

REGULATION OF BARBERING
Occupations Code
Chapter 1601
Administered by the Texas Department of Licensing and Regulation
(Effective September 1, 2017)

TABLE OF CONTENTS

SUBCHAPTER A. GENERAL PROVISIONS.....	1
Sec. 1601.001. General Definitions.....	1
Sec. 1601.002. Definition of Barbering.....	1
Sec. 1601.0025. Services not Constituting Barbering.....	2
Sec. 1601.003. Application of Chapter.....	2
SUBCHAPTER B. ADVISORY BOARD ON BARBERING.....	3
Sec. 1601.051. Board; Membership.....	3
Sec. 1601.055. Terms; Vacancy.....	3
Sec. 1601.058. Presiding Officer.....	3
Sec. 1601.059. Board Duties.....	3
SUBCHAPTER F. GENERAL CERTIFICATE, LICENSE AND PERMIT REQUIREMENTS.....	4
Sec. 1601.251. Certificate, License, or Permit Required.....	4
Sec. 1601.253. Eligibility for Class A Barber Certificate.....	4
Sec. 1601.254. Eligibility for Barber Instructor License.....	5
Sec. 1601.256. Eligibility for Barber Technician License.....	5
Sec. 1601.257. Eligibility for a Manicurist License.....	6
Sec. 1601.258. Eligibility for Hair Weaving Specialty Certificate of Registration.....	7
Sec. 1601.260. Eligibility for Student Permit.....	7
Sec. 1601.262. Eligibility for Barber Technician/Manicurist Specialty License.....	7
Sec. 1601.263. Eligibility for Barber Technician/Hair Weaving Specialty License.....	8
Sec. 1601.265. Waiver of Certain License and Certificate Requirements; Personal Interview.....	8
SUBCHAPTER G. PERMITTING OF BARBERSHOPS AND SPECIALTY SHOPS	9
Sec. 1601.301. Permit Required.....	9
Sec. 1601.303. Issuance of Barbershop Permit.....	9
Sec. 1601.304. Specialty Shop Permit.....	9
Sec. 1601.305. Issuance of Specialty Shop Permit.....	9
Sec. 1601.308. Transfer of Barbershop or Specialty Shop Permit.....	10
Sec. 1601.309. Practice by Cosmetologist at Specialty Shop Prohibited.....	10
SUBCHAPTER H. PERMITTING OF BARBER SCHOOLS.....	10
Sec. 1601.351. Permit Required.....	10
Sec. 1601.352. Application for Barber School Permit.....	10
Sec. 1601.353. Required Facilities and Equipment.....	10
Sec. 1601.3571. Barber School Tuition Protection Account.....	11
SUBCHAPTER I. CERTIFICATE, LICENSE, AND PERMIT RENEWAL	11
Sec. 1601.402. Renewal of Certificate or License.....	11
Sec. 1601.404. Reinstatement of Expired Certificate or License by Retiree.....	11
Sec. 1601.405. Renewal While in Armed Forces.....	11
Sec. 1601.406. Renewal of Barbershop or Specialty Shop Permit.....	12
Sec. 1601.407. Renewal of Barber School Permit.....	12
SUBCHAPTER J. PRACTICE BY INDIVIDUAL CERTIFICATE OR LICENSE HOLDER.....	12
Sec. 1601.451. Display of Certificate or License.....	12
Sec. 1601.452. Display of Sanitation Rules.....	12
Sec. 1601.453. Location of Practice.....	12
Sec. 1601.454. Practice at Facility Licensed or Permitted as Barber and Cosmetologist Facility.....	12
Sec. 1601.455. Service at Unlicensed Location.....	12

SUBCHAPTER K. OPERATION OF BARBERSHOP AND SPECIALTY SHOP.....13

Sec. 1601.501. Display of Shop Permit..... 13
Sec. 1601.504. Necessary Equipment..... 13
Sec. 1601.505. Employee with Disease..... 13
Sec. 1601.507. Use of Shop as Sleeping Quarters..... 13

SUBCHAPTER L. OPERATION OF BARBER SCHOOL13

Sec. 1601.551. Display of Permit..... 13
Sec. 1601.552. Display of Sanitation Rules..... 13
Sec. 1601.553. Sign Required..... 13
Sec. 1601.554. Change of Barber School Ownership or Location..... 14
Sec. 1601.555. Compliance with Certain Requirements..... 14
Sec. 1601.556. Information Provided to Prospective Student..... 14
Sec. 1601.557. Course Length and Curriculum Content..... 14
Sec. 1601.558. Required Courses..... 14
Sec. 1601.559. Daily Attendance Reports..... 15
Sec. 1601.560. Instructor-to-Student Ratio..... 15
Sec. 1601.561. Reports to Department..... 15
Sec. 1601.562. Cancellation and Settlement Policy..... 16
Sec. 1601.563. Refund Policy..... 16
Sec. 1601.564. Withdrawal or Termination of Student..... 17
Sec. 1601.565. Effect of Student Withdrawal..... 17
Sec. 1601.566. Payment of Refund..... 17

SUBCHAPTER M. DENIAL AND DISCIPLINARY PROCEEDINGS.....18

Sec. 1601.602. Revocation of Student Instructor’s Barber Certificate..... 18
Sec. 1601.603. Denial of Permit; Suit..... 18
Sec. 1601.604. Suspension or Revocation of Barber School Permit..... 18
Sec. 1601.605. Probation for Altering Course Length..... 18
Sec. 1601.606. Peer Review..... 18
Sec. 1601.607. Administrative Procedure..... 19

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1601.001. General Definitions.

- (a) In this chapter:
- (1) "Barber" means a person who:
 - (A) performs or offers or attempts to perform any act of barbering;
 - (B) claims to be engaged in the practice of barbering; or
 - (C) directly or indirectly advertises or represents the person to be a barber or to be authorized to practice barbering.
 - (1-a) "Barber school" means a place that holds a permit issued under Subchapter H to teach the practice of barbering and may be privately or publicly funded. The term includes a barber college.
 - (2) "Barbershop" means a place, other than a barber school that holds a permit under this chapter, in which barbering is practiced or is offered or attempted to be practiced. The term includes a barber salon.
 - (3) "Board" means the Advisory Board on Barbering.
 - (4) "Certificate" means a certificate of registration issued by the department.
 - (4-a) "Commission" means the Texas Commission of Licensing and Regulation.
 - (4-b) "Department" means the Texas Department of Licensing and Regulation.
 - (5) "Dual shop" means a shop owned, operated, or managed by a person holding a dual barber and beauty shop license issued under Chapter 1603.
 - (6) "Manager" means the person who controls or directs the business of a barbershop or directs the work of a person employed in a barbershop.
 - (7) "Manicurist specialty shop" means a place in which only the practice of barbering defined by Sections 1601.002(1)(E) and (F) is performed for compensation.
 - (8) "Permit" means a permit issued by the department.
- (b) The term "barber school" includes a barber college.

Sec. 1601.002. Definition of Barbering.

In this chapter, "barbering," "practicing barbering," or the "practice of barbering" means:

- (1) performing or offering or attempting to perform for compensation or the promise of compensation any of the following services:
 - (A) treating a person's mustache or beard by arranging, beautifying, coloring, processing, shaving, styling, or trimming;
 - (B) treating a person's hair by:

- (i) arranging, beautifying, bleaching, cleansing, coloring, curling, dressing, dyeing, processing, shaping, singeing, straightening, styling, tinting, or waving;
 - (ii) providing a necessary service that is preparatory or ancillary to a service under Subparagraph (i), including bobbing, clipping, cutting, or trimming; or
 - (iii) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from a charge for any other service;
- (C) cleansing, stimulating, or massaging a person's scalp, face, neck, arms, or shoulders:
- (i) by hand or by using a device, apparatus, or appliance; and
 - (ii) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;
- (D) beautifying a person's face, neck, arms, or shoulders using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;
- (E) treating a person's nails by:
- (i) cutting, trimming, polishing, tinting, coloring, cleansing, manicuring, or pedicuring; or
 - (ii) attaching false nails;
- (F) massaging, cleansing, treating, or beautifying a person's hands;
- (G) administering facial treatments;
- (H) weaving a person's hair by using any method to attach commercial hair to a person's hair or scalp; or
- (I) servicing in any manner listed in Paragraph (B) a person's wig, toupee, or artificial hairpiece on a person's head or on a block after the initial retail sale;
- (2) advertising or representing to the public in any manner that a person is a barber or is authorized to practice barbering; or
- (3) advertising or representing to the public in any manner that a location or place of business is a barbershop, specialty shop, or barber school.

Sec. 1601.0025. Services not Constituting Barbering.

Notwithstanding Section 1601.002, "barbering," "practicing barbering," and "practice of barbering" do not include threading, which involves removing unwanted hair from a person by using a piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair.

Sec. 1601.003. Application of Chapter.

This chapter does not apply to a person who:

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

- (A) a physician or registered nurse licensed in this state and operating within the scope of the person's license;
- (B) a commissioned or authorized medical or surgical officer of the United States armed forces;
- (C) a person regulated under Chapter 1602, if the person practices within the scope of a permit, license, or certificate issued by the department under that chapter;
- (D) an inmate in the institutional division of the Texas Department of Criminal Justice who performs barbering during the person's incarceration; or
- (E) a person who performs only natural hair braiding, including braiding a person's hair, trimming hair extensions only as applicable to the braiding process, and attaching commercial hair by braiding and without the use of chemicals or adhesives.

SUBCHAPTER B. ADVISORY BOARD ON BARBERING

Sec. 1601.051. Board; Membership.

The Advisory Board on Barbering consists of five members appointed by the presiding officer of the commission, with the commission's approval, as follows:

- (1) two members, each of whom:
 - (A) is engaged in the practice of barbering as a Class A barber; and
 - (B) does not hold a barbershop permit;
- (2) two members, each of whom is a barbershop owner who holds a barbershop permit; and
- (3) one member who holds a permit to conduct or operate a barber school.

Sec. 1601.055. Terms; Vacancy.

- (a) Members of the board serve staggered six-year terms, with the terms of one or two members expiring on the same date each odd-numbered year.
- (b) If a vacancy occurs during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement to fill the unexpired term.

Sec. 1601.058. Presiding Officer.

The presiding officer of the commission, with the commission's approval, shall designate a board member as presiding officer to serve in that capacity for a two-year term.

Sec. 1601.059. Board Duties.

- (a) The board shall advise the commission and the department on:
 - (1) education and curricula for applicants;
 - (2) the content of examinations;
 - (3) proposed rules and standards on technical issues related to barbering; and

- (4) other issues affecting barbering.
- (b) The board shall respond to questions from the department and the commission regarding barbering.

SUBCHAPTER F. GENERAL CERTIFICATE, LICENSE AND PERMIT REQUIREMENTS

Sec. 1601.251. Certificate, License, or Permit Required.

- (a) A person may not perform or offer or attempt to perform any act of barbering unless the person holds an appropriate certificate, license, or permit.
- (b) Unless the person holds an appropriate certificate, license, or permit, a person may not directly or indirectly use or cause to be used any of the following terms, or any combination, variation, or abbreviation of the terms, as a professional or business identification, title, name, representation, asset, or means of advantage or benefit:
 - (1) "barber" or "barbering";
 - (2) "barber school" or "barber college"; or
 - (3) "barbershop," "barber salon," or "specialty shop."
- (c) Unless the person holds an appropriate certificate, license, or permit, a person may not directly or indirectly use or cause to be used a symbol, or a combination, variation, or abbreviation of symbols, that in any manner creates an impression with the public that the person is qualified or authorized to practice barbering or own or manage a barbershop, specialty shop, or barber school.

Sec. 1601.253. Eligibility for Class A Barber Certificate.

- (a) An applicant for a Class A barber certificate must:
 - (1) be at least 16 years of age; and
 - (2) pass a written and practical examination demonstrating to the department's satisfaction the applicant's fitness and competence to practice barbering.
- (b) The department shall issue a Class A barber certificate to an applicant who:
 - (1) complies with the application requirements of this chapter;
 - (2) passes the applicable examination;
 - (3) pays the required fee; and
 - (4) possesses the other qualifications required by this chapter.
- (c) The commission shall adopt rules for the issuance of a Class A barber certificate to a person who holds an operator license under Chapter 1602. The department shall issue the certificate to an applicant who:
 - (1) holds an active operator license under Chapter 1602;
 - (2) completes at least 300 hours of instruction in barbering that includes barber history and shaving through a commission-approved training program in a barber school;
 - (3) passes the examination required under Subsection (a); and

- (4) submits to the department:
 - (A) an application on a form prescribed by the department; and
 - (B) the required fee.

Sec. 1601.254. Eligibility for Barber Instructor License.

- (a) A person holding a barber instructor license may perform any act of barbering and may instruct a person in any act of barbering.
- (b) To be eligible for a barber instructor license, an applicant must:
 - (1) be at least 18 years of age;
 - (2) have a high school diploma or a high school equivalency certificate;
 - (3) hold a current Class A barber certificate;
 - (4) have completed:
 - (A) a course consisting of 750 hours of instruction in barber courses and methods of teaching in a barber school; or
 - (B) at least one year of work experience as a licensed Class A barber and:
 - (i) have completed 500 hours of instruction in barber courses and methods of teaching in a commission-approved training program;
 - (ii) have completed 15 semester hours in education courses from an accredited college or university within the 10 years preceding the date of the application; or
 - (iii) have obtained a degree in education from an accredited college or university; and
 - (5) pass the required examination.
- (c) The commission shall adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of barbering as defined by Sections 1601.002(1)(C)-(H).

Sec. 1601.256. Eligibility for Barber Technician License.

- (a) A person holding a barber technician license may:
 - (1) perform only barbering as defined by Sections 1601.002(1)(C), (D), (F), and (G); and
 - (2) practice only at a location that has been issued a barbershop permit.
- (b) An applicant for a barber technician license must:
 - (1) be at least 16 years of age;
 - (2) have completed the seventh grade or the equivalent of the seventh grade;
 - (3) have completed a course of instruction in a commission-approved training program consisting of not less than 300 hours in a period of not less than eight weeks; and

- (4) submit the required fee with the application.
- (c) The course of instruction described by Subsection (b)(3) must include the theory and practice of:
 - (1) laws governing the practice of barbering in this state;
 - (2) hygienic bacteriology;
 - (3) histology of the skin, muscles, and nerves;
 - (4) the structure of the head, neck, and face;
 - (5) elementary chemistry relating to sterilization and antiseptics;
 - (6) common disorders of the skin;
 - (7) massage and manipulation of the muscles of the scalp, face, and neck;
 - (8) shampooing;
 - (9) the administration of facial treatments;
 - (10) the preparation of patrons and making of appointments; and
 - (11) any other services within the scope of barbering under Subsection (a).
- (d) The department shall issue a barber technician license to an applicant who:
 - (1) possesses the qualifications described by Subsection (b);
 - (2) passes the appropriate examination;
 - (3) pays the required license fee; and
 - (4) has not committed an act that is a ground for denial of a license.

Sec. 1601.257. Eligibility for a Manicurist License.

- (a) A person holding a manicurist license may perform only barbering as defined by Sections 1601.002(1)(E) and (F).
- (b) An applicant for a manicurist license must:
 - (1) be at least 17 years of age;
 - (2) have completed the seventh grade or the equivalent of the seventh grade;
 - (3) have completed a commission-approved training program consisting of 600 hours of instruction in manicuring; and
 - (4) submit the required fee with the application.
- (c) The department shall issue a manicurist license to an applicant who:
 - (1) possesses the qualifications described by Subsection (b);

- (2) passes the appropriate examination;
- (3) pays the required license fee; and
- (4) has not committed an act that is a ground for denial of a license.

Sec. 1601.258. Eligibility for Hair Weaving Specialty Certificate of Registration.

- (a) A person holding a hair weaving specialty certificate of registration may perform only barbering as defined by Section 1601.002(1)(H).
- (b) An applicant for a hair weaving specialty certificate of registration must:
 - (1) be at least 17 years of age; and
 - (2) satisfy the requirements specified by the department, including training through a commission-approved training program.
- (c) The department shall issue a hair weaving specialty certificate of registration to an applicant who:
 - (1) possesses the qualifications described by Subsection (b);
 - (2) pays the required registration fee; and
 - (3) has not committed an act that constitutes a ground for denial of the certificate.

Sec. 1601.260. Eligibility for Student Permit.

- (a) An applicant for a permit to be a student in a barber school must:
 - (1) submit an enrollment application to the department in the form prescribed by the department;
 - (2) have completed the seventh grade;
 - (3) satisfy other requirements specified by the department; and
 - (4) submit with the application the required nonrefundable application fee.
- (b) A separate application is required for each enrollment, reenrollment, or transfer enrollment. The application fee applies only to the first enrollment. The department may not charge the application fee for any later enrollment, reenrollment, or transfer enrollment.

Sec. 1601.262. Eligibility for Barber Technician/Manicurist Specialty License.

- (a) A person holding a barber technician/manicurist specialty license may perform only barbering as defined by Sections 1601.002(1)(C) through (G).
- (b) To be eligible for a barber technician/manicurist specialty license, an applicant must:
 - (1) submit an application on a form prescribed by the department;
 - (2) pay the required fee; and
 - (3) either:
 - (A) hold both an active barber technician license and an active manicurist license; or

- (B) meet the requirements of Subsection (c).
- (c) An applicant who qualifies under Subsection (b)(3)(B) must:
 - (1) be at least 17 years of age and have completed the seventh grade or its equivalent; and
 - (2) have completed:
 - (A) 900 hours of instruction in a barber technician/manicurist curriculum in a commission-approved training program; or
 - (B) 600 hours of instruction in a manicure curriculum and 300 hours of instruction in a barber technician curriculum in a commission-approved training program.

Sec. 1601.263. Eligibility for Barber Technician/Hair Weaving Specialty License.

- (a) A person holding a barber technician/hair weaving specialty license may perform only barbering as defined by Sections 1601.002(1)(C), (D), (G), and (H).
- (b) To be eligible for a barber technician/hair weaving specialty license, an applicant must:
 - (1) submit an application on a form prescribed by the department;
 - (2) pay the required fee; and
 - (3) either:
 - (A) hold both an active barber technician license and an active hair weaving specialty certificate of registration; or
 - (B) meet the requirements of Subsection (c).
- (c) An applicant who qualifies under Subsection (b)(3)(B) must:
 - (1) be at least 17 years of age and have completed the seventh grade or its equivalent; and
 - (2) have completed:
 - (A) 600 hours of instruction in a barber technician/hair weaving curriculum in a commission-approved training program; or
 - (B) 300 hours of instruction in a hair weaving curriculum and 300 hours of instruction in a barber technician curriculum in a commission-approved training program.

Sec. 1601.265. Waiver of Certain License and Certificate Requirements; Personal Interview.

- (a) The department shall issue a license or certificate to an applicant for a license or certificate issued under Section 1601.253, 1601.256, or 1601.258 if the applicant:
 - (1) submits an application on a form prescribed by the department;
 - (2) pays the application fee; and
 - (3) provides proof that the applicant holds a current license to engage in the same or similar activity issued by another jurisdiction that has license requirements substantially equivalent to those of this state.

- (a-1) The department may waive any requirement for a license or certificate issued under this chapter, other than a license or certificate listed in Subsection (a), for an applicant holding a license from another state or country that has license requirements substantially equivalent to those of this state.
- (b) The department may not require a personal interview as part of the application process.
- (c) A license or certificate issued under Subsection (a) must be renewed as provided by Subchapter I.

SUBCHAPTER G. PERMITTING OF BARBERSHOPS AND SPECIALTY SHOPS

Sec. 1601.301. Permit Required.

- (a) A person may not own, operate, or manage a barbershop, dual shop, or specialty shop unless the person holds the appropriate permit.
- (b) Not later than the third day after the date the shop opens, a person who owns, operates, or manages a barbershop, dual shop, or specialty shop must submit an application to the department for an appropriate permit for each shop, accompanied by a fee set by commission rule.

Sec. 1601.303. Issuance of Barbershop Permit.

The department shall issue a barbershop permit to an applicant if:

- (1) the applicant owns the barbershop;
- (2) the applicant verifies the application; and
- (3) the shop meets the minimum health standards for barbershops set by the commission and complies with all other commission rules.

Sec. 1601.304. Specialty Shop Permit.

- (a) A person who holds a specialty shop permit may maintain an establishment in which only barbering as defined by Section 1601.002(1)(E), (F), or (H) is performed.
- (b) An applicant for a specialty shop permit must submit:
 - (1) an application on a department-approved form; and
 - (2) the required inspection fee.

Sec. 1601.305. Issuance of Specialty Shop Permit.

The department shall issue a specialty shop permit to an applicant if:

- (1) the applicant submits proof that the applicant satisfies the requirements established by the commission for a specialty shop;
- (2) the applicant pays the required inspection fee and permit fee;
- (3) the applicant verifies the application and the application complies with commission rules; and
- (4) the applicant has not committed an act that constitutes a ground for denial of a permit, certificate, or license under this chapter.

Sec. 1601.308. Transfer of Barbershop or Specialty Shop Permit.

- (a) A permit issued under this subchapter is not transferable.
- (b) If the ownership of a barbershop or specialty shop is transferred, the new owner of the shop may continue to operate the shop if the new owner applies for and obtains a new permit not later than the 30th day after the date of the transfer.

Sec. 1601.309. Practice by Cosmetologist at Specialty Shop Prohibited.

A person who holds a license, permit, or certificate issued by the department under Chapter 1602 may not practice under that authority at a specialty shop regulated under this chapter.

SUBCHAPTER H. PERMITTING OF BARBER SCHOOLS

Sec. 1601.351. Permit Required.

A person may not operate a barber school unless the person holds a barber school permit.

Sec. 1601.352. Application for Barber School Permit.

An applicant for a barber school permit must:

- (1) provide to the department adequate proof of financial responsibility;
- (2) submit an application on a form prescribed by the department;
- (3) satisfy the facility and equipment requirements of Section 1601.353; and
- (4) pay the required fee.

Sec. 1601.353. Required Facilities and Equipment.

- (a) The department may approve an application for a permit for a barber school if the school meets the health and safety standards established by the commission. The commission may not establish building or facility standards that are not related to health and safety, including a requirement that a facility have a specific:
 - (1) square footage of floor space;
 - (2) number of chairs; or
 - (3) number of sinks.
- (b) The department may approve an application for a permit for a barber school that offers instruction to persons seeking a certificate, license, or permit under this chapter, other than a certificate under Section 1601.253, if the school:
 - (1) has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training; and
 - (2) meets any other requirement set by the commission.
- (c) A barber school that satisfies the requirements of Subsection (a) may offer instruction in barbering to persons seeking any certificate, license, or permit under this chapter.

- (d) Instruction received at a barber school subject to Subsection (b) may not be used to satisfy the requirements to obtain a Class A barber certificate under Section 1601.253.

Sec. 1601.3571. Barber School Tuition Protection Account.

- (a) If on January 1 of any year the amount in the barber school tuition protection account is less than \$25,000, the department shall collect a fee from each barber school during that year by applying a percentage to the school's renewal fee at a rate that will bring the balance of the account to \$25,000.
- (b) The comptroller shall invest the account in the same manner as other state funds. Sufficient money from the account shall be appropriated to the department for the purpose of refunding unused tuition if a barber school ceases operation before its course of instruction is complete. The department shall administer claims made against the account.
- (c) Attorney's fees, court costs, or damages may not be paid from the account.
- (d) The barber school tuition protection account is created as a trust fund with the comptroller, who is custodian of the fund.

SUBCHAPTER I. CERTIFICATE, LICENSE, AND PERMIT RENEWAL

Sec. 1601.402. Renewal of Certificate or License.

- (a) A certificate or license expires two years from the date of issuance.
- (b) A Class A barber, barber technician, instructor, manicurist, or other licensed specialist must renew the person's certificate or license on or before the expiration date.
- (c) The department shall issue a renewal certificate or license on receipt of a renewal application in the form prescribed by the department, accompanied by a renewal fee in an amount equal to the original certificate or license fee.

Sec. 1601.404. Reinstatement of Expired Certificate or License by Retiree.

- (c) A Class A barber or license holder who retires from practice and whose certificate or license has been expired for more than five years may qualify for a new certificate or license by applying to the department and by:
 - (1) making a proper showing to the department, supported by a personal affidavit;
 - (2) paying the required examination fee;
 - (3) passing a satisfactory examination conducted by the department; and
 - (4) paying the fee for an original certificate or license.

Sec. 1601.405. Renewal While in Armed Forces.

- (a) The department may not require a Class A barber, barber technician, instructor, or manicurist who is serving on active duty in the United States armed forces to renew the person's certificate or license.
- (b) The department shall issue a renewal certificate or license on application and payment of the required renewal fee not later than the 90th day after the date the person is released or discharged from active duty in the armed forces.

Sec. 1601.406. Renewal of Barbershop or Specialty Shop Permit.

- (a) A barbershop permit or specialty shop permit expires on the second anniversary of the date of issuance.
- (b) A barbershop permit holder may renew the permit by paying the required renewal fee.
- (c) A specialty shop permit holder may renew the permit by submitting to the department a renewal application accompanied by the required renewal fee.

Sec. 1601.407. Renewal of Barber School Permit.

- (a) A barber school permit expires on the first anniversary of the date of issuance.
- (b) A barber school may renew its permit by paying the required renewal fee.

SUBCHAPTER J. PRACTICE BY INDIVIDUAL CERTIFICATE OR LICENSE HOLDER

Sec. 1601.451. Display of Certificate or License.

A certificate or license holder shall display the original certificate or license and an attached photograph of the certificate or license holder in a conspicuous place adjacent to or near the certificate or license holder's work chair in the shop in which the certificate or license holder is working.

Sec. 1601.452. Display of Sanitation Rules.

Each barbershop or specialty shop shall post in the shop a copy of the commission's sanitation rules.

Sec. 1601.453. Location of Practice.

A person licensed by the department may practice barbering only at a location for which the department has issued a barbershop permit, specialty shop permit, or barber school permit under this chapter or a permit issued under Chapter 1603.

Sec. 1601.454. Practice at Facility Licensed or Permitted as Barber and Cosmetologist Facility.

- (a) The commission may not adopt rules to restrict or prohibit practice by a Class A barber or manicurist in a facility solely because the facility is licensed or permitted by the department under both this chapter and Chapter 1602.
- (b) If a facility has a license or permit under both this chapter and Chapter 1602, the commission may not adopt rules requiring separate treatment of the barbers and cosmetologists practicing in the facility or of their customers, including separate:
 - (1) work areas for barbers and cosmetologists;
 - (2) waiting areas for customers of the barbers and cosmetologists; or
 - (3) restrooms for the barbers and cosmetologists practicing in the facility or for their customers.

Sec. 1601.455. Service at Unlicensed Location.

- (a) In this section, "licensed facility" means the premises of a place of business that holds a license, certificate, or permit under this chapter or Chapter 1603.

- (b) A person holding a license, certificate, or permit under this chapter may perform a service within the scope of the license, certificate, or permit at a location other than a licensed facility for a client:
 - (1) who, because of illness or physical or mental incapacitation, is unable to receive the services at a licensed facility; or
 - (2) in preparation for and at the location of a special event, including a wedding.
- (c) An appointment for a service performed under this section must be made through a licensed facility.

SUBCHAPTER K. OPERATION OF BARBERSHOP AND SPECIALTY SHOP

Sec. 1601.501. Display of Shop Permit.

A barbershop or specialty shop permit holder must display the permit in a conspicuous place in the shop for which the permit is issued.

Sec. 1601.504. Necessary Equipment.

The owner, operator, or manager of a barbershop or specialty shop shall equip the shop with the facilities, supplies, and appliances, furnishings, or materials necessary to enable a person employed on the premises to comply with this chapter.

Sec. 1601.505. Employee with Disease.

- (a) An owner, operator, or manager of a barbershop or specialty shop may not knowingly permit a person with a communicable skin disease or a venereal disease to act as a barber or employee or work in the shop.
- (b) A person who knows the person has a communicable disease or a venereal disease may not act as a barber or work in a barbershop or specialty shop.

Sec. 1601.507. Use of Shop as Sleeping Quarters.

- (a) An owner or manager of a barbershop or specialty shop may not permit a person to sleep in a room used as part of the shop.
- (b) A person may not act as a barber or be employed in a barbershop or specialty shop in a room used as sleeping quarters.

SUBCHAPTER L. OPERATION OF BARBER SCHOOL

Sec. 1601.551. Display of Permit.

A barber school shall prominently display the barber school's permit at all times.

Sec. 1601.552. Display of Sanitation Rules.

Each barber school shall post in the school a copy of the commission's sanitation rules.

Sec. 1601.553. Sign Required.

- (a) A barber school shall place a sign on the front outside portion of its building in a prominent place that reads in at least 10-inch block letters: "BARBER SCHOOL--STUDENT BARBERS."

- (b) The school shall prominently display printed signs containing the information required by Subsection (a) on each inside wall of the school.

Sec. 1601.554. Change of Barber School Ownership or Location.

- (a) If a barber school changes ownership, the department must be notified of the change not later than the 10th day before the date the change takes effect.
- (b) A barber school may not change the location of the school unless the school obtains approval from the department before the change by showing that the proposed location meets the requirements of Subchapter H for issuance of a permit to the school.

Sec. 1601.555. Compliance with Certain Requirements.

A barber school is subject to the requirements of Sections 1601.504-1601.507.

Sec. 1601.556. Information Provided to Prospective Student.

The holder of a barber school permit shall furnish each prospective student with:

- (1) a course outline;
- (2) a schedule of the tuition and other fees assessed;
- (3) the school's refund policy required under Section 1601.563;
- (4) the school's grading policy and rules relating to incomplete grades;
- (5) the school's rules of operation and conduct, including rules relating to absences;
- (6) the department's name, mailing address, and telephone number for the purpose of directing complaints to the department; and
- (7) the current rates of job placement and employment of students who complete a course of training.

Sec. 1601.557. Course Length and Curriculum Content.

- (a) A barber school shall submit to the department for approval the course length and curriculum content for a course offered by the school. The course length and curriculum content shall be designed to reasonably ensure that a student develops the job skills and knowledge necessary for employment. The school may not implement a course length or curriculum content unless it is approved by the department.
- (b) Before issuing or renewing a permit under this chapter, the department shall require a school to account for all course lengths and curriculum contents.

Sec. 1601.558. Required Courses.

- (a) A barber school shall instruct students in the theory and practice of subjects necessary and beneficial to the practice of barbering, including:
 - (1) the laws governing the practice of barbering in this state;
 - (2) scientific fundamentals of barbering;

- (3) hygienic bacteriology;
 - (4) histology of the hair, skin, muscles, and nerves;
 - (5) the structure of the head, neck, and face;
 - (6) elementary chemistry relating to sterilization and antiseptics;
 - (7) common disorders of the skin and hair;
 - (8) massaging of muscles of the scalp, face, and neck;
 - (9) haircutting;
 - (10) shaving, shampooing, bleaching, and dyeing of hair;
 - (11) administration of facial treatments, hair weaving, and servicing of wigs; and
 - (12) any other barbering services.
- (b) At least five hours each week shall be devoted in the classroom to the instruction of theory. If classes are conducted:
- (1) five days a week, one hour each day shall be devoted to instruction in theory; and
 - (2) four days a week, one hour and 15 minutes each day shall be devoted to instruction in theory.
- (c) Saturdays shall be devoted exclusively to practical work over the chair.
- (d) A barber school may not increase, decrease, or withhold for any reason the number of credit hours earned by a student.

Sec. 1601.559. Daily Attendance Reports.

- (a) A barber school shall maintain an attendance book showing a record of the students' daily attendance.
- (b) The department may inspect a school's attendance record book at any time.

Sec. 1601.560. Instructor-to-Student Ratio.

- (a) A barber school must have at least one instructor for every 25 students on the school's premises.
- (b) A barber school must have at least one instructor for every three student instructors on the school's premises. A student instructor shall concentrate on developing teaching skills and may not be booked with customers.

Sec. 1601.561. Reports to Department.

- (a) A barber school shall maintain a monthly progress report regarding each student attending the school. The report must certify the daily attendance record of each student and the number of credit hours earned by each student during the previous month.
- (b) On a student's completion of a prescribed course of instruction, the school shall notify the department that the student has completed the required number of hours and is eligible to take the appropriate examination.

- (c) A barber school permit holder shall furnish to the department:
 - (1) the current course completion rates of students who attend a course of instruction offered by the school; and
 - (2) job placement rates and employment rates of students who complete a course of instruction.

Sec. 1601.562. Cancellation and Settlement Policy.

A barber school permit holder shall maintain a cancellation and settlement policy that provides a full refund of all money paid by a student if the student:

- (1) cancels the enrollment agreement not later than midnight of the third day after the date the agreement is signed by the student, excluding Saturdays, Sundays, and legal holidays; or
- (2) entered into the enrollment agreement because of a misrepresentation made:
 - (A) in the school's advertising or promotional materials; or
 - (B) by an owner or representative of the school.

Sec. 1601.563. Refund Policy.

(a) A barber school permit holder shall maintain a refund policy to provide for the refund of the unused part of tuition, fees, and other charges paid by a student who, after the expiration of the cancellation period established under Section 1601.562:

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

(b) A barber school's refund policy must provide that:

- (1) the refund is based on the period of the student's enrollment, computed on the basis of course time expressed in scheduled hours, as specified by an enrollment agreement, contract, or other document acceptable to the department;
- (2) the effective date of the termination for refund purposes is the earliest of:
 - (A) the last date of attendance, if the student is terminated by the school;
 - (B) the date the permit holder receives the student's written notice of withdrawal; or
 - (C) 10 school days after the last date of attendance; and
- (3) the school may retain not more than \$100 if:
 - (A) tuition is collected before the course of training begins; and
 - (B) the student does not begin the course of training before the date the cancellation period under Section 1601.562 expires.

(c) A barber school permit holder shall publish in the catalogue and enrollment agreement of the school a description of the refund policy.

Sec. 1601.564. Withdrawal or Termination of Student.

- (a) If a student who begins a course of training scheduled to last not more than 12 months withdraws from the course or is terminated from the course by the barber school, the school:
 - (1) may retain \$100 in tuition and fees paid by the student; and
 - (2) is not obligated to refund any additional outstanding tuition if the student withdraws or is terminated during the last 50 percent of the course.
- (b) If the student withdraws or is terminated before the last 50 percent of the course begins, the school shall refund:
 - (1) 90 percent of any outstanding tuition for a withdrawal or termination that occurs during the first week or first one-tenth of the course, whichever period is shorter;
 - (2) 80 percent of any outstanding tuition for a withdrawal or termination that occurs after the first week or first one-tenth of the course, whichever period is shorter;
 - (3) 75 percent of any outstanding tuition for a withdrawal or termination that occurs after the first three weeks of the course but not later than the completion of the first 25 percent of the course; and
 - (4) 50 percent of any outstanding tuition for a withdrawal or termination that occurs not later than the completion of the first 50 percent of the course.
- (c) If a student withdraws or is terminated after 50 percent of the course has been completed, the school shall allow the student to reenter the school at any time before the fourth anniversary of the date of withdrawal or termination.

Sec. 1601.565. Effect of Student Withdrawal.

- (a) A barber school shall record a grade of incomplete for a student who withdraws from a course of training but who is not entitled to a refund under Section 1601.564 if:
 - (1) the student requests the grade at the time of withdrawal; and
 - (2) the withdrawal is for an appropriate reason unrelated to the student's academic status.
- (b) A student who receives a grade of incomplete may reenroll in the course of training before the fourth anniversary of the date the student withdraws and may complete the subjects without paying additional tuition.

Sec. 1601.566. Payment of Refund.

- (a) A barber school shall pay a refund owed under this subchapter not later than the 30th day after the date the student becomes eligible for the refund.
- (b) A school that fails to pay the refund within the period required by this section shall pay interest on the amount of the refund for the period beginning on the 31st day after the date the student becomes eligible for the refund and ending on the day preceding the date the refund is made. The commissioner of education shall annually set the interest rate at a rate sufficient to deter a school from retaining money paid by a student.
- (c) If a school refunds tuition to a lending institution, the interest is paid to the institution and applied against the student's loan.

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

SUBCHAPTER M. DENIAL AND DISCIPLINARY PROCEEDINGS

Sec. 1601.602. Revocation of Student Instructor's Barber Certificate.

A violation of Section 1601.560(b) by a student instructor is a ground for the revocation of the student instructor's barber certificate.

Sec. 1601.603. Denial of Permit; Suit.

- (a) If the department denies an application for a barber school permit, the school may request in writing the reasons for the refusal.
- (b) If the barber school meets the requirements for issuance of the permit and shows that the requirements of this chapter have been met, and the department refuses to issue the permit, the school may file suit in a district court in Travis County to require the department to issue the permit.
- (c) A suit under Subsection (b) must be filed not later than the 20th day after the date of the department's final order denying issuance of the permit, if registered notice of the order is mailed or it is otherwise shown that the school had notice of the order not later than the 10th day after the date the department entered the order.

Sec. 1601.604. Suspension or Revocation of Barber School Permit.

- (a) The commission shall suspend or revoke the permit of a barber school that directly or indirectly violates this chapter.
- (b) A proceeding under this section is subject to Chapter 2001, Government Code.

Sec. 1601.605. Probation for Altering Course Length.

The commission shall place on probation a barber school that alters a course length below or above industry standards until the school:

- (1) provides justification for the alteration; or
- (2) adjusts the course length to meet industry standards.

Sec. 1601.606. Peer Review.

- (a) If the department has reasonable cause to believe that a barber school has violated this chapter or a rule adopted under this chapter, the department may:
 - (1) order a peer review of the school; or
 - (2) suspend the admission of students to the school.
- (b) The peer review shall be conducted by a peer review team consisting of knowledgeable persons selected by the department. The department shall attempt to provide a balance on a peer review team between members assigned to the team who are from this state and members who are from other states.
- (c) The peer review team shall provide the department with an objective assessment of the school's

curriculum content and its application.

- (d) A barber school under peer review shall pay the costs of the peer review.

Sec. 1601.607. Administrative Procedure.

A hearing or an appeal from a hearing under this subchapter is subject to Chapter 2001, Government Code.