeping purposes, or any other purpose that would tend to make the premises unsanitary, unsafe, or endanger the health and safety of the public. An establishment or school that is attached to a residence must have an entrance that is separate and distinct from the residential entrance. Any door between a residence and a licensed facility must be closed during business hours.

(i) Only service animals are allowed in establishments and schools. Covered aquariums are allowed provided that they are maintained in a sanitary condition.

§83.115. Health and Safety Standards--Eyelash Extension Application Services.

(a) A practitioner [~~licensee~~] offering the eyelash extension application service must [~~shall~~] wash the practitioner's [~~his or her~~] hands with soap and water prior to performing any services on a client.

(b) Equipment, implements, and materials must [~~shall~~] be properly cleaned and disinfected prior to providing services.

(c) Chairs and beds, including headrests, must [~~shall~~] be cleaned and disinfected after providing services to each client. The chair and beds must [~~shall~~] be made of or covered in a non-porous material that can be disinfected.

(d) After each client, the following implements must [~~shall~~] be cleaned and disinfected: tweezers, nasal aspirator or electric eyelash dryer and other items used for a similar purpose.

(e) The following implements are single-use items and must [~~shall~~] be discarded in a trash receptacle after use: disposable gloves, tissues, disposable wipes, fabric strips, surgical tape, eye pads, extensions, cotton swabs, face mask, brushes, extension pads and other items used for a similar purpose.

(f) The following items that are used during services must [~~shall~~] be replaced with clean items for each client: disposable and terry cloth towels, hair caps, headbands, brushes, gowns, spatulas that contact skin or products from multi-use containers.

(g) A practitioner must [~~licensee shall~~] use only properly labeled semi-permanent glue and semi-

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permanent glue remover that must be used according to the manufacturer's instructions.

(h) Extensions must be stored in a sealed bag or covered container and must [~~shall~~] be kept in a clean dry, debris-free storage area.

§83.120. Technical Requirements--Curriculum Standards (before August 1, 2023).

(a) Operator Curricula.

Figure: 16 TAC §83.120(a)

PRIVATE AND PUBLIC POST-SECONDARY COSMETOLOGY SCHOOLS AND PUBLIC SECONDARY PROGRAMS FOR HIGH SCHOOL STUDENTS (1000 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)		
Hair care	Cutting, styling, coloring, chemical textures, and related theory and application; business skills; professional development and salon management; health; safety; and laws	800 hours
Nail care	Manicuring and related theory and applications, business skills; professional development and salon management; health; safety; and laws	100 hours
Skin care	Facials, hair removal, and related theory and application; business skills; professional development and salon management; health; safety; and laws	100 hours
CLASS A BARBER TO COSMETOLOGY OPERATOR (300 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)		
(A)	Haircutting, styling and related theory	30 hours
(B)	Hair coloring and related theory	50 hours
(C)	Permanent waving including chemical hair relaxing and related theory	30 hours
(D)	Orientation, rules and laws	20 hours
(E)	Manicuring and related theory	50 hours
(F)	Shampoo and related theory	10 hours
(G)	Chemistry	20 hours
(H)	Salon management and practices	10 hours
(I)	Hair and scalp treatment and related theory	5 hours
(J)	Facials and related theory	75 hours

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(b) Specialist Curricula.

Figure: 16 TAC §83.120(b)

ESTHETICIAN CURRICULUM STANDARDS (750 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)		
(A)	facial treatment, cleansing, masking, therapy	225 hours
(B)	anatomy and physiology	90 hours
(C)	electricity, machines, and related equipment	75 hours
(D)	Makeup	75 hours
(E)	orientation, rules and laws	50 hours
(F)	Chemistry	50 hours
(G)	care of client	50 hours
(H)	sanitation, safety, and first aid	40 hours
(I)	Management	35 hours
(J)	superfluous hair removal	25 hours
(K)	aroma therapy	15 hours
(L)	Nutrition	10 hours
(M)	color psychology	10 hours
MANICURE CURRICULUM STANDARDS (600 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)		
(A)	procedures: basic manicure and pedicure, oil manicure, removal of stains, repair work, hand and arm massage, buffing, application of polish, application of artificial nails, application of cosmetic fingernails, preparation to build new nail, and application of nail extensions, sculptured nails, tips, wraps, fiberglass/gels and odorless products	320 hours
(B)	bacteriology, sanitation and safety: definitions, importance, rules, laws, methods, safety measures, hazardous chemicals and ventilation odor in salons	100 hours

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(C)	professional practices: manicuring as a profession, vocabulary, ethics, salon procedures, hygiene and grooming, professional attitudes, salesmanship and public relations	80 hours
(D)	arms and hands: major bones and functions, major muscles and functions, major nerves and functions, skin structure, functions,	70 hours
	appendages, conditions and lesions, nails structure, composition, growth, regeneration, irregularities and diseases	
(E)	orientation, rules, laws and preparation	15 hours
(F)	equipment, implements and supplies	15 hours
ESTHETICIAN/MANICURE CURRICULUM STANDARDS (1200 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)		
(A)	Orientation, rules, laws and preparation(F and M)	30 hours
(B)	Electricity, machines, related equipment, implements and supplies (F and M)	90 hours
(C)	Facial treatment, cleansing, masking, therapy (F)	215 hours
(D)	Procedures - basic manicure and pedicure, oil manicure, removal of stains, repair work, hand and arm massage, buffing, application of polish, application of artificial nails, application of cosmetic fingernails, preparation to build new nail, and application of nail extensions, sculptured nails, tips, wraps, fiberglass/gels and odorless products (M)	310 hours
(E)	Anatomy and physiology (F)	50 hours
(F)	Arms and hands - major bones and functions, major muscles and functions, major nerves and functions, skin structure, functions, appendages, conditions and lesions, nails structure, composition, growth, regeneration, irregularities and diseases (M)	50 hours
(G)	Makeup (F)	75 hours
(H)	Chemistry (F)	30 hours
(I)	Sanitation, safety, and first aid (F)	40 hours
(J)	Care of client (F)	50 hours
(K)	Management (F)	20 hours
(L)	Superfluous hair removal (F)	25 hours

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(M)	Aroma therapy (F)	15 hours
(N)	Nutrition (F)	10 hours
(O)	Color psychology (F)	10 hours
(P)	Bacteriology, sanitation and safety - definitions, importance, rules, laws, methods, safety measures, hazardous chemicals and ventilation odor in salons (M)	100 hours
(Q)	Professional practices - manicuring as a profession, vocabulary, ethics, salon procedures, hygiene and grooming, professional attitudes, salesmanship and public relations (M)	80 hours

EYELASH EXTENSION CURRICULUM STANDARDS (320 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)

(A)	Orientation, rules and law	10 hours
(B)	First aid and adverse reactions	15 hours
(C)	Sanitation and contagious diseases	20 hours
(D)	Safety and client protection	10 hours
(E)	Eyelash growth cycles and selection	20 hours
(F)	Chemistry of products	5 hours
(G)	Supplies, materials and related equipment	10 hours
(H)	Eyelash extension application	190 hours
(I)	Eyelash extension isolation and separation	15 hours
(J)	Eye shapes	15 hours
(K)	Professional image/salon management	10 hours

HAIR WEAVING CURRICULUM STANDARDS (300 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)

(A)	Hair weaving: Basic hair weaving, repair on hair weaving, removal of weft, sizing and finishing by hand of hair ends or by using mechanical equipment	150 hours
(B)	shampooing client, weft and extensions: Basic shampooing, basic conditioners, semi-permanent and weakly rinses, basic hair drying, draping	50 hours

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(C)	professional practices: Hair weaving as a profession, vocabulary, ethics, salon procedures, hygiene, grooming, professional attitudes, salesmanship, public relations, hair weaving/braiding skills, including purpose, effect, equipment, implements, supplies, and preparation	40 hours
(D)	anatomy and physiology-scalp: major bones and functions, major muscles and functions, major nerves and functions, skin structures, functions, appendages, conditions and lesions, hair or fiber used, structure, composition, hair regularities, hair and scalp diseases	30 hours
(E)	chemistry in hair weaving: elements, compounds, and mixtures, composition and uses of cosmetics in hair weaving	10 hours
(F)	sanitation and safety measures: definitions, importance, sanitary rules and laws, sterilization methods of unused hair and fiber droppings	10 hours
(G)	safety measures: client protection	10 hours
WIG CURRICULUM STANDARDS (300 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)		
(A)	combing out	50 hours
(B)	Styling	50 hours
(C)	Coloring, tinting, bleaching	37 hours
(D)	Rolling	30 hours
(E)	cutting and shaping, scissors and razor	20 hours
(F)	hot iron	19 hours
(G)	Cleaning	10 hours
(H)	alterations, installation of elastic	10 hours
(I)	Conditioning	10 hours
(J)	brushing technique prior to styling	10 hours
(K)	identification and recognition definition-wigs, wiggery, wigology-pertaining to any human, synthetic, or animal hairpiece	10 hours
(L)	sanitation, disinfecting, required rules and laws	10 hours

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(M)	eye tabbing	10 hours
(N)	Sizing	5 hours
(O)	Drying	5 hours
(P)	measuring head for proper size	5 hours
(Q)	preparation of wig on block	5 hours
(R)	history, background, and salesmanship	3 hours
(S)	knowledge of coloring: J L	1 hour

~~[(e) Instructor Curricula.]~~

Figure: 16 TAC §83.120(e)		
COSMETOLOGY		INSTRUCTOR
(750 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)		
(A)	Lesson plans	140 hours
(B)	Methods of teaching	180 hours
(C)	Classroom management	90 hours
(D)	Evaluation techniques	90 hours
(E)	State laws and forms	60 hours
(F)	Visual aids preparation and use	60 hours
(G)	Learning theory	100 hours
(H)	Orientation, rules, and laws	30 hours
COSMETOLOGY INSTRUCTOR WITH ONE YEAR EXPERIENCE		
(500 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)		
(A)	Lesson plans	90 hours
(B)	Methods of teaching	120 hours
(C)	Classroom management	60 hours
(D)	Evaluation techniques	60 hours
(E)	State laws and forms	40 hours
(F)	Visual aids preparation and use	40 hours
(G)	Learning theory	70 hours
(H)	Orientation, rules, and laws	20 hours

(c) ~~[(d)]~~ Distance Education.

(1) Schools offering distance education may not designate more than 25% of the total hours in each course as theory hours.

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(2) A student may obtain the following distance education hours:

- (A) a maximum of 250 hours out of the 1,000 hour operator course;
- (B) a maximum of 75 hours out of the 300 hour class A barber to operator course;
- (C) maximum of 150 hours out of the 600 hour manicure course;
- (D) a maximum of 188 hours out of the 750 hour esthetician course;
- (E) a maximum of 300 hours out of the 1200 hour esthetician/manicurist course;
- (F) a maximum of 80 hours out of the 320 hour eyelash extension course; and
- (G) a maximum of 75 hours out of the 300 hour hairweaving course. [;]
- ~~[(H) a maximum of 188 hours out of the 750 hour instructor course; and]~~
- ~~[(I) a maximum of 125 hours out of the 500 hour instructor course.]~~

(d) ~~[(e)]~~ Field Trips.

(1) Cosmetology related field trips are permitted under the following conditions for students enrolled in the following courses. The ~~[and the]~~ guidelines under this subsection must be strictly followed.

(2) A student may obtain the following field trip hours:

- (A) a maximum of 50 hours out of the 1,000 hour ~~[hours]~~ operator course;
- (B) a maximum of 30 hours for the manicure course;
- (C) a maximum of 30 hours for the esthetician course;
- (D) a maximum of 60 hours for the esthetician/manicurist course; and
- (E) a maximum of 15 hours for the eyelash extension course. [;]
- ~~[(F) a maximum of 30 hours for students taking the 750 hour instructor course; and]~~
- ~~[(G) a maximum of 20 hours for students taking the 500 hour instructor course.]~~

(3) Unless provided by this subsection, field trips are not allowed for specialty courses.

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(4) Students must be under the supervision of an [a-licensed] instructor from the school where the student is enrolled at all times during the field trip. The instructor-student ratio required in a school is required on a field trip.

(5) Complete documentation is required, including student names, instructor names, activity, location, date, and duration of the activity.

(6) No hours are allowed for travel.

(7) Prior department approval is not required.

(e) This section and §82.120 provide the curriculum standards that are effective before August 1, 2023. Section 83.202 provides the curriculum standards that are effective on or after August 1, 2023.

§83.200. License Requirements--Individuals (on or after September 1, 2023).

(a) To be eligible for a practitioner license, an applicant must:

(1) submit a completed application in the manner prescribed by the department;

(2) pay the applicable fee required under ~~§83.201~~ ~~§83.80~~;

(3) be at least 17 years of age;

(4) have completed the hours of instruction required under ~~§83.202~~ ~~§83.120~~ at a licensed school;

(5) pass a written and practical examination required under §83.21;

(6) have not committed an act that constitutes a ground for denial of the license; and

(7) meet other applicable requirements of the Act and this chapter.

(b) A person who holds both an active esthetician license and an active manicurist license is eligible for an esthetician/manicurist specialty license by submitting a completed application in the manner prescribed by the department and paying the required fee under ~~§83.201~~ ~~§83.80~~.

(c) A person who holds both an active hair weaving specialist license and an active esthetician license is eligible for a hair weaving specialist/esthetician license by submitting a completed application in the manner prescribed by the department and paying the required fee under ~~§83.201~~ ~~§83.80~~.

(d) To be eligible for a student permit, an applicant must:

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(1) submit a completed application in the manner prescribed by the department; and

(2) pay the fee required under ~~§83.201~~ ~~[\$83.80]~~.

(e) This section provides the minimum requirements for practitioner license applications received by the department on or after September 1, 2023. Until that date, §83.20 and §82.20 provide the minimum requirements.

§83.201. Fees (on or after September 1, 2023).

(a) Application fees.

(1) Class A Barber License or Operator License--\$50

(2) Specialty Practitioner License (Esthetician, Manicurist, Esthetician/Manicurist, Eyelash Extension, Hair Weaving, or Hair Weaving/Esthetician)--\$50

(3) Full-Service Establishment License--\$78

(4) Specialty Establishment License--\$78

(5) Mini-Establishment License--\$70

(6) Mobile Establishment License--\$78

(7) School License--\$380

(8) Student Permit--\$25

(b) Renewal fees.

(1) Class A Barber License or Operator License--\$50

(2) Specialty Practitioner License (Esthetician, Manicurist, Esthetician/Manicurist, Eyelash Extension, Hair Weaving, or Hair Weaving/Esthetician)--\$50

(3) Full-Service Establishment License--\$78

(4) Specialty Establishment License--\$78

(5) Mini-Establishment License--\$70

(6) Mobile Establishment License--\$78

(7) School License--\$280

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(c) Substantial Equivalence Fee--\$50

(d) Inactive License Status.

(1) Renewal of license on inactive status--renewal fees as stated in §83.80(b).

(2) Change from inactive status to active status--\$25

(e) Revised or Duplicate License--\$25

(f) Law and Rules Book--\$14

(g) School (public and private) Inspection Fees--\$200

(h) Verification of license to other states--\$15

(i) Student transcript fee--\$5

(j) Late renewals fees for licenses under this chapter are provided under §60.83 (relating to Late Renewal Fees).

(k) All fees are nonrefundable, except as otherwise provided by law or commission rule.

(l) Law and rule book fee is included in the application and renewal fees for student, individual, school, and establishment licenses and permits.

(m) This section provides the fees that are required on or after September 1, 2023. Until that date, §83.80 and §82.80 provide the required fees.

§83.202. Technical Requirements--Curriculum Standards (on or after August 1, 2023).

(a) The cosmetology operator and class A barber curricula consist of 1,000 clock hours or equivalent credit hours, as follows:

(1) Theory **and related practice**: anatomy and physiology; **diseases and** disorders of the skin, scalp, hair and nails; chemistry (haircoloring, chemical waving, and relaxing); bacteriology, sterilization and sanitation, health, safety, first aid, laws and rules; tools and equipment; hair care and related theory; business skills and establishment management; **skin care and related theory; hair removal; nail care and related theory; electricity;**~~[=250 hours.]~~

~~[(2) Practice:]~~ haircutting; hairstyling; hair and scalp treatments, scalp massage; hairweaving, extensions; chemical textures and applications; face and neck massage and treatments; facial hair removal; manicuring; chemistry (haircoloring, chemical waving, and

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relaxing); waxing and removing body hair; ~~[safety, first aid, and sanitation];~~ customer service and professional ethics; ~~makeup; pedicuring; artificial nails.~~ 700 ~~[450]~~ hours.

(2) ~~[(3)]~~ The standards for the operator curriculum must include Specialty Practice and related theory: eyelash semi-permanent extensions; advanced hair care and advanced chemical services; and related practices. 300 hours.

(3) ~~[(4)]~~ The standards for the class A barber curriculum must include Specialty Practice and related theory: shaving with any razor type and razor techniques; mustache and beard care; advanced hair care and men's haircutting; and related practices. 300 hours.

(4) A school may enroll a student simultaneously in both the cosmetology operator course and the class A barber course if the student seeks to obtain both license types. The student must complete all the requirements under subsections (a)(1) through (a)(3) to obtain both license types.

(b) A person holding the ~~[The]~~ class A barber license who seeks to also obtain the cosmetology operator license must complete the requirements described under subsection (a)(2).~~[curriculum consists of 300 clock hours or equivalent credit hours, as follows:]~~

~~[(1) Theory: anatomy and physiology; eye shapes; client protection and adverse reactions; advanced hair care and advanced chemical services; health, safety and related theory; sanitation, laws and rules. 75 hours.]~~

~~[(2) Specialty Practice: eyelash extension application, isolation and separation; advanced hair care and advanced chemical services; and related practices. 225 hours.]~~

(c) A person holding the ~~[The]~~ cosmetology operator license who seeks to also obtain the class A barber license must complete the requirements described under subsection (a)(3).~~[curriculum consists of 300 clock hours or equivalent credit hours, as follows:]~~

~~[(1) Theory: barber history; anatomy and physiology; instruments; razors; beard and mustache design; health, safety and related theory; sanitation, laws and rules. 75 hours.]~~

~~[(2) Specialty Practice: shaving with any razor type and razor techniques; mustache and beard care; advanced hair care and men's haircutting; and related practices. 225 hours.]~~

(d) Specialist Curricula.

(1) The esthetician curriculum consists of 750 clock hours or equivalent credit hours, as follows:

(A) Theory and related practice: anatomy and physiology; skin diseases and disorders; skin analysis; machines and related equipment; basic facials; chemistry; care of client; superfluous hair removal and related theory; sanitation, health and

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safety; law and rules; business management; ~~[188 hours.]~~

~~[(B) Practice:]~~ facial treatments, cleansing, masking, and therapy; chemistry machines and related equipment; superfluous hair removal; sanitation, first aid, health and safety; ~~makeup.~~ 450 ~~[262]~~ hours.

(B) ~~[(C)]~~ Specialty Practice and related theory: advanced facial treatments and superfluous hair removal using devices or preparations; makeup; semi-permanent eyelash extension applications; and related practices. 300 hours.

(2) The manicurist curriculum consists of 600 clock hours or equivalent credit hours, as follows:

(A) Theory and related practice: anatomy and physiology; nail structure and growth; equipment and implements; bacteriology, sanitation and safety; hazardous chemicals and ventilation; basic manicures and pedicures; business management; laws and rules; ~~nail and skin diseases and disorders; artificial nails; product chemistry; [150 hours.]~~

~~[(B) Practice:]~~ repair work, massage, buffing and application of polish and artificial nails; cosmetic fingernails, extensions, sculptured nails, tips, wraps, fiberglass/gels and odorless products; ~~basic manicuring and pedicuring; nail art; electric filing.~~ 300 ~~[150]~~ hours.

(B) ~~[(C)]~~ Specialty Practice and related theory: professional practices; advanced manicuring and pedicuring; advanced techniques, preparations and applications. 300 hours.

(3) The manicurist/esthetician curriculum consists of 800 clock hours or equivalent credit hours, as follows:

(A) Theory and related practice: anatomy and physiology; machines and related equipment; chemistry; care of client; basic facials; superfluous hair removal and related theory; nail structure and growth; equipment and implements; hazardous chemicals and ventilation; basic manicures and pedicures; business management; bacteriology, sanitation, health, and safety; laws and rules. 200 hours.

(B) Specialty Manicure Practice and related theory: repair work, massage, buffing and application of polish and artificial nails; cosmetic fingernails, extensions, sculptured nails, tips, wraps, fiberglass/gels and odorless products; professional practices, techniques and preparations; sanitation, first aid, health and safety. 300 hours.

(C) Specialty Esthetician Practice and related theory: facial treatments, cleansing, masking, and therapy; chemistry machines and related equipment; superfluous hair

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removal; devices or preparations; makeup; semi-permanent eyelash extension applications; sanitation, first aid, health and safety. 300 hours.

(4) The eyelash extension specialist curriculum consists of 320 clock hours or equivalent credit hours, as follows:

(A) Theory **and related practice**: eye shapes and eyelash growth; supplies and related equipment; contagious diseases and adverse reactions; sanitation, first aid, health and safety; client protection; business management, laws and rules. 80 hours.

(B) Specialty Practice **and related theory**: Semi-permanent eyelash extension isolation, separation and application. 240 hours.

(5) The hair weaving specialist curriculum consists of 300 clock hours or equivalent credit hours, as follows:

(A) Theory **and related practice**: basic hair weaving; anatomy and physiology; scalp and skin conditions, lesions and diseases; structure and composition; sterilization methods; chemistry and client protection; sanitation, health and safety; business management, laws and rules. 75 hours.

(B) Specialty Practice **and related theory**: hair weaving, repair, weft removal, sizing and finishing; procedures and hair weaving/braiding skills; compounds, mixtures and cosmetic applications; equipment, supplies and preparations. 225 hours.

(6) The hair weaving specialist/esthetician curriculum consists of ~~800~~ ~~[700]~~ clock hours or equivalent credit hours, as follows:

(A) Theory **and related practice**: anatomy and physiology; scalp and skin conditions, lesions and diseases; structure and composition; basic hair weaving; sterilization methods; chemistry and client protection; basic facials; machines and related equipment; chemistry; care of client; superfluous hair removal and related theory. ~~200~~ ~~[175]~~ hours.

(B) Specialty Hair Weaving Practice **and related theory**: hair weaving, repair, weft removal, sizing and finishing; procedures and hair weaving/braiding skills; compounds, mixtures and cosmetic applications; equipment, supplies and preparations. ~~260~~ ~~[225]~~ hours.

(C) Specialty Esthetician Practice **and related theory**: facial treatments, cleansing, masking, and therapy; chemistry machines and related equipment; superfluous hair removal; devices or preparations; makeup; semi-permanent eyelash extension applications; sanitation, first aid, health and safety. ~~340~~ ~~[300]~~ hours.

(e) Distance Education.

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(1) Schools offering distance education may not designate more than 50% [~~25%~~] of the total hours in each course as theory hours delivered via distance education.

(2) A student may obtain the following distance education hours:

(A) a maximum of 500 [~~250~~] hours out of the 1,000 hour cosmetology operator course;

(B) a maximum of 500 [~~250~~] hours out of the 1,000 hour class A barber course;

(C) a maximum of 150 [~~75~~] hours out of the 300 hour class A barber to cosmetology operator course;

(D) a maximum of 150 [~~75~~] hours out of the 300 hour cosmetology operator to class A barber course;

(E) maximum of 300 [~~150~~] hours out of the 600 hour manicurist course;

(F) a maximum of 375 [~~188~~] hours out of the 750 hour esthetician course;

(G) a maximum of 400 [~~200~~] hours out of the 800 hour esthetician/manicurist course;

(H) a maximum of 160 [~~80~~] hours out of the 320 hour eyelash extension specialist course;

(I) a maximum of 150 [~~75~~] hours out of the 300 hour hair weaving specialist course; and

(J) a maximum of 400 [~~175~~] hours out of the 800 [~~700~~] hour hair weaving specialist/esthetician course.

(f) Field Trips.

(1) Barbering and cosmetology related field trips are permitted under the following conditions for students enrolled in the following courses. The guidelines under this subsection must be strictly followed.

(2) A student may obtain the following field trip hours:

(A) a maximum of 100 hours out of the 1,000 hour cosmetology operator course;

(B) a maximum of 100 hours out of the 1,000 hour class A barber course;

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(C) a maximum of 60 hours for the manicurist course;

(D) a maximum of 75 hours for the esthetician course;

(E) a maximum of 80 hours for the esthetician/manicurist course;

(F) a maximum of 32 hours for the eyelash extension specialist course;

(G) a maximum of 30 hours for the hair weaving specialist course; and

(H) a maximum of 70 hours for the hair weaving specialist/esthetician course.

(3) Students must be under the supervision of an instructor from the school where the student is enrolled at all times during the field trip. The instructor-student ratio required in a school is required on a field trip.

(4) Complete documentation is required, including student names, instructor names, activity, location, date, and duration of the activity.

(5) No hours are allowed for travel.

(6) Prior department approval is not required.

(g) The department may allow students previously enrolled in a 1,200-hour manicurist/esthetician program to transfer completed hours to an 800-hour manicurist/esthetician program if the hours meet the required technical standards. Upon request of a student, a school must apply completed hours toward a department-approved 800-hour manicurist/esthetician program if the school has such a program, or allow the student to transfer to another school.

(h) This section provides the curriculum standards that are effective on or after August 1, 2023. Until that date, §83.120 and §82.120 provide the required curriculum standards.